

# **Freedom of Information Act 2000**

Statistics on Implementation in Central  
Government

Q4: October – December 2005

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## Introduction

The Freedom of Information Act 2000 (“Fol Act”) and the associated Environmental Information Regulations 2004 (“EIRs”) came fully into force on 1 January 2005. This bulletin covers the period October to December 2005 and presents the fourth quarterly set of statistics on their implementation within central government.

The previous quarterly bulletins, together covering the period from January to September 2005, are available via the links on the following page of the government’s Freedom of Information website:

<http://www.foi.gov.uk/implement.htm>

The statistics in this bulletin relate to the handling of written requests for information received by monitored bodies during the relevant time period. **They cover only “non-routine” information requests**, and information given out on request as a part of routine business should not be counted. **Appendix A** gives a definition of a “non-routine” request, and other information on the scope of these statistics.

This bulletin presents monitoring statistics for a total of 42 central government bodies, including all major departments of state. **Appendix B** gives a full list of monitored bodies.

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## Executive Summary

Departments of State reported receiving just under 4,000 “non-routine” information requests during the fourth quarter of 2005 (Q4). Other monitored bodies received around 3,750 requests. Across all monitored bodies, over 7,700 requests were received, of which 90 per cent had been processed at the time of monitoring. *[see table 1]*

The Q4 total of 7,700 requests across all monitored bodies compares to previous quarterly totals of 13,600 during the first quarter of 2005 (Q1), 8,400 during Q2 and 8,100 during Q3 (see Note 8 on page 23). These figures suggest that there was a marked initial peak in request volumes during the first quarter of the FoI Act’s implementation.

During Q4, 89 per cent of all monitored bodies’ requests (excluding those “on hold” or lapsed) were “in time”, in that they were processed within the statutory deadline\* or were subject to a permitted deadline extension. This represents an increase on the equivalent figures from Q1 (83 per cent) and Q2 (88 per cent), but a very small decrease from Q3 (90 per cent). *[see table 2]*

Of all “resolvable” requests received during Q4 (i.e. requests where it was possible to make a substantive decision on whether to release the information being sought), 67 per cent were granted in full, the same as during Q3. Of the remaining Q4 requests, 10 per cent of the total were withheld in part, 16 per cent were withheld in full, and the remaining 7 per cent had not yet received a substantive response. *[see table 3]*

Across all four quarters combined, monitored bodies had a cumulative total of 1,267 requests referred for Internal Review on the grounds that information was withheld. Of the 1,057 Internal Reviews with a known outcome at the time of monitoring, 77 per cent resulted in the request’s initial handling being upheld in full. *[see table 5]*

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\* - 20 working days generally, 30 working days for The National Archives

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## Commentary

### **Number of requests** *[see table 1]*

Departments of State reported receiving a total of 3,975 information requests under the FoI Act and the associated EIRs during the quarter from 1 October – 31 December 2005. Other monitored bodies reported having received 3,754 requests. Across all monitored bodies, a total of 7,729 requests was reported.

This Q4 total represents a 4 per cent fall from the 8,077 requests received during Q3, the same level of decline seen in Q3 compared with Q2. The total number of requests received by Departments of State showed a slight increase of 4 per cent in Q4 compared to Q3, but the total received by other monitored bodies fell by 11 per cent.

Of the Departments of State, the Ministry of Defence reported having received 784 requests during Q4, some 336 (75 per cent) more than the Home Office, the next highest department. However, it should be noted that a large number of agencies' requests were included in the Ministry of Defence figures (see Appendix B).

Among other monitored bodies, the Health and Safety Executive reported having received 1,666 requests, and the National Archives reported 1,046. These were the only two monitored bodies to have received more than 1,000 requests during the quarter.

### **Status of requests at time of monitoring** *[see table 1]*

The large majority of requests (90 per cent) received during Q4 had been processed by the time monitoring information was collected. Of the 796 requests that were still being processed by monitored bodies, 359 (45 per cent) were reported as "on hold" or "lapsed" because a fee had been charged but no payment had been received. These requests are effectively in suspension, since public authorities are not obliged to respond until the fee has been paid.

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**Timeliness of response to requests** *[see table 2]*

The FoI Act requires public bodies to respond to written requests for information within 20 working days of receipt (with limited exceptions, for example to allow additional time for the consideration of public interest). Across all monitored bodies, 81 per cent of requests received during Q4 were sent a response within this standard deadline. The corresponding figures for Q1, Q2 and Q3 were 69 per cent, 82 per cent, and 81 per cent respectively.

Eighty nine per cent of requests received during Q2 were “in time”, in that they either received a response within the standard 20-day deadline or were subject to a permitted deadline extension.

Although the standard statutory deadline for response to an FoI request is 20 working days, a 30 working day deadline applies where requests relate wholly or partly to information transferred to the National Archives. As a result, the National Archives has provided response timeliness information on this basis.

**Initial outcomes of requests** *[see table 3]*

As stated above, there were 7,729 requests reported during Q4 across all monitored bodies, of which 359 were “on hold” awaiting a fee payment. In addition, a further 786 (of the 7,729 requests) sought information that was not held, and 429 were responded to with “advice and assistance” because the body handling the request needed further information in order to identify the information being sought. As a result, the remaining 6,155 requests were assumed to be “resolvable” requests, where it was possible to give a substantive decision on whether to release the information being sought.

Of the “resolvable” requests received during Q4, 67 per cent were granted in full, 10 per cent were withheld in part, and 16 per cent were withheld in full at the time of monitoring. The remaining 7 per cent had not yet received a substantive response, whereas the equivalent figure for Q3 was 9 per cent.

The proportion of resolvable requests granted in full in Q4 was, at 67 per cent, the same as in Q3. It is worth noting, however, that during Q1 and Q2, only 56 and 59 per cent respectively of resolvable requests were granted in full.

Please see **Note 8** for an important correction to the Q3 figures, and other data quality information relating to statistics given in previous monitoring reports.

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## **Fees**

The FoI Act makes provision (at Section 9) for public authorities to charge a fee for providing information requested under the Act.

Only 4 of the 42 monitored bodies reported charging fees for handling “non routine” information requests received during Q4, compared to 6 during Q1, 4 during Q2 and 3 during Q3. There were 508 such requests during Q4, accounting for 7 per cent of all requests received. Almost all of these requests (503 of the 508) were handled by the National Archives. The only other bodies to charge fees during Q4 were the Health and Safety Executive (3 requests), HM Land Registry and the Northern Ireland Office (1 request each).

## **Use of exemptions and exceptions [see table 4]**

Under the FoI Act, a public authority can only refuse to provide requested information that it holds if:

- The request is considered vexatious or repeated
- The cost of compliance would exceed the appropriate limit
- The information falls in one or more of the categories of exempt information (“exemptions”) listed in Part II of the Act.

There are similar arrangements that apply to certain types of information under the EIRs. These list a number of “exceptions to the duty to disclose environmental information” in Part 3 of the Regulations.

