

Freedom of Information Act 2000

Statistics on Implementation in Central
Government

Q2: April - June 2005

Published 30 September 2005



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Also available on the Freedom of Information website at www.foi.gov.uk

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 April to June 2005 and presents the second quarterly set of statistics on their implementation within central government.

The first quarterly bulletin, covering the period from January to March 2005, was published in June 2005 and is available on the Department for Constitutional Affairs (DCA) website at: <http://www.dca.gov.uk/foi/statsjan-mar05.htm>. Please see **Note 8** for details of a minor revision to the first quarter's statistics which has been made since that bulletin was published.

The statistics relate to the handling of written requests for information received by monitored bodies during the relevant time period. **They only cover "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.

Executive Summary

Departments of State reported receiving a total of around 3,800 “non-routine” information requests during the second quarter of 2005 (“Q2”). Other monitored bodies received a total of around 4,600 requests. Across all monitored bodies, around 8,400 requests were received, of which 89 per cent had been processed at the time of monitoring. *[see table 1]*

The total for all monitored bodies of 8,400 requests represents a 38 per cent fall from the equivalent figure during the first quarter of the year (“Q1”), which was 13,600. The decline in request totals from Q1 to Q2 has been significantly greater for Departments of State (50 per cent) than for other monitored bodies (21 per cent).

During Q2, 88 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 of 20 working days* or were subject to a permitted deadline extension. This represents an increase on the equivalent figure from Q1 (82 per cent). *[see table 2]*

Of all “resolvable” requests received during Q2 (i.e. requests where a substantive response was possible), 59 per cent were granted in full, 12 per cent were withheld in part, and 19 per cent were withheld in full. The remaining requests had not yet received a substantive response. *[see table 3]*

During Q1 and Q2 combined, monitored bodies had a total of 806 requests referred for Internal Review on the grounds that information was withheld. Of the 564 Internal Reviews with a known outcome at the time of monitoring, 79 per cent resulted in the initial handling of the request being upheld in full. *[see table 5]*

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

Commentary

Number of requests *[see table 1]*

Departments of State reported receiving a total of 3,828 information requests under the FoI Act and the associated EIRs during the quarter from 1 April – 30 June 2005. Across all monitored bodies, a total of 8,440 requests were reported.

This represents a 38 per cent fall from the 13,603 requests received during Q1. The decline in request totals from Q1 to Q2 has been significantly greater for Departments of State (50 per cent) than for other monitored bodies (21 per cent). As a result, Departments of State accounted for only 45% of all requests received by monitored bodies during Q2, compared to 57% during Q1.

Of the departments of state, the Ministry of Defence reported having received 1,039 requests, by far the highest departmental total. 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 1,754 requests, and the National Archives reported 1,681. No other monitored body received more than 1,000 requests during the quarter.

The numbers of requests received by individual monitored bodies during Q1 are published in the corresponding Q1 bulletin. This is available on the Department for Constitutional Affairs website at: <http://www.dca.gov.uk/foi/statsjan-mar05.htm>. However, please see Note 8 for details of a minor revision to the first quarter's statistics that has been made since this bulletin was published.

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

The large majority of requests (89 per cent) received during Q2 had been processed by the time monitoring information was collected. Of the 964 requests that were still being processed by monitored bodies, 393 (41 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, 82 per cent of requests received a response within this standard deadline. The corresponding figure for Q1 was 69 per cent.

Eighty-eight 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. The equivalent figure for Q1 was 82 per cent. While the least successful bodies had around 40% of their requests “in time” during Q1, there was no monitored body with fewer than 60% of its Q2 requests “in time”.

Note that a 30 working day deadline applies where requests relate wholly or partly to information transferred to the National Archives, rather than the standard 20 working days. 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 8,440 requests reported during Q2 across all monitored bodies, of which 393 were “on hold” awaiting a fee payment. In addition, a further 1,001 (of the 8,440 requests) sought information that was not held, and 994 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 6,052 requests were assumed to be “resolvable” requests, where it was possible to give a substantive response.

