

Scottish Information Commissioner

Public Awareness Research  
30 September 2004

## **Introduction**

From January 1<sup>st</sup> 2005, the Freedom of Information (Scotland) Act 2002 will introduce a new right of access to information held by Scottish public authorities. From this date anyone who requests information from a public authority is entitled to receive it, subject to certain exemptions. This right extends to everyone, regardless of their age or country of residence.

One of the responsibilities of the Scottish Information Commissioner is to promote the new rights provided by the Act. To help inform the promotional strategy and provide a benchmark against which the effectiveness of a promotional campaign could be measured, the Commissioner commissioned research among the general public to evaluate their current awareness of the Act, and assess whether they are likely to use the rights provided by the Act in future. The research is likely to be repeated next year to monitor the effect of the planned promotional activities listed in the Commissioner's promotional strategy.

## **Research Objectives**

The research objectives were to measure and identify:

- 1) Public awareness of the Freedom of Information (Scotland) Act which comes into force in January 2005
- 2) Public awareness of the role of the Scottish Information Commissioner
- 3) Public awareness of the new rights this will give everyone regarding access to information held by Scottish Public Authorities
- 4) Public understanding of the term "Scottish public authority"
- 5) Whether people have requested information from Scottish public authorities in the past
- 6) Whether people would be likely to make such requests in the future.

## **The Consultants**

After successfully tendering for the contract, Progressive Partnership were appointed to carry out the research. Steven Smith, Senior Research Executive, led the project. Advice and assistance was also provided by Carole-Anne Oag, Group Managing Director, and Mark Cuthbert, Managing Director.

## **Methodology**

Progressive Partnership used their in-house Omnibus poll “Scottish Opinion” to conduct the fieldwork. A questionnaire comprising eleven questions was drawn up with the help of Progressive Partnership and 1009 people were interviewed by telephone during the week beginning 23<sup>rd</sup> August 2004 to provide a data set with a maximum standard error of +/- 3.1% at the 95% confidence interval.

The sample surveyed was fully representative of the social demographic spread of the Scottish population: the Scottish Opinion Omnibus service is based on the entire Scottish electoral roll. Results were weighted to represent the Scottish population demographics regarding age, sex and socio-economic group, and were also made available by region.

Results were presented in the form of tables showing the baseline responses to each question and a breakdown of these responses by age, sex, socio-economic group and region. Additional tables cross-tabulating one question with another were provided to give greater analysis of some areas:

- Q3 was run by Q4 to show the experiences people had had of requesting information from different types of public authority.
- Q6 was run by Q7 to compare differences in the general expectations of the FOI(S)A among those respondents who had or had not heard of it previously.
- Q9a is run by 9b to show where those who have heard of the Scottish Information Commissioner recall seeing or hearing about him.

Further tables cross-tabulated the results for each question with the numbers of respondents who were aware or unaware of both FOI(S)A and the Commissioner.

The results tables are available in full as an appendix to this report.

## **Summary of the main findings of the research**

This is the first research into public awareness of the Freedom of Information (Scotland) Act 2002 and associated issues, carried out before the Act comes into force and before any major promotional activity by the Office of the Scottish Information Commissioner. The study provides the following key results:

- There is currently low awareness of FOISA and the rights it will give.
- Even where people are aware of the Act and the Commissioner, there is still confusion with the rights provided by the Data Protection Act.
- There is also low awareness about the role and responsibilities of the Commissioner.

Given that the Act has yet to come into force and that there has not been any major promotional activities, these results are not entirely unexpected. However, the research also revealed some positive opinions among the Scottish population:

- 79% agree that it will make public authorities more open and accountable
- 57% think it will increase public confidence in public authorities' decision making
- 52% think it will be useful to them;
- 12% think they are likely to use it in the next year. This is encouraging, given that only 5% of respondents had ever asked for recorded information to a public authority.