One or more of these exemptions or exceptions was applied to a total of 1,097 requests across all monitored bodies during Q4. The most commonly applied exemptions or exceptions were those listed at Section 40 of the FoI Act (relating to personal information) which was applied to 314 requests, Section 35 (formulation of Government policy), applied to 170 requests and Section 43 (commercial interests), applied to 137 requests.

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**Internal Reviews of requests [see table 5] and Appeals to the Information Commissioner [see table 6]**

Applicants are able to ask a public authority for an Internal Review if they are not content with the public authority's initial decision on whether to release requested information. This process should be a fair and thorough review of the initial decision. Requesters who are still not content with the outcome of the Internal Review can make a formal appeal to the Information Commissioner if they wish.

The Code of Practice issued under Section 45 of the FoI Act states that Internal Review procedures should “encourage a prompt determination of the complaint”. However, Reviews and Appeals often relate to complex and difficult issues, and there is no time limit for initiating Review or Appeal procedures. In consequence, it can quite properly take several months from the initial receipt of an information request to the completion of any resulting Review or Appeal work, in some cases.

It would therefore not be practical to collect data on Internal Reviews and Appeals for discrete quarterly time periods. These data are collected on a “year to date” basis and in this bulletin relate to Q1, Q2, Q3 and Q4 combined.

Across all monitored bodies, 1,267 Internal Reviews were reported as having been initiated on the grounds that some or all of the requested information was initially withheld. The outcomes of 1,057 Internal Reviews were known at the time of monitoring, and the initial handling of the request under review was upheld fully in 77% of these cases. Departments of State received 51 Internal Reviews per 1,000 information requests received, compared to 15 Internal Reviews per 1,000 requests among other monitored bodies.

Please see **Note 8** for an important correction to the Q3 figures, and other data quality information relating to statistics given in previous monitoring reports.

At the time of monitoring there had been 127 appeals to the Information Commissioner relating to the refusal of FoI requests by bodies included in these statistics. Only 25 of these appeals had been completed at the time of monitoring. Of these, the public authority's initial handling of the request was fully upheld in 18 cases, and was partially upheld in a further 1 case. In the remaining 6 cases, the applicant's complaint was upheld.

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**TABLE 1**

**Number of non-routine information requests received from 1 October - 31 December 2005, and their status at time of monitoring<sup>1</sup>**

Government body	Total requests received	Request status at time of monitoring <sup>1</sup>		
		Processed	"On hold" or lapsed <sup>2</sup>	Still being processed
<b>TOTAL for all monitored bodies</b>	<b>7,729</b>	<b>6,933</b>	<b>359</b>	<b>437</b>
<b>TOTAL for Departments of State only</b>	<b>3,975</b>	<b>3,646</b>	<b>0</b>	<b>329</b>
<b>TOTAL for other monitored bodies</b>	<b>3,754</b>	<b>3,287</b>	<b>359</b>	<b>108</b>
<b><i>Departments of State</i></b>				
Cabinet Office	191	175	0	16
Department for Constitutional Affairs #	105	94	0	11
Department for Education and Skills	130	129	0	1
Department for Environment, Food and Rural Affairs	126	118	0	8
Department for International Development	52	49	0	3
Department for Transport #	282	256	0	26
Department for Work and Pensions #	381	372	0	9
Department of Culture, Media and Sport #	97	82	0	15
Department of Health	305	289	0	16
Department of Trade and Industry	175	158	0	17
Foreign and Commonwealth Office	256	236	0	20
HM Treasury	396	359	0	37
Home Office	448	392	0	56
Legal Secretariat to the Law Officers	13	12	0	1
Ministry of Defence #	784	716	0	68
Northern Ireland Office	38	37	0	1
Office of the Deputy Prime Minister	155	135	0	20
Privy Council Office	13	13	0	0
Scotland Office	18	14	0	4
Wales Office	10	10	0	0

**TABLE 1 continued**

**Number of non-routine information requests received from 1 October - 31 December 2005, and their status at time of monitoring<sup>1</sup>**

Government body	Total requests received	Request status at time of monitoring <sup>1</sup>		
		Processed	"On hold" or lapsed <sup>2</sup>	Still being processed
<b><i>Other bodies included in monitoring</i></b>				
Central Office of Information	0	0	0	0
Charity Commission	66	56	0	10
Crown Prosecution Service	79	78	0	1
Debt Management Office	59	59	0	0
Export Credits Guarantee Department	13	10	0	3
Food Standards Agency	66	62	0	4
Health and Safety Executive	1,666	1,615	3	48
HM Land Registry	25	20	0	5
HM Revenue and Customs	249	234	0	15
National Archives	1,046	672	356	18
National Savings and Investments	18	18	0	0
Office for National Statistics	28	28	0	0
Office for Standards in Education	102	99	0	3
Office of Fair Trading	62	62	0	0
Office of Gas and Electricity Markets (OFGEM)	73	73	0	0
Office of Rail Regulation	33	33	0	0
Office of Water Services (OFWAT)	20	20	0	0
Ordnance Survey	36	36	0	0
Royal Mint	2	2	0	0
Rural Payments Agency	49	48	0	1
Serious Fraud Office	19	19	0	0
Treasury Solicitor's Department	43	43	0	0

# - Figures supplied by these departments of state count non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. Appendix B gives full details.

1 - Monitoring returns were submitted to the Department for Constitutional Affairs during the first two weeks of February 2006

2 - Requests "on hold" are those where a fee has been charged but no payment has been received at the time of monitoring. These requests are effectively suspended since public authorities are not obliged to respond until payment has been made.

Where a fee is charged and the deadline for payment expires, the request is deemed to have "lapsed" as no further action is required from the public authority.

TABLE 2

Timeliness of response to non-routine information requests received by monitored bodies from 1 October - 31 December 2005

Government body	Total requests received (excluding on-hold and lapsed <sup>1</sup> )	Timeliness of response			Percentage of requests meeting 20-day deadline	Percentage of requests "in time" (i.e. meeting deadline or with permitted extension)
		20-day deadline met	Permitted extension <sup>2</sup> to 20-day deadline	Late response (i.e. 20-day deadline missed)		
<b>TOTAL for all monitored bodies</b>	<b>7,370</b>	<b>5,955</b>	<b>589</b>	<b>826</b>	<b>81%</b>	<b>89%</b>
<b>TOTAL for Departments of State only</b>	<b>3,975</b>	<b>3,091</b>	<b>361</b>	<b>523</b>	<b>78%</b>	<b>87%</b>
<b>TOTAL for other monitored bodies</b>	<b>3,395</b>	<b>2,864</b>	<b>228</b>	<b>303</b>	<b>84%</b>	<b>91%</b>
<b>Departments of State</b>						
Cabinet Office	191	156	23	12	82%	94%
Department for Constitutional Affairs #	105	85	9	11	81%	90%
Department for Education and Skills	130	120	4	6	92%	95%
Department for Environment, Food and Rural Affairs	126	93	23	10	74%	92%
Department for International Development	52	46	6	0	88%	100%
Department for Transport #	282	227	11	44	80%	84%
Department for Work and Pensions #	381	340	15	26	89%	93%
Department of Culture, Media and Sport #	97	70	12	15	72%	85%
Department of Health	305	246	14	45	81%	85%
Department of Trade and Industry	175	130	25	20	74%	89%
Foreign and Commonwealth Office	256	203	34	19	79%	93%
HM Treasury	396	256	56	84	65%	79%
Home Office	448	287	82	79	64%	82%
Legal Secretariat to the Law Officers	13	10	2	1	*	*
Ministry of Defence #	784	642	29	113	82%	86%
Northern Ireland Office	38	32	2	4	84%	89%
Office of the Deputy Prime Minister	155	118	12	25	76%	84%
Privy Council Office	13	12	0	1	*	*
Scotland Office	18	11	2	5	*	*
Wales Office	10	7	0	3	*	*