Of these “resolvable” requests, 59 per cent were granted in full, 12 per cent were withheld in part, and 19 per cent were withheld in full at the time of monitoring. The remaining 9 per cent had not yet received a substantive response. (As a result of rounding, these percentages do not add to exactly 100%). The corresponding percentages from Q1 were broadly similar, although the proportion of requests which had not received a substantive response was lower in Q2 compared to Q1. This meant that the total proportion of “resolved” requests (where a decision was made on whether to grant or withhold the requested information) has risen in proportion.

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Fees

The Fol 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 in respect of “non routine” information requests received during Q2, compared to 6 during Q1. There were 518 such requests in total, accounting for 6 per cent of all requests received. Nearly all of these requests (510 of the 518) were handled by the National Archives. The other bodies to charge fees during Q2 were the Health and Safety Executive (4 requests), the Office of the Deputy Prime Minister (3 requests) and the Office of Water Services (OFWAT) (1 request).

Use of exemptions and exceptions [see table 4]

Under the Fol 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 1,218 requests across all monitored bodies. The most commonly applied exemptions or exceptions were those listed at Section 40 of the Fol Act (“Personal Information”) which was applied to 361 requests, Section 43 of the Fol Act (“Commercial Interests”) which was applied to 167 requests, and Section 35 of the Fol Act (“Formulation of Government Policy, etc.”) which was applied to 156 requests.

The pattern of exemption and exception usage has changed during Q2 in comparison to Q1. In particular, relative usage of the Fol Act Section 35 exemption (“Formulation of Government Policy, etc.”) has declined: this accounted for 10% of all exemptions and exceptions cited during Q2, compared to 19% during Q1.

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

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, finely-balanced issues, and there is no time limit for requesters to apply for an Internal Review or Appeal if they are dissatisfied. As a 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. This data is collected on a "year to date" basis and in this bulletin relates to both Q1 and Q2 combined.

Across all monitored bodies, 806 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 564 Internal Reviews were known at the time of monitoring, and the initial handling of the request under review was upheld fully in 79% of these cases. Departments of State received 57 Internal Reviews per 1,000 information requests received, compared to 16 Internal Reviews per 1,000 requests among other monitored bodies.

At the time of monitoring there had been 42 appeals to the Information Commissioner relating to the handling of FoI requests by bodies included in these statistics. Only 6 of these appeals had been completed at the time of monitoring. Of these, the public authority's initial handling of the request was upheld in 4 cases, and the complaint was upheld in the other two.

List of Tables

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5. Outcomes of Internal Reviews of information requests received by monitored bodies from 1 January – 30 June 2005, where the requested information was initially withheld

TABLE 1

Number of non-routine information requests received from 1 April - 30 June 2005, and their status at time of monitoring¹

Government body	Total requests received	Request status at time of monitoring ¹		
		Processed	"On hold" or lapsed ²	Still being processed
TOTAL for all monitored bodies	8,440	7,476	393	571
TOTAL for Departments of State only	3,828	3,370	3	455
TOTAL for other monitored bodies	4,612	4,106	390	116
<i>Departments of State</i>				
Cabinet Office	203	181	0	22
Department for Constitutional Affairs #	121	100	0	21
Department for Education and Skills	95	90	0	5
Department for Environment, Food and Rural Affairs	176	160	0	16
Department for International Development	57	49	0	8
Department for Transport #	302	279	0	23
Department for Work and Pensions #	264	243	0	21
Department of Culture, Media and Sport #	83	73	0	10
Department of Health	236	220	0	16
Department of Trade and Industry	192	169	0	23
Foreign and Commonwealth Office	256	213	0	43
HM Treasury	169	133	0	36
Home Office	337	274	0	63
Legal Secretariat to the Law Officers	15	15	0	0
Ministry of Defence #	1,039	940	0	99
Northern Ireland Office	30	24	0	6
Office of the Deputy Prime Minister	182	137	3	42
Privy Council Office	25	25	0	0
Scotland Office	23	23	0	0
Wales Office	23	22	0	1

TABLE 1 continued

Number of non-routine information requests received from 1 April - 30 June 2005, and their status at time of monitoring¹