It seems therefore that respondents regard the Act positively, even if they are not sure exactly what it covers. However, the study also indicates a widespread perception (70%) that public authorities will find a way around the Act and fail to provide any information they don't want to. This contrasts with findings from recent research among public authority staff, which indicated that they are likely to respond positively to the Act.<sup>1</sup>

The current research indicates that there is generally little awareness of the forthcoming Act or the role of the Commissioner. There is also confusion about existing rights to information from public authorities, and a considerable degree of cynicism or pessimism about the authorities' commitment to openness. The Commissioner's forthcoming promotional campaign aims to raise awareness of the public's new right to information and appeal.

## Summary of results

### Q1a

**Which of the following organisations that I am going to read out to you would you say is a public authority?**

	Replies
The Police	92%
Local councils	91%
Local NHS Hospitals	83%
Scottish Parliament	80%
Scottish Executive	77%
NHS GP	66%
Universities	53%
BBC Scotland	46%
Scottish Water	43%
Scottish Gas	29%
None of the above (not read out)	1%
Other authorities? (Q1b, below)	2%

<sup>1</sup> OSIC/TSO Freedom of Information (Scotland) Act 2002: Survey of Designated Scottish Public Authorities. Report by Craigforth Consultancy and Research, March 2004.

**Q1b**  
**Are there any others?**

Other (Please specify)	Replies
Fire Services	9
Education Authorities	5
SEPA	3
Sports Councils	2
Ambulance	1
Bin Men	1
MI5	1
Welfare organisations	1

Question 1 showed high awareness that the term “public authority” includes local authorities, police, hospitals, Scottish Parliament and the Scottish Executive. There was lower awareness in relation to universities (53%), BBC Scotland (46%) and Scottish Water (43%). 29% wrongly identified Scottish Gas as a public authority: this shows that to some extent Scottish Water is seen as more “public” than Scottish Gas. Some respondents correctly identified other public authorities, e.g. SEPA, Ambulance Service.

Generally those who claim to be aware of FOISA and those who are aware of the Scottish Information Commissioner (SIC) were slightly more likely to positively identify public authorities on the list, e.g. 84% who were aware of the Freedom of Information (Scotland) Act 2002 (the Act) and 92% of those aware of the SIC identified the Scottish Executive as a public authority while only 72% of people unaware of the Act and 76% of those unaware of the Commissioner made this identification.

Out of the 22 who named other public authorities, 15 people were already aware of the Act but only 2 were aware of the Commissioner.

**Q2**  
**Have you ever asked for a copy of recorded information that a public authority holds (by information I do not mean things such as phoning a hospital for visiting hours or checking the availability of a book from your local library, but copies from the records or documents that a public authority might hold)?**

	Replies
Yes	5%
No	95%
Don't know	0%

Question 2 showed that a very low percentage of respondents have ever asked for recorded information. (48 people from 1009, or one in twenty). Age group 45-54 (12%) and class AB (9%) were considerably more likely to have asked for information than other groups. No explanation can be provided from this study

why this age group would be so much more active in making requests than, say, the 55-64 year olds (5%) or the 35-44 year olds (3%).

Of the people who had asked for recorded information, there was not a substantial difference between those aware of the Act and those unaware.

**Q3a – Sample size 48 people**

**Which of the following public authorities have you ever asked for information from?**

	<b>Replies</b>
Local councils	42%
Local NHS Hospitals	28%
NHS GP	15%
Scottish Executive	15%
Scottish Parliament	12%
Universities	7%
Scottish Gas	6%
The Police	5%
BBC Scotland	2%
None of the above (not read out)	7%

**Q3b**

**Are there any others?**

Local MP's office	1 person
NHS Primary Care	1 person

Of the few people (48) who had asked for information previously, most had requested information from a local authority, hospital, the Scottish Executive, a GP or the Parliament, in that order. Given the number of requests to hospitals and GPs, it is quite likely that a high proportion of these requests were for personal data such as medical records. Very few requests had been made to other public authorities.