**TABLE 2 continued**

**Timeliness of response to non-routine information requests received by monitored bodies from 1 October - 31 December 2005**

Government body	Total requests received (excluding on-hold and lapsed <sup>1</sup> )	Timeliness of response			Percentage of requests meeting 20-day deadline	Percentage of requests "in time" (i.e. meeting deadline or with permitted extension)
		20-day deadline met	Permitted extension <sup>2</sup> to 20-day deadline	Late response (i.e. 20-day deadline missed)		
<b>Other bodies included in monitoring</b>						
Central Office of Information	0	0	0	0	*	*
Charity Commission	66	54	0	12	82%	82%
Crown Prosecution Service	79	77	2	0	97%	100%
Debt Management Office	59	59	0	0	100%	100%
Export Credits Guarantee Department	13	7	0	6	*	*
Food Standards Agency	66	59	5	2	89%	97%
Health and Safety Executive	1,663	1,321	146	196	79%	88%
HM Land Registry	25	20	5	0	80%	100%
HM Revenue and Customs	249	185	2	62	74%	75%
National Archives ^	690	643	40	7	93%	99%
National Savings and Investments	18	18	0	0	*	*
Office for National Statistics	28	27	0	1	96%	96%
Office for Standards in Education	102	84	7	11	82%	89%
Office of Fair Trading	62	60	0	2	97%	97%
Office of Gas and Electricity Markets (OFGEM)	73	73	0	0	100%	100%
Office of Rail Regulation	33	32	1	0	97%	100%
Office of Water Services (OFWAT)	20	19	1	0	*	*
Ordnance Survey	36	32	2	2	89%	94%
Royal Mint	2	2	0	0	*	*
Rural Payments Agency	49	32	17	0	65%	100%
Serious Fraud Office	19	19	0	0	*	*
Treasury Solicitor's Department	43	41	0	2	95%	95%

**Notes**

\* - These percentages are not shown because the number of qualifying requests is 20 or fewer

# - Figures supplied by these departments of state count non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. Appendix B gives full details.

^ - Although the standard statutory deadline for responding to an information request is 20 working days, a 30-day deadline applies where requests relate wholly or partly to archived information. The National Archives' timeliness figures are therefore reported on this basis.

1 - Requests "on hold" or "lapsed" are those where a fee has been charged but no payment has been received. These requests are effectively suspended since public authorities are not obliged to respond until payment has been made. They are therefore excluded from the calculation of timeliness measures.

2 - "Permitted extensions" include:

Requests where the 20-day deadline for response under the Freedom of Information Act is extended to allow for consideration of the balance of the public interest.

Requests where the 20-day deadline for response under the Environmental Information Regulations is extended because of the complexity or volume of the request

TABLE 3

Initial outcomes of non-routine information requests received by monitored bodies from 1 October - 31 December 2005

Government body	Total requests received (excluding on-hold and lapsed <sup>1</sup> )	Requests where advice and assistance <sup>2</sup> provided	Requests where information not held	Total "resolvable" requests <sup>3</sup>	Initial outcome of request				Percentage of resolvable requests granted in full	Percentage of resolvable requests withheld in full
					Granted in full	Partially withheld	Fully withheld <sup>4</sup>	Response not yet provided <sup>5</sup>		
<b>TOTAL for all monitored bodies</b>	<b>7,370</b>	<b>429</b>	<b>786</b>	<b>6,155</b>	<b>4,135</b>	<b>619</b>	<b>964</b>	<b>437</b>	<b>67%</b>	<b>16%</b>
<b>TOTAL for Departments of State only</b>	<b>3,975</b>	<b>270</b>	<b>542</b>	<b>3,163</b>	<b>1,905</b>	<b>351</b>	<b>578</b>	<b>329</b>	<b>60%</b>	<b>18%</b>
<b>TOTAL for other monitored bodies</b>	<b>3,395</b>	<b>159</b>	<b>244</b>	<b>2,992</b>	<b>2,230</b>	<b>268</b>	<b>386</b>	<b>108</b>	<b>75%</b>	<b>13%</b>
<b>Departments of State</b>										
Cabinet Office	191	14	41	136	73	7	40	16	54%	29%
Department for Constitutional Affairs #	105	11	27	67	27	6	23	11	40%	34%
Department for Education and Skills	130	15	10	105	65	23	16	1	62%	15%
Department for Environment, Food and Rural Affairs	126	10	15	101	65	15	13	8	64%	13%
Department for International Development	52	0	12	40	25	5	7	3	63%	18%
Department for Transport #	282	1	29	252	187	22	17	26	74%	7%
Department for Work and Pensions #	381	0	32	349	288	29	23	9	83%	7%
Department of Culture, Media and Sport #	97	14	8	75	46	7	7	15	61%	9%
Department of Health	305	27	47	231	169	23	23	16	73%	10%
Department of Trade and Industry	175	2	16	157	85	10	45	17	54%	29%
Foreign and Commonwealth Office	256	32	20	204	67	48	69	20	33%	34%
HM Treasury	396	67	81	248	95	18	98	37	38%	40%
Home Office	448	57	71	320	122	41	101	56	38%	32%
Legal Secretariat to the Law Officers	13	0	4	9	4	0	4	1	*	*
Ministry of Defence #	784	16	81	687	466	74	79	68	68%	11%
Northern Ireland Office	38	0	7	31	22	6	2	1	71%	6%
Office of the Deputy Prime Minister	155	2	29	124	83	15	6	20	67%	5%
Privy Council Office	13	1	4	8	6	1	1	0	*	*
Scotland Office	18	1	5	12	3	1	4	4	*	*
Wales Office	10	0	3	7	7	0	0	0	*	*