Government body	Total requests received	Request status at time of monitoring ¹		
		Processed	"On hold" or lapsed ²	Still being processed
<i>Other bodies included in monitoring</i>				
Central Office of Information	6	6	0	0
Charity Commission	43	43	0	0
Crown Prosecution Service	84	83	0	1
Debt Management Office	55	55	0	0
Export Credits Guarantee Department	2	1	0	1
Food Standards Agency	71	65	0	6
Health and Safety Executive	1,754	1,697	4	53
HM Land Registry	35	34	0	1
HM Revenue and Customs	246	221	0	25
National Archives	1,681	1,277	386	18
National Savings and Investments	2	2	0	0
Office for National Statistics	35	35	0	0
Office for Standards in Education	205	197	0	8
Office of Fair Trading	82	82	0	0
Office of Gas and Electricity Markets (OFGEM)	142	142	0	0
Office of Rail Regulation	19	19	0	0
Office of Water Services (OFWAT)	20	20	0	0
Ordnance Survey	26	26	0	0
Royal Mint	3	3	0	0
Rural Payments Agency	59	56	0	3
Serious Fraud Office	9	9	0	0
Treasury Solicitor's Department	33	33	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 August 2005

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 April - 30 June 2005

Government body	Total requests received (excluding on-hold and lapsed ¹)	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 ² to 20-day deadline	Late response (i.e. 20-day deadline missed)		
TOTAL for all monitored bodies	8,047	6,588	482	977	82%	88%
TOTAL for Departments of State only	3,825	2,664	389	772	70%	80%
TOTAL for other monitored bodies	4,222	3,924	93	205	93%	95%
Departments of State						
Cabinet Office	203	145	31	27	71%	87%
Department for Constitutional Affairs #	121	69	19	33	57%	73%
Department for Education and Skills	95	75	13	7	79%	93%
Department for Environment, Food and Rural Affairs	176	123	36	17	70%	90%
Department for International Development	57	36	15	6	63%	89%
Department for Transport #	302	245	20	37	81%	88%
Department for Work and Pensions #	264	218	15	31	83%	88%
Department of Culture, Media and Sport #	83	57	5	21	69%	75%
Department of Health	236	161	6	69	68%	71%
Department of Trade and Industry	192	127	26	39	66%	80%
Foreign and Commonwealth Office	256	141	65	50	55%	80%
HM Treasury	169	77	31	61	46%	64%
Home Office	337	148	54	135	44%	60%
Legal Secretariat to the Law Officers	15	9	3	3	*	*
Ministry of Defence #	1,039	831	35	173	80%	83%
Northern Ireland Office	30	17	3	10	57%	67%
Office of the Deputy Prime Minister	179	120	10	49	67%	73%
Privy Council Office	25	25	0	0	100%	100%
Scotland Office	23	20	0	3	87%	87%
Wales Office	23	20	2	1	87%	96%

TABLE 2 continued

Timeliness of response to non-routine information requests received by monitored bodies from 1 April - 30 June 2005

Government body	Total requests received (excluding on-hold and lapsed ¹)	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 ² to 20-day deadline	Late response (i.e. 20-day deadline missed)		
Other bodies included in monitoring						
Central Office of Information	6	5	0	1	*	*
Charity Commission	43	40	0	3	93%	93%
Crown Prosecution Service	84	73	3	8	87%	90%
Debt Management Office	55	55	0	0	100%	100%
Export Credits Guarantee Department	2	0	2	0	*	*
Food Standards Agency	71	61	7	3	86%	96%
Health and Safety Executive	1,750	1,647	12	91	94%	95%
HM Land Registry	35	34	1	0	97%	100%
HM Revenue and Customs	246	176	25	45	72%	82%
National Archives ^	1,295	1,257	20	18	97%	99%
National Savings and Investments	2	2	0	0	*	*
Office for National Statistics	35	32	2	1	91%	97%
Office for Standards in Education	205	174	12	19	85%	91%
Office of Fair Trading	82	76	0	6	93%	93%
Office of Gas and Electricity Markets (OFGEM)	142	131	3	8	92%	94%
Office of Rail Regulation	19	19	0	0	*	*
Office of Water Services (OFWAT)	20	20	0	0	*	*
Ordnance Survey	26	26	0	0	100%	100%
Royal Mint	3	3	0	0	*	*
Rural Payments Agency	59	51	6	2	86%	97%
Serious Fraud Office	9	9	0	0	*	*
Treasury Solicitor's Department	33	33	0	0	100%	100%