**Q4 (sample size 48 people)**

**Which of the following statements best describes your experience of the most recent request?**

	<b>replies</b>
Very positive, I got information I asked for promptly	45%
Satisfactory, I was given the information but it took some time	47%
Unsatisfactory, they replied but I didn't get the information I requested	1%
Poor, they didn't reply to my request	3%
None of the above (not read out)	3%

Nearly all of the 48 people who have asked for information previously received the information they asked for and were generally satisfied with the response they received from the public authority. However, half the sample had had a very positive experience, receiving the information they had asked for promptly; half had had to wait some time.

**Q5**

**In your opinion what legal rights do you think you have to see information held by public authorities?**

	<b>replies</b>
I have the legal right to see any information I ask for	37%
I have the legal right to see personal information they hold about me but it is up to the authority to decide what other information they give out	53%
I don't have any legal rights, its up to the organisation to decide what information they give out	8%
Other (Please specify) – DO NOT READ OUT	0%
_____	
Unsure	7%

More than a third of the interviewees (37%) believed incorrectly that they currently have wide-ranging rights to see any information asked for. However, 53% (half the respondents) correctly identified their rights to personal information but no further right to general information. 8% believed they have no rights and that it is purely up to the organisation whether information is given out or withheld.

The following groups scored highest in correctly identifying their current legal rights:

Age: 18-24 year olds  
 Social Group: AB  
 Females  
 Region: Dumfries

The interviewees who were aware of the Act and the Commissioner were significantly more likely to correctly identify their current rights to information (58% aware of the Act and 65% aware of the Commissioner correctly identified their legal rights compared to 49% of those unaware of the Act and 52% unaware of the Commissioner).

**Q6**

**Have you ever heard of the Freedom of Information (Scotland) act?**

	<b>replies</b>
Yes definitely	30%
Yes I think so	14%
No, don't think so	9%
No definitely not	47%
Unsure	0%

30% had definitely heard of the Act, another 14% thought they had, so 44% were aware to some extent. 56% either thought they hadn't, definitely hadn't or were unsure.

A slightly higher percentage of age groups 35-44 and 45-54 year olds had definitely heard of the Act (37% against a mean of 30%). In same way, a higher percentage of ABs had definitely heard of the Act (46% against a mean of 31%).

**Q7**

**The Freedom of Information (Scotland) act is a new law coming into force on 1<sup>st</sup> January 2005. I appreciate that you may not be fully aware of this act but I would like you to tell me what rights you think a Freedom of Information act might entitle you to?**

	<b>CODE</b>
To see any general information held by a public authority	32%
To see any personal information a public authority holds about me	42%
To see any personal information a private company holds about me	24%
To see any general information held by any private company	7%
To see information normally kept confidential by public authorities	8%
Other (Please specify)	2%
Freedom of speech/right to free speech	4
Medical records/NHS?personal health info only	3
Total freedom of information/access to all info you ask for	2
Any government info	1
Any info except what relates to defence/security	1
Decent wage	1
Info on health & local govt	1
Info on property I'm on from previous tenants	1
Local authority records	1
Credit records	1
Police	1
Right to respect	1
To be honest. A lot of people are not very honest	1
To change members of parliament	1
To know if my info is being given out	1
To look into things that could help you or other people	1
To see info regarding your GP	1
To share your opinion with the Govt	1
Unsure	41%

One in three respondents (32%) correctly thought that the Act will give the right to see general information held by a public authority. However, 42% incorrectly identified it as the right to see private information (personal data) held by public authority. Another 24% incorrectly thought it related to private information held by a private company, so 66% equated the Act with personal information access rights. A large number (41%) described their position as “unsure”.

The belief that the Act is about personal data was held by 55% (one in two) of those who said they were aware of the Act, and 55% of those aware of the

Commissioner. In both cases, respondents who claimed to have heard of the Act or the Commissioner were more likely to make this mistake than those who hadn't. Respondents who hadn't heard of the Act or Commissioner were far more likely to answer "unsure" when asked what the Act would entitle them to do.