**TABLE 3 continued**

**Initial outcomes of non-routine information requests received by monitored bodies from 1 October - 31 December 2005**

Government body	Total requests received (excluding on-hold and lapsed <sup>1</sup> )	Requests where advice and assistance <sup>2</sup> provided	Requests where information not held	Total "resolvable" requests <sup>3</sup>	Initial outcome of request				Percentage of resolvable requests granted in full	Percentage of resolvable requests withheld in full
					Granted in full	Partially withheld	Fully withheld <sup>4</sup>	Response not yet provided <sup>5</sup>		
<b>Other bodies included in monitoring</b>										
Central Office of Information	0	0	0	0	0	0	0	0	*	*
Charity Commission	66	2	1	63	45	2	6	10	71%	10%
Crown Prosecution Service	79	10	12	57	23	6	27	1	40%	47%
Debt Management Office	59	0	0	59	58	1	0	0	98%	0%
Export Credits Guarantee Department	13	0	1	12	7	2	0	3	*	*
Food Standards Agency	66	1	3	62	24	30	4	4	39%	6%
Health and Safety Executive	1,663	17	49	1,597	1,312	67	170	48	82%	11%
HM Land Registry	25	0	0	25	19	0	1	5	76%	4%
HM Revenue and Customs	249	0	23	226	108	48	55	15	48%	24%
National Archives	690	77	102	511	403	34	56	18	79%	11%
National Savings and Investments	18	0	6	12	8	1	3	0	*	*
Office for National Statistics	28	0	8	20	13	3	4	0	*	*
Office for Standards in Education	102	0	5	97	36	31	27	3	37%	28%
Office of Fair Trading	62	8	9	45	15	21	9	0	33%	20%
Office of Gas and Electricity Markets (OFGEM)	73	23	9	41	36	4	1	0	88%	2%
Office of Rail Regulation	33	6	0	27	26	0	1	0	96%	4%
Office of Water Services (OFWAT)	20	2	6	12	10	1	1	0	*	*
Ordnance Survey	36	1	3	32	27	4	1	0	84%	3%
Royal Mint	2	0	0	2	2	0	0	0	*	*
Rural Payments Agency	49	1	2	46	27	4	14	1	59%	30%
Serious Fraud Office	19	0	0	19	15	3	1	0	*	*
Treasury Solicitor's Department	43	11	5	27	16	6	5	0	59%	19%

**Notes**

\* - These percentages are not shown because the number of qualifying requests is 20 or fewer

# - Figures supplied by these departments of state count non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. Appendix B gives full details.

1 - Requests "on hold" or "lapsed" are those where a fee has been charged but no payment has been received. These requests are effectively suspended since public authorities are not obliged to respond until payment has been made.

2 - "Advice and Assistance" would be provided to a requester when the government body "reasonably requires further information in order to identify and locate the information requested". See section 1(3) of the Freedom of Information Act for further detail-

3 - "Resolvable requests" are all those where it would have been possible to provide a substantive response. They exclude requests which are lapsed or "on-hold", where the information was not held, and where it was necessary to provide advice and assistance (see note above) since in each of these cases it would not have been possible to resolve the request in the form it was asked.

4 - "Fully withheld" requests include those which were refused because it was estimated that the cost of complying with the request would exceed the appropriate limit

5 - This table counts as "resolvable" all requests where a response has not yet been provided. This assumption is likely to be generally true but may be incorrect in a small number of cases.

It should also be noted that requests where a response has not yet been provided are more likely to involve considerations which are complex and finely balanced. As a result, it cannot be assumed that these requests will be granted and refused in the same proportions as "resolvable" requests in general.

**TABLE 4**

**Exemptions and exceptions<sup>1</sup> applied by monitored bodies\* when withholding non-trivial information requests received from 1 October - 31 December 2005**

Exemption / Exception <sup>1</sup>	Number of requests where exemption used		
	Departments of State only	Other monitored bodies*	TOTAL
<b>Total number of requests where one or more exemptions or exceptions were applied</b>	<b>700</b>	<b>397</b>	<b>1,097</b>
<b>Number of requests where each exemption (listed in Part II of FoI Act<sup>2</sup>) was applied</b>			
S.22 - Information intended for future publication	34	10	<b>44</b>
S.23 - Information supplied by, or relating to, bodies dealing with security matters	28	2	<b>30</b>
S.24 - National security	38	0	<b>38</b>
S.26 - Defence	22	1	<b>23</b>
S.27 - International relations	56	2	<b>58</b>
S.28 - Relations within the United Kingdom	2	0	<b>2</b>
S.29 - The economy	16	3	<b>19</b>
S.30 - Investigations and proceedings conducted by public authorities	13	36	<b>49</b>
S.31 - Law enforcement	24	51	<b>75</b>
S.32 - Court records, etc.	3	8	<b>11</b>
S.33 - Audit functions	11	0	<b>11</b>
S.34 - Parliamentary privilege	1	0	<b>1</b>
S.35 - Formulation of Government policy, etc.	156	14	<b>170</b>
S.36 - Prejudice to effective conduct of public affairs	63	15	<b>78</b>
S.37 - Communications with Her Majesty, etc. and honours	4	1	<b>5</b>
S.38 - Health and Safety	13	11	<b>24</b>
S.39 - Environmental information	_3	_3	<b>_3</b>
S.40 - Personal information	177	137	<b>314</b>
S.41 - Information provided in confidence	30	73	<b>103</b>
S.42 - Legal professional privilege	21	18	<b>39</b>
S.43 - Commercial interests	97	40	<b>137</b>
S.44 - Prohibitions on disclosure	13	77	<b>90</b>
<b>Number of requests where each exception (listed in Part 3 of EIRs) was applied</b>			
3(a) - Exempt personal data	2	6	<b>8</b>
4(b) - Manifestly unreasonable	4	9	<b>13</b>
4(c) - Too general	1	0	<b>1</b>
4(d) - Work in progress / incomplete data	0	2	<b>2</b>
4(e) - Internal communications	11	0	<b>11</b>
5(a) - Adverse effect on international relations, defence, national security, public safety	4	2	<b>6</b>
5(b) - Adverse effect on course of justice or conduct of enquiries	1	0	<b>1</b>
5(c) - Adverse effect on intellectual property rights	1	0	<b>1</b>
5(d) - Impinges on confidentiality of a public authority's work	0	1	<b>1</b>
5(e) - Impinges on confidentiality of commercial or industrial information	0	2	<b>2</b>
5(f) - Adverse effect on interests of person who provided the information	3	0	<b>3</b>
5(g) - Adverse effect on protection of environment to which information relates	2	0	<b>2</b>

#### Notes

\* - A full list of monitored bodies is shown in Appendix B. This also includes details of those departments of state whose figures included non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. The Health and Safety Executive did not provide details on specific exemptions used, and this table therefore excludes information requests handled by this body.

1 - "Exemptions" refers to the provisions in Part 2 of the Freedom of Information Act (and the similar "exceptions" in Part 3 of the Environmental Information Regulations) which classify certain types of information as exempt from the release obligations. More than one exemption or exception can apply to a single information request.

2 - The exemption described in section 21 of the Act ("Information accessible ... by other means") is not listed here, because requests falling under this exemption do not meet the formal definition of a "non-routine" request and therefore are not counted in these monitoring statistics.

3 - The exemption listed at section 39 of the Freedom of Information Act ("Environmental Information") effectively states that information requests which falls within the scope of the Environmental Information Regulations (EIRs) should be handled as these Regulations specify. Requests for environmental information which are refused should apply one of the EIR exceptions listed above.