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 April - 30 June 2005

Government body	Total requests received (excluding on-hold and lapsed ¹)	Requests where advice and assistance ² provided	Requests where information not held	Total "resolvable" requests ³	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 ⁴	Response not yet provided ⁵		
TOTAL for all monitored bodies	8,047	994	1,001	6,052	3,575	746	1,160	571	59%	19%
TOTAL for Departments of State only	3,825	169	529	3,127	1,725	374	573	455	55%	18%
TOTAL for other monitored bodies	4,222	825	472	2,925	1,850	372	587	116	63%	20%
Departments of State										
Cabinet Office	203	6	41	156	72	25	37	22	46%	24%
Department for Constitutional Affairs #	121	8	30	83	33	6	23	21	40%	28%
Department for Education and Skills	95	3	12	80	40	17	18	5	50%	23%
Department for Environment, Food and Rural Affairs	176	15	16	145	80	27	22	16	55%	15%
Department for International Development	57	3	8	46	19	7	12	8	41%	26%
Department for Transport #	302	3	30	269	177	34	35	23	66%	13%
Department for Work and Pensions #	264	0	17	247	171	25	30	21	69%	12%
Department of Culture, Media and Sport #	83	5	10	68	38	10	10	10	56%	15%
Department of Health	236	40	41	155	103	14	22	16	66%	14%
Department of Trade and Industry	192	0	25	167	56	20	68	23	34%	41%
Foreign and Commonwealth Office	256	15	35	206	62	38	63	43	30%	31%
HM Treasury	169	15	42	112	31	11	34	36	28%	30%
Home Office	337	19	54	264	94	29	78	63	36%	30%
Legal Secretariat to the Law Officers	15	2	3	10	3	2	5	0	*	*
Ministry of Defence #	1,039	28	83	928	643	90	96	99	69%	10%
Northern Ireland Office	30	0	10	20	8	1	5	6	*	*
Office of the Deputy Prime Minister	179	4	29	146	76	16	12	42	52%	8%
Privy Council Office	25	2	21	2	2	0	0	0	*	*
Scotland Office	23	0	18	5	2	2	1	0	*	*
Wales Office	23	1	4	18	15	0	2	1	*	*

TABLE 3 continued
Initial outcomes of non-routine information requests received by monitored bodies from 1 April - 30 June 2005

Government body	Total requests received (excluding on-hold and lapsed ¹)	Requests where advice and assistance ² provided	Requests where information not held	Total "resolvable" requests ³	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 ⁴	Response not yet provided ⁵		
Other bodies included in monitoring										
Central Office of Information	6	0	0	6	5	1	0	0	*	*
Charity Commission	43	9	1	33	22	6	5	0	67%	15%
Crown Prosecution Service	84	6	17	61	9	6	45	1	15%	74%
Debt Management Office	55	0	0	55	55	0	0	0	100%	0%
Export Credits Guarantee Department	2	0	0	2	0	1	0	1	*	*
Food Standards Agency	71	0	5	66	23	35	2	6	35%	3%
Health and Safety Executive	1,750	668	180	902	339	175	335	53	38%	37%
HM Land Registry	35	0	1	34	29	2	2	1	85%	6%
HM Revenue and Customs	246	0	29	217	122	30	40	25	56%	18%
National Archives	1,295	95	157	1,043	941	31	53	18	90%	5%
National Savings and Investments	2	0	0	2	2	0	0	0	*	*
Office for National Statistics	35	1	5	29	12	2	15	0	41%	52%
Office for Standards in Education	205	0	27	178	108	31	31	8	61%	17%
Office of Fair Trading	82	3	14	65	16	24	25	0	25%	38%
Office of Gas and Electricity Markets (OFGEM)	142	25	16	101	91	8	2	0	90%	2%
Office of Rail Regulation	19	1	2	16	13	1	2	0	*	*
Office of Water Services (OFWAT)	20	3	2	15	11	2	2	0	*	*
Ordnance Survey	26	4	5	17	13	4	0	0	*	*
Royal Mint	3	0	0	3	2	0	1	0	*	*
Rural Payments Agency	59	3	7	49	23	8	15	3	47%	31%
Serious Fraud Office	9	1	2	6	0	2	4	0	*	*
Treasury Solicitor's Department	33	6	2	25	14	3	8	0	56%	32%

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 exceptions¹ applied by monitored bodies* when withholding non-trivial information requests received from 1 April - 30 June 2005