We can conclude that true awareness of the rights to be provided by the Freedom of Information (Scotland) Act 2002 was low at the time of this research, carried out before the Act comes into force and before any major promotional campaign.

**Q8**

**How likely are you to ask for information from a Scottish public authority in the next year?**

	CODE
Very likely	3%
Quite likely	9%
Neither / Nor	3%
Quite unlikely	22%
Definitely unlikely	56%
Unsure	7%

Although only 12% of respondents said they were quite or very likely to ask for information from a public authority in the next year, this compares very well to the 5% who have asked for recorded information at any time in the past (Q.2). 56% said they were very unlikely and 22% quite unlikely.

Whether or not the respondent was likely to ask for information next year did not seem to be affected by their awareness or unawareness of the Act and/or the Commissioner.

**Q9a**

**Have you ever heard of the Scottish Information Commissioner?**

	CODE	ROUTE
Yes definitely	6%	Q9B
Yes I think so	2%	Q9B
No, I don't think so	5%	Q10
No, definitely not	87%	Q10
Unsure	0%	Q10

Only 8% had heard of the Commissioner. 87% definitely hadn't and another 5% didn't think they had. Of the 81 people who were aware of the Commissioner, 56 (71%) were also aware of the Act while the others (25 people) were not.

**Q9b**

**Where do you recall seeing / hearing about the Scottish Information Commissioner?**

	<b>CODE</b>
Newspaper Editorial	18%
Newspaper Advertising	18%
Radio	5%
T.V.	24%
Word of mouth	11%
Leaflet	2%
Billboards	
Internet	
Other (Please Specify)	27%
Work/documentation from work/presentation at work about FOI/work with local authority/through employment with police/through work/work in hospital	15 people
University course/through uni	2 people
Supervisor on census – heard about it through word of mouth there	1 person
Unsure	4%

Out of the 81 respondents who had heard of the Commissioner, 18% recalled reading about him in a newspaper editorial. Another 18% claimed they had seen newspaper advertising (even though no newspaper adverts have been run yet). TV was the biggest source of information about the Commissioner with 24% saying they had heard of him through that medium. A number (27%) had heard through other sources, primarily relating to their work.

**Q10**

**I am going to read out a list of duties that may be carried out by the Scottish Information Commissioner. How aware would you say you are that these duties are in fact carried out by the Scottish Information Commissioner?**

	<b>Aware</b>	<b>Neither / Nor</b>	<b>Not Aware</b>	<b>Don't know</b>
Telling people about their right to see information held by Scottish public authorities	6%	1%	86%	8%
Investigating complaints when people don't get the information they request from public authorities	7%	1%	84%	8%
Dealing with complaints about Data Protection legislation	7%	0%	85%	8%
Making sure that public authorities comply with the Freedom of Information (Scotland) act	8%	0%	85%	7%
Providing information about public services	7%	1%	85%	7%

This question tested awareness of the Commissioner’s role by describing five responsibilities he might have. Two were incorrect: the Commissioner is not responsible for enforcing Data Protection legislation in Scotland or for providing information about public services. However, the levels of awareness did not vary significantly between the options.

When cross-tabulated with the results from questions 6 and 9a, the results for this question show that even when people are aware of the Commissioner and the Act, it does not follow that they are correctly informed about the scope of the Commissioner’s role. The 81 people who said they were aware of the Commissioner were more likely to claim awareness of his responsibilities but even in this group 58% thought the Commissioner dealt with complaints about Data Protection legislation, while 47% thought he provided information about public services.

**Q.11 I am going to read out some statements about the Freedom of Information (Scotland) Act and ask you to tell me how much you agree or disagree with each statement. Even if you aren’t aware of this act, it’s your impression that I am interested in.**

As a result of the Freedom of Information (Scotland) Act.....