**TABLE 5**

**Outcomes of Internal Reviews<sup>1</sup> of non-trivial information requests received by monitored bodies<sup>2</sup> from 1 January – 31 December 2005<sup>3</sup>, where the requested information was initially withheld**

	Departments of State only	Other monitored bodies <sup>2</sup>	TOTAL
<b>Total number of Internal Reviews</b> (of requests where information was withheld)	991	276	<b>1,267</b>
<b>Number of Internal Reviews with known outcome at time of monitoring</b>	<b>817</b>	<b>240</b>	<b>1,057</b>
Of Internal Reviews with known outcome, number where:			
Initial handling of request upheld in full	633	183	<b>816</b>
Initial handling of request upheld in part	128	26	<b>154</b>
Applicant's complaint upheld	56	31	<b>87</b>
<b>Percentage of Internal Reviews where initial handling was upheld in full</b>	<b>77%</b>	<b>76%</b>	<b>77%</b>

**Notes**

1. Applicants are able to ask a public authority for an "Internal Review" if they are not content with the public authority's initial decision on whether to release requested information. This process should be a fair and impartial review of the initial decision. Requesters who are still not content with the outcome of the Internal Review can make a formal appeal to the Information Commissioner if they wish (see Section 50 of the FoI Act)
2. A full list of monitored bodies is shown in Appendix B. This also includes details of those departments of state whose figures included non-routine information requests received by one or more of their agencies, as well those received by the departments themselves.
3. This table covers **the whole of 2005**.

**TABLE 6**

**Outcomes of Appeals to the Information Commissioner<sup>1</sup> about the refusal of information requests received by monitored bodies<sup>2</sup> from 1 January – 31 December 2005<sup>3</sup>**

	Departments of State only	Other monitored bodies <sup>2</sup>	TOTAL
<b>Total number of requests where initial handling was appealed</b>	101	26	127
<b>Number of requests where appeal outcome is known at time of monitoring</b>	<b>15</b>	<b>10</b>	<b>25</b>
Of appeals with known outcome, number where:			
Initial handling of request upheld in full	10	8	18
Initial handling of request upheld in part	1	0	1
Applicant's complaint upheld	4	2	6
<b>Percentage of appeals where initial handling was upheld in full</b>	<b>67%</b>	<b>80%</b>	<b>72%</b>

**Notes**

1. If an applicant is not satisfied with the outcome of a public authority's "Internal Review" of the handling of their information request, they may make a formal appeal to the Information Commissioner. If the Commissioner decides that the public authority has not complied with the FoI Act, he may issue a "decision notice" setting out the steps to be taken in order to achieve compliance.
2. A full list of monitored bodies is shown in Appendix B. This also includes details of those departments of state whose figures included non-routine information requests received by one or more of their agencies, as well those received by the departments themselves.
3. This table covers **the whole of 2005**.

**TABLE A****Number of non-routine information requests received during each calendar quarter of 2005**

Government body	Total requests received			
	Q1: Jan–Mar	Q2: Apr–June	Q3: July–Sept <sup>1</sup>	Q4: Oct–Dec
<b>TOTAL for all monitored bodies</b>	<b>13,603</b>	<b>8,440</b>	<b>8,077</b>	<b>7,729</b>
<b>TOTAL for Departments of State only</b>	<b>7,733</b>	<b>3,828</b>	<b>3,838</b>	<b>3,975</b>
<b>TOTAL for other monitored bodies</b>	<b>5,870</b>	<b>4,612</b>	<b>4,239</b>	<b>3,754</b>
<b><i>Departments of State</i></b>				
Cabinet Office	764	203	179	191
Department for Constitutional Affairs #	273	121	90	105
Department for Education and Skills	245	95	78	130
Department for Environment, Food and Rural Affairs	344	176	122	126
Department for International Development	94	57	56	52
Department for Transport #	591	302	344	282
Department for Work and Pensions #	437	264	407	381
Department of Culture, Media and Sport #	185	83	84	97
Department of Health	424	236	240	305
Department of Trade and Industry	341	192	131	175
Foreign and Commonwealth Office	574	256	229	256
HM Treasury	277	169	310	396
Home Office	710	337	409	448
Legal Secretariat to the Law Officers	80	15	12	13
Ministry of Defence #	1,843	1,039	851	784
Northern Ireland Office	80	30	40	38
Office of the Deputy Prime Minister	393	182	186	155
Privy Council Office	16	25	20	13
Scotland Office	36	23	38	18
Wales Office	26	23	12	10

**TABLE A continued**  
**Number of non-routine information requests received during each calendar quarter of 2005**

Government body	Total requests received			
	Q1: Jan–Mar	Q2: Apr–June	Q3: Jul–Sept <sup>1</sup>	Q4: Oct–Dec
<b><i>Other bodies included in monitoring</i></b>				
Central Office of Information	21	6	3	0
Charity Commission	94	43	61	66
Crown Prosecution Service	143	84	92	79
Debt Management Office	78	55	83	59
Export Credits Guarantee Department	34	2	15	13
Food Standards Agency	102	71	58	66
Health and Safety Executive	2,085	1,754	1,558	1,666
HM Land Registry	94	35	27	25
HM Revenue and Customs +	511	246	245	249
National Archives <sup>1</sup>	1,925	1,681	1,560	1,046
National Savings and Investments	8	2	5	18
Office for National Statistics	71	35	28	28
Office for Standards in Education	133	205	145	102
Office of Fair Trading	108	82	46	62
Office of Gas and Electricity Markets (OFGEM)	156	142	131	73
Office of Rail Regulation	48	19	24	33
Office of Water Services (OFWAT)	32	20	12	20
Ordnance Survey	56	26	31	36
Royal Mint	3	3	2	2
Rural Payments Agency	74	59	53	49
Serious Fraud Office	19	9	12	19
Treasury Solicitor's Department	75	33	48	43

**Notes**

1. Figures previously supplied by The National Archives for Q3 have been revised. See **Note 8** on page 23.

# Figures supplied by these departments of state count non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. Appendix B gives full details.

+ HM Revenue and Customs was created on 1 April 2005, as a merger of the Inland Revenue and HM Customs and Excise. Q1 figures for this department reflect the combined FoI work of its two predecessor departments.

**TABLE B**

**Proportion of requests answered "in time" during each calendar quarter of 2005** (see footnote)

Government body	Proportion of requests answered "in time" (see footnote)			
	Q1: Jan - Mar	Q2: Apr - Jun	Q3: Jul - Sep	Q4: Oct - Dec
<b>TOTAL for all monitored bodies</b>	<b>83%</b>	<b>88%</b>	<b>90%</b>	<b>89%</b>
<b>TOTAL for Departments of State only</b>	<b>75%</b>	<b>80%</b>	<b>86%</b>	<b>87%</b>
<b>TOTAL for other monitored bodies</b>	<b>93%</b>	<b>95%</b>	<b>94%</b>	<b>91%</b>
<b>Departments of State</b>				
Cabinet Office	80%	87%	91%	94%
Department for Constitutional Affairs #	88%	73%	94%	90%
Department for Education and Skills	89%	93%	94%	95%
Department for Environment, Food and Rural Affairs	80%	90%	93%	92%
Department for International Development	76%	89%	100%	100%
Department for Transport #	88%	88%	87%	84%
Department for Work and Pensions #	91%	88%	93%	93%
Department of Culture, Media and Sport #	91%	75%	77%	85%
Department of Health	57%	71%	79%	85%
Department of Trade and Industry	67%	80%	86%	89%
Foreign and Commonwealth Office	83%	80%	91%	93%
HM Treasury	41%	64%	79%	79%
Home Office	40%	60%	79%	82%
Legal Secretariat to the Law Officers	78%	*	*	*
Ministry of Defence #	81%	83%	85%	86%
Northern Ireland Office	86%	67%	95%	89%
Office of the Deputy Prime Minister	75%	73%	78%	84%
Privy Council Office	*	100%	*	*
Scotland Office	75%	87%	82%	*
Wales Office	92%	96%	*	*