Exemption / Exception ¹	Number of requests where exemption used		
	Departments of State only	Other monitored bodies*	TOTAL
Total number of requests where one or more exemptions or exceptions were applied	787	431	1,218
Number of requests where each exemption (listed in Part II of Fol Act²) was applied			
S(22) - Information intended for future publication	43	7	50
S(23) - Information supplied by, or relating to, bodies dealing with security matters	41	5	46
S(24) - National security	25	1	26
S(26) - Defence	23	1	24
S(27) - International relations	76	6	82
S(28) - Relations within the United Kingdom	2	0	2
S(29) - The economy	3	4	7
S(30) - Investigations and proceedings conducted by public authorities	10	43	53
S(31) - Law enforcement	51	31	82
S(32) - Court records, etc	8	3	11
S(33) - Audit functions	3	3	6
S(34) - Parliamentary privilege	1	0	1
S(35) - Formulation of Government policy, etc	144	12	156
S(36) - Prejudice to effective conduct of public affairs	70	15	85
S(37) - Communications with Her Majesty, etc and honours	7	0	7
S(38) - Health and Safety	17	14	31
S(39) - Environmental information	_3	_3	_3
S(40) - Personal information	162	199	361
S(41) - Information provided in confidence	55	82	137
S(42) - Legal professional privilege	35	25	60
S(43) - Commercial interests	111	56	167
S(44) - Prohibitions on disclosure	20	83	103
Number of requests where each exception (listed in Part 3 of EIRs) was applied			
3(a) - Exempt personal data	3	11	14
4(b) - Manifestly unreasonable	1	1	2
4(c) - Too general	0	0	0
4(d) - Work in progress / incomplete data	8	2	10
4(e) - Internal communications	10	2	12
5(a) - Adverse effect on international relations, defence, national security, public safety	8	0	8
5(b) - Adverse effect on course of justice or conduct of enquiries	0	1	1
5(c) - Adverse effect on intellectual property rights	0	0	0
5(d) - Impinges on confidentiality of a public authority's work	2	0	2
5(e) - Impinges on confidentiality of commercial or industrial information	5	1	6
5(f) - Adverse effect on interests of person who provided the information	0	0	0
5(g) - Adverse effect on protection of environment to which information relates	8	0	8

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 Reviews¹ of non-trivial information requests received by monitored bodies* from 1 January - 30 June 2005, where the requested information was initially withheld

	Departments of State only	Other monitored bodies*	TOTAL
Total number of Internal Reviews (of requests where information was withheld)	657	149	806
Number of Internal Reviews with known outcome at time of monitoring	437	127	564
Of Internal Reviews with known outcome, number where:			
Initial handling of request upheld in full	337	106	443
Initial handling of request upheld in part	57	10	67
Applicant's complaint upheld	42	11	53
Percentage of Internal Reviews where initial handling was upheld in full	77%	83%	79%

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.

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)

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 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 August 2005. They relate to information requests received during the period 1 April – 30 June 2005. The collection of monitoring data began on the 21st working day after the last day of this period (i.e. 29 July 2005), 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 was received during the first two weeks of August 2005.
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 one fewer than in the previous quarter, 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 second 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 the period 1 April 2005 to 30 June 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 the period 1 January 2005 to 30 June 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 this data for discrete quarterly time periods.

8. Following the publication of the first quarterly set of FoI statistics (on 23 June 2005) it has been necessary to make a minor revision to these statistics. This is a result of an earlier error in DCA’s interpretation of monitoring data provided by The National Archives, which led to 176 “lapsed” requests not being included in the reported number of requests received. “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 Q1 statistics have been corrected.
 - Total requests received (all monitored bodies): **13,603** rather than 13,427
 - Requests “on hold” or lapsed (all monitored bodies): **685** rather than 509
 - Total requests received (“other monitored bodies”): **5,870** rather than 5,694
 - Requests “on hold” or lapsed (“other monitored bodies”): **675** rather than 499
 - Total requests received (National Archives): **1,925** rather than 1,749
 - Requests “on hold” or lapsed (National Archives): **666** rather than 490

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 at:

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

Tel: 020 7210 8034

E-mail: informationrights@dca.gsi.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 43 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 Fol 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 Licencing 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