	<b>Agree strongly</b>	<b>Agree slightly</b>	<b>Neither / Nor</b>	<b>Disagree slightly</b>	<b>Disagree strongly</b>	<b>Don't know</b>
Public authorities will become more open and accountable	44%	35%	4%	6%	6%	6%
Members of the public will have more confidence in the decisions made by public authorities	28%	29%	6%	16%	14%	7%
Public authorities will find a way round the Act and won't provide any information they don't want to	41%	29%	5%	14%	6%	6%
No one will bother to use the rights provided by the act	12%	21%	7%	38%	17%	6%
This act will be useful to me	20%	32%	10%	15%	15%	8%

**(a) Public authorities more open and accountable**

There was general agreement that this would be one of the effects of the Act. 44% agreed strongly, 35% agreed slightly, therefore 79% agreed to some extent. People were slightly more likely to disagree strongly if they were aware of the Act or the Commissioner.

**(b) More public confidence in decisions made by public authorities**

There was less of a consensus about this statement than the previous one. More than half the interviewees (57%) agreed to some extent, while 30% disagreed slightly or strongly. People were slightly more likely to disagree strongly if they were aware of the Act, but there was no difference this time between those who are and are not aware of the SIC.

A higher percentage of 65+ age group agreed strongly with this statement (36% against a mean of 28%).

A higher percentage of C2s agreed strongly with this statement (35% against a mean of 28%).

A higher percentage of females agreed strongly with this statement (34% compared to 23% of men).

(c) Public authorities will find a way around the Act and won't provide any information they don't want to

There was general agreement with this statement as 70% of interviewees agreed slightly or strongly. They were more likely to disagree slightly if aware of the Commissioner and Act.

(d) No one will bother to use the rights provided by the Act

One third of all respondents (33%) agreed to some extent, against 55% who disagreed strongly or slightly. People were more likely to disagree if they were aware of the Act, but there was little difference between those aware or unaware of the Commissioner.

(e) This Act will be of use to me

Just over half the respondents agreed with this statement to some extent (20% agreed strongly, 32% agreed slightly). 30% disagreed either slightly (15%) or strongly (15%).

Comparing answers for (d) and (e), more than half of all respondents believed that the rights provided by the Act would be used, and that the Act would be of use to them. Only 12% of respondents think they will ask for information in the next year (question 8) so perhaps people feel they will benefit generally from the effects of Act without foreseeing the need to make personal use of the rights it gives.

## **Regional results**

The responses to some questions revealed significant regional variations.

Question 1: awareness of public authorities.

There were interesting results in Fife where 45% wrongly thought that Scottish Gas was a public authority (against a mean of 29% for all regions) but 64% correctly thought Scottish Water was (again much higher than in other regions). In Dumfries 48% of respondents did not think that a GP would qualify as a public authority, a much lower figure than the regional mean (63.5%).

#### Question 6: awareness of the Freedom of Information (Scotland) Act

Awareness of the Act varied greatly amongst the regions, with the highest percentage of respondents who were “definitely aware” in Central (43%) and lowest percentage in Highlands and Islands (15%). The mean percentage figure for definite awareness of the Act in the regions was 27%. Highlands and Islands had the highest proportion of people saying they were definitely unaware of the Act (61%; mean of 50%).

#### Question 7: awareness of rights under FOISA

There was very low awareness of the rights provided by the Act in Dumfries (only 11% thought they would have right to see general information while 59% wrongly thought they would have the right to see personal data.) Only 30% said they were “unsure” of their rights under the Act, the lowest figure for any region.

#### Question 9: awareness of the Scottish Information Commissioner.

Only 6% of respondents claimed to be definitely aware of the Commissioner. Of those, awareness was greatest in Central, Strathclyde and Tayside regions while lack of awareness was greatest in Dumfries (97%).

#### Question 11: how effective will the Act be?

Question 11c asked people to rate the statement “Public authorities will find a way around the Act and won’t provide any information they don’t want to”. The highest levels of agreement with this cynical or pessimistic statement were recorded in Dumfries, where 51% strongly agreed with this statement (against a national mean response of 45%), while 38% agreed slightly with this statement (against a national mean of 31%).