\* - These percentages are not shown because the number of qualifying requests is 20 or fewer

**TABLE B continued**

**Proportion of requests answered "in time" during each calendar quarter of 2005** (see footnote)

Government body	Proportion of requests answered "in time" (see footnote)			
	Q1: Jan - Mar	Q2: Apr - Jun	Q3: Jul - Sep	Q4: Oct - Dec
<b>Other bodies included in monitoring</b>				
Central Office of Information	95%	*	*	*
Charity Commission	93%	93%	95%	82%
Crown Prosecution Service	99%	90%	90%	100%
Debt Management Office	100%	100%	100%	100%
Export Credits Guarantee Department	91%	*	*	*
Food Standards Agency	96%	96%	100%	97%
Health and Safety Executive	90%	95%	95%	88%
HM Land Registry	99%	100%	96%	100%
HM Revenue and Customs +	*	82%	78%	75%
National Archives ^	99%	99%	96%	99%
National Savings and Investments	*	*	*	*
Office for National Statistics	100%	97%	100%	96%
Office for Standards in Education	89%	91%	83%	89%
Office of Fair Trading	98%	93%	100%	97%
Office of Gas and Electricity Markets (OFGEM)	92%	94%	96%	100%
Office of Rail Regulation	100%	*	100%	100%
Office of Water Services (OFWAT)	100%	*	*	*
Ordnance Survey	98%	100%	97%	94%
Royal Mint	*	*	*	*
Rural Payments Agency	73%	97%	96%	100%
Serious Fraud Office	*	*	*	*
Treasury Solicitor's Department	97%	100%	98%	95%

# - Figures supplied by these departments of state count non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. Appendix B gives full details.

+ HM Revenue and Customs was created on 1 April 2005, as a merger of the Inland Revenue and HM Customs and Excise. Q1 figures for this department reflect the combined FOI work of its two predecessor departments.

\* - These percentages are not shown because the number of qualifying requests is 20 or fewer

^ - Although the standard statutory deadline for responding to an information request is 20 working days, a 30-day deadline applies where requests relate wholly or partly to archived information. The National Archives' timeliness figures are therefore reported on this basis.

**Notes**

A request is "in time" if it was answered within the statutory response deadline, or within a permitted extension to this deadline.

Permitted extensions include:

Requests where the 20-day deadline for response under the Freedom of Information Act is extended to allow for consideration of the balance of the public interest.

Requests where the 20-day deadline for response under the Environmental Information Regulations is extended because of the complexity or volume of the request.

Requests "on hold" or "lapsed" are those where a fee has been charged but no payment has been received. These requests are effectively suspended since public authorities are not obliged to respond until payment has been made. They are therefore excluded from this calculation.

**TABLE C**

**Proportion of resolvable requests granted in full during each calendar quarter of 2005** (see footnote)

Government body	Proportion of requests granted in full			
	Q1: Jan - Mar	Q2: Apr - Jun	Q3: Jul - Sep	Q4: Oct - Dec
<b>TOTAL for all monitored bodies</b>	<b>56%</b>	<b>59%</b>	<b>67%</b>	<b>67%</b>
<b>TOTAL for Departments of State only</b>	<b>51%</b>	<b>55%</b>	<b>61%</b>	<b>60%</b>
<b>TOTAL for other monitored bodies</b>	<b>64%</b>	<b>63%</b>	<b>73%</b>	<b>75%</b>
<b><i>Departments of State</i></b>				
Cabinet Office	29%	46%	38%	54%
Department for Constitutional Affairs #	46%	40%	48%	40%
Department for Education and Skills	51%	50%	70%	62%
Department for Environment, Food and Rural Affairs	59%	55%	62%	64%
Department for International Development	62%	41%	88%	63%
Department for Transport #	76%	66%	74%	74%
Department for Work and Pensions #	68%	69%	85%	83%
Department of Culture, Media and Sport #	54%	56%	42%	61%
Department of Health	59%	66%	82%	73%
Department of Trade and Industry	21%	34%	44%	54%
Foreign and Commonwealth Office	20%	30%	36%	33%
HM Treasury	29%	28%	26%	38%
Home Office	28%	36%	50%	38%
Legal Secretariat to the Law Officers	19%	*	*	*
Ministry of Defence #	67%	69%	68%	68%
Northern Ireland Office	26%	*	47%	71%
Office of the Deputy Prime Minister	58%	52%	72%	67%
Privy Council Office	*	*	*	*
Scotland Office	18%	*	19%	*
Wales Office	*	*	*	*

\* - These percentages are not shown because the number of qualifying requests is 20 or fewer

**TABLE C continued**

**Proportion of resolvable requests granted in full during each calendar quarter of 2005 (see footnote)**

Government body	Proportion of requests granted in full			
	Q1: Jan - Mar	Q2: Apr - Jun	Q3: Jul - Sep	Q4: Oct - Dec
<b>Other bodies included in monitoring</b>				
Central Office of Information	*	*	*	*
Charity Commission	90%	67%	79%	71%
Crown Prosecution Service	26%	15%	20%	40%
Debt Management Office	100%	100%	100%	98%
Export Credits Guarantee Department	50%	*	*	*
Food Standards Agency	36%	35%	36%	39%
Health and Safety Executive	54%	38%	84%	82%
HM Land Registry	92%	85%	96%	76%
HM Revenue and Customs +	*	56%	47%	48%
National Archives	84%	90%	66%	79%
National Savings and Investments	*	*	*	*
Office for National Statistics	60%	41%	36%	*
Office for Standards in Education	69%	61%	54%	37%
Office of Fair Trading	28%	25%	24%	33%
Office of Gas and Electricity Markets (OFGEM)	87%	90%	95%	88%
Office of Rail Regulation	88%	*	*	96%
Office of Water Services (OFWAT)	73%	*	*	*
Ordnance Survey	85%	*	82%	84%
Royal Mint	*	*	*	*
Rural Payments Agency	38%	47%	61%	59%
Serious Fraud Office	*	*	*	*
Treasury Solicitor's Department	37%	56%	44%	59%

# - Figures supplied by these departments of state count non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. Appendix B gives full details.

+ HM Revenue and Customs was created on 1 April 2005, as a merger of the Inland Revenue and HM Customs and Excise. Q1 figures for this department reflect the combined FoI work of its two predecessor departments.

\* - These percentages are not shown because the number of qualifying requests is 20 or fewer

**Notes**

"Resolvable requests" are all those where it would have been possible to provide a substantive response. They exclude requests which are lapsed or "on-hold", where the information was not held, and where it was necessary to provide advice and assistance to the requester, since in each of these cases it would not have been possible to resolve the request in the form it was asked.

## Notes

1. The statistics in this bulletin relate to the handling by central government bodies of information requests received under the Freedom of Information Act 2000 (Fol Act) and the Environmental Information Regulations 2004 (EIRs). They are collected and published by the Department for Constitutional Affairs, with assistance from Freedom of Information officers across central government.
2. The Fol Act received Royal Assent on 30 November 2000. Under the Act, anybody may request information from a public authority which has functions in England, Wales and/or Northern Ireland. The Act confers two statutory rights on applicants:
  - To be told whether or not the public authority holds that information; and if so,
  - To have that information communicated to them.

These statutory rights came into force on 1 January 2005. The Department for Constitutional Affairs is the lead department responsible for Fol Act. Further information is available on the Freedom of Information pages of our website at:

<http://www.foi.gov.uk/index.htm>

3. The (amended) EIRs also came into force on 1 January 2005, to coincide with the Fol Act. They clarify and extend previous rights to environmental information held by public authorities. The Department for Environment, Food and Rural Affairs (DEFRA) is the lead department responsible for the EIRs. Further information is available from their website at:

<http://www.defra.gov.uk/corporate/opengov/eir/index.htm>

4. These statistics are derived from monitoring returns submitted to the Department for Constitutional Affairs in early February 2006. They relate to information requests received during the period 1 October - 31 December 2005. The collection of monitoring data began on the 21st working day after the last day of this period (i.e. 1 February 2006), since 20 working days is the statutory deadline for public authorities to respond to information requests under both the Fol Act and the EIRs. The large majority of data were received during the first two weeks of February 2006.
5. Only “non-routine” information requests are counted in these statistics. Important notes on the scope and consistency of these statistics are given in **Appendix A**.
6. These statistics cover a total of **42** central government bodies. This is the same as in Q3, but one fewer than in Q1, following the creation of HM Revenue and Customs (a

merger of the previously separate Inland Revenue and HM Customs and Excise) on 1 April 2005. A full list of monitored bodies is shown in **Appendix B**.

7. This is the fourth quarterly statistical bulletin on the implementation of the Freedom of Information Act. Please note that unless stated otherwise:
  - figures on the initial processing of information requests (i.e. timeliness of response, outcome, etc.) are shown on a quarterly basis and relate to requests received during the period from 1 October 2005 to 31 December 2005.
  - figures on any follow-up activity (i.e. Internal Reviews and Appeals to the Information Commissioner) are shown on a “year to date” basis and relate to requests received during the period from 1 January 2005 to 31 December 2005.

This difference is because review and appeal work for a single request can quite properly take several months to complete, particularly where the issues involved are complex and finely balanced. As a consequence, it would not be practical to collect these data for discrete quarterly time periods.

8. Notes on data quality and revisions to previously-published statistics

**A.** Owing to an error in DCA's interpretation of monitoring data provided by The National Archives, it has been necessary to revise a small number of previously-published Q3 figures. The error led to 545 “lapsed” requests not being included in the reported number of requests received during Q3. “Lapsed” requests are those where a fee was charged, but the deadline for payment elapsed with no money having been received. As a result of this the following key figures from the Q3 statistics have been corrected.

- Total requests received (all monitored bodies): **8,077** rather than 7,532
- Requests “on hold” or lapsed (all monitored bodies): **674** rather than 129
- Total requests received (“other monitored bodies”): **4,239** rather than 3,694
- Requests “on hold” or lapsed (“other monitored bodies”): **674** rather than 129
- Total requests received (National Archives): **1,560** rather than 1,015
- Requests “on hold” or lapsed (National Archives): **672** rather than 127

**B.** The Internal Review data collected as part of the FoI monitoring process should only count Reviews of cases where requested information was withheld. However, as a result of validation checks of Q3 monitoring data, it has become apparent that a small number of monitored bodies mistakenly also counted Internal Reviews of procedural issues (e.g. timeliness of response) in their previous Q2 monitoring returns. As a result, the Internal Review count published in the Q2 monitoring report is likely to have been

slightly greater than the overall number of Internal Reviews of "information withheld" requests up to the end of that quarter.

**C.** The Health and Safety Executive (HSE) have reported that a number of their requests received during Q1 and Q2 were incorrectly recorded under the outcome of "advice and assistance". These requests should have been recorded as either "granted in full" or "refused in part". The HSE have provided corrected data covering the whole of the 2005 calendar year. These figures will be published in the 2005 Freedom of Information Annual Report, which is planned for release in late spring 2006.

9. This publication has been prepared jointly by the Economics and Statistics Division and the Information Rights Division of the Department for Constitutional Affairs.
10. Please note that press enquires on the implementation of the Freedom of Information Act in a particular government body should be addressed to **that body's** Press Office.

General press enquiries on the contents of this bulletin should be directed to DCA's press office:

Andrew Bell  
Press Office  
Department for Constitutional Affairs  
9th Floor  
Selborne House  
54-60 Victoria Street  
London  
SW1E 6QW

**Tel: 020 7210 1395**

Other comments or queries on the Freedom of Information Act 2000 should be addressed to:

Information Rights Division  
Department for Constitutional Affairs  
6<sup>th</sup> Floor  
Selborne House  
54-60 Victoria Street  
London  
SW1E 6QW

**Tel: 020 7210 8034**

E-mail: [informationrights@dca.qsi.gov.uk](mailto:informationrights@dca.qsi.gov.uk)

## Appendix A – Important note on the scope and consistency of the statistics

### Defining the scope of Freedom of Information monitoring

Section 1 of the Freedom of Information Act 2000 states that (subject to certain conditions):

*“Any person making a request for information to a public authority is entitled-*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him”*

Regulation 5 of the Environmental Information Regulations 2004 states that (subject to certain conditions):

*“A public authority that holds environmental information shall make it available on request.”*

Following their introduction on 1 January 2005, the above provisions apply to all relevant requests for information made to public authorities, no matter how routine and straightforward they may be.

Government departments supply large amounts of information, both on request and proactively, as an established and routine part of their business. This includes information released in the form of leaflets, correspondence exchanges, reports and other published material, and through websites and departmental FoI Publication Schemes. All information released on request is covered by the Freedom of Information Act. However, it would be both uninformative and fundamentally unfeasible to count all such activity in departmental Freedom of Information monitoring returns.

The statistics in this bulletin therefore relate only to the **“non-routine” information requests** that government departments have received. Essentially, this means that departments’ statistics should only count those requests where:

1. it was necessary to take a considered view on how to handle the request under the terms of the Freedom of Information Act, and
2. departmental Freedom of Information officer(s) were informed of the request and logged it in their case management systems.

## Defining a request

The full definition of an “information request” for the purposes of inclusion in Department for Constitutional Affairs’ (DCA) monitoring returns is shown below. This definition was circulated to members of the central government “Freedom of Information Practitioners’ Group” in November 2004.

*“[An information request for monitoring purposes is one ...]*

1. *Which meets the criteria in section 8 of the Freedom of Information Act and if the request falls under the Environmental Information Regulations it includes requests made in any form or context, including oral requests; **and***
2. *Which is a request for information that is not already reasonably accessible to the applicant by other means; **and***
3.
  - (i) *Which results in the release of one or more documents (in any media) or inclusion of extracts of documents in the information released; **or***
  - (ii) *Results in information being withheld under an exemption or exception from the right of access (either the Freedom of Information Act or the Environmental Information Regulations); **or***
  - (iii) *The request is not processed because the department estimates the cost of complying would exceed the appropriate limit in accordance with section 12 of the Freedom of Information Act; **or***
  - (iv) *The request is not processed because the department is relying on the provisions of section 14 of the Freedom of Information Act; **or***
  - (v) *Where a search is made for information sought in the request and it is found that none is held.”*

## Consistency of the statistics

It is necessary to apply a definition of this sort in order to set a clear boundary to the coverage of our monitoring, and thereby obtain meaningful information from the process. The definition shown above has been widely disseminated to Freedom of Information officers in government and we have tried to ensure that it is applied consistently across all monitored bodies.

However, there is considerable variation in the way these bodies are structured and managed, and in the mechanisms that they have put in place to meet their obligations under the Freedom of Information Act. For example, some bodies operate a centralised Freedom of Information secretariat that co-ordinates responses to all information requests received. Others give a greater degree of autonomy to individual work areas in the handling of information requests.

As a result of these differences, **there is likely to be a degree of inconsistency** in the way in which bodies have interpreted and applied the definition of an “information request” for monitoring purposes. Although we cannot estimate the extent or effect of the likely inconsistency at this stage, it is very important to bear in mind when using the figures in this bulletin, particularly when comparing statistics for individual bodies.

**In summary, it is important to note that:**

- i) These statistics only cover “non-routine” information requests, and do not give a representative picture of all requests for information received in government.**
- ii) There is likely to be a degree of inconsistency between monitored bodies’ interpretations of the definition of an “information request” for monitoring purposes. This should be borne in mind when using these statistics.**

## **Appendix B – Government bodies included in these statistics**

The statistics in this bulletin have been derived from monitoring returns completed by Freedom of Information officers in government departments during early August 2005. The returns were collected and analysed by the Department for Constitutional Affairs, the government department with lead responsibility for the Freedom of Information Act 2000.

The formal monitoring work covers a total of 42 government bodies, including all major departments of state (i.e. Ministerial departments).

The monitored bodies which are not departments of state nonetheless have significant policymaking, regulatory or information-handling functions. As far as possible, this list includes major non-Ministerial Government Departments (NMGDs) and excludes Executive Agencies, although these classifications are not mutually exclusive and ongoing “Machinery of Government” changes make it difficult to define the list precisely.

### **Coverage within the UK**

The Freedom of Information Act 2000 applies in England, Wales and Northern Ireland. The Northern Ireland Office and the Wales Office are included in these statistics. However, we have not collected formal monitoring data from the National Assembly for Wales, or from the bodies that make up the Northern Ireland Civil Service.

The Freedom of Information (Scotland) Act 2002 applies in Scotland. This legislation lies outside the scope of the monitoring work on which this bulletin is based. However, the Scotland Office has been included here because, although it deals with matters relating to Scotland, it is based in England and hence falls under the scope of the Freedom of Information Act 2000 rather than the corresponding Scottish legislation.

A full list of the bodies covered by the monitoring is shown below.

### **Departments of State**

- Cabinet Office
- Department for Constitutional Affairs
- Department for Culture, Media and Sport
- Department for Education and Skills
- Department for Environment, Food and Rural Affairs
- Department for International Development
- Department for Transport
- Department for Work and Pensions
- Department of Health
- Department of Trade and Industry
- Foreign and Commonwealth Office

HM Treasury  
Home Office  
Legal Secretariat to the Law Officers  
Ministry of Defence  
Northern Ireland Office  
Privy Council Office  
Office of the Deputy Prime Minister  
Scotland Office  
Wales Office

#### **Other monitored bodies**

Central Office of Information  
Charity Commission  
Crown Prosecution Service  
Debt Management Office  
Export Credits Guarantee Department  
Food Standards Agency  
Health and Safety Executive and Commission  
HM Land Registry  
HM Revenue and Customs  
National Archives  
National Savings and Investments  
Office for National Statistics  
Office for Standards in Education (OFSTED)  
Office of Fair Trading  
Office of Gas and Electricity Markets (OFGEM)  
Office of Rail Regulation  
Office of Water Services (OFWAT)  
Ordnance Survey  
Royal Mint  
Rural Payments Agency  
Serious Fraud Office  
Treasury Solicitor's Department

#### **Notes**

1. The Office of Communications (OFCOM) have been unable to provide monitoring data during 2005. We will discuss with officials the possibility of OFCOM participating in FoI monitoring work in future years.
2. Cabinet Office figures include requests that were addressed to 10 Downing Street.
3. The Inland Revenue and HM Customs and Excise formally merged from 1 April 2005 to form HM Revenue and Customs. The first statistical bulletin in this series (covering January – March 2005) reported separate statistics for the two predecessor departments. However, combined figures for the new department will be given in this and all subsequent bulletins.
4. The figures provided by a number of Departments of State count the non-routine information requests received by one or more of their agencies, as well those received by the departments themselves. The departments and agencies affected are shown below.

#### Department for Constitutional Affairs

Figures include requests received by HM Court Service where they were referred to the department's Access Rights Unit.

#### Department for Transport

Figures include requests received by the following agencies:

- Driving Standards Agency
- Driver and Vehicle Licensing Agency
- Highways Agency
- Marine and Coastguard Agency
- Vehicle Certification Agency
- Vehicle and Operator Services Agency

#### Department for Work and Pensions

Figures include requests received by the following agencies:

- Appeals Agency
- Child Support Agency
- Disability Carers Service
- Jobcentre plus
- Pension Service
- Rent Service

#### Department of Culture Media and Sport

Figures include requests received by the Royal Parks Agency

#### Ministry of Defence

Figures include requests received by the following agencies:

- ABRO (Army Base Repair Organisation) (Trading Fund)
- Armed Forces Personnel Administration Agency
- Army Training and Recruiting Agency
- British Forces Post Office
- Defence Analytical Services Agency
- Defence Aviation Repair Agency (Trading Fund)
- Defence Bills Agency
- Defence Communications Services Agency
- Defence Estates
- Defence Medical Education and Training Agency
- Defence Procurement Agency
- Defence Science and Technology Laboratory (Trading Fund)
- Defence Storage and Distribution Agency
- Defence Transport and Movements Agency
- Defence Vetting Agency
- Disposal Services Agency
- Duke of York's Royal Military School
- Met Office (Trading Fund)
- Ministry of Defence Police and Guarding Agency
- Naval Recruiting and Training Agency
- Pay and Personnel Agency
- RAF Training Group Defence Agency
- Service Children's Education
- UK Hydrographic Office (Trading Fund)
- Veterans Agency

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