

# **Freedom of Information Act 2000**

Statistics on Implementation in Central  
Government

Q1: January – March 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 presents the first set of statistics on their implementation within central government.

The statistics relate to the handling of written requests for information received by monitored bodies during the first quarter of 2005 (i.e. 1 January - 31 March). **They only cover “non-routine” information requests.** Information given out as a part of routine business should not be counted. All statistics given in this bulletin therefore relate to “non-routine” requests only. **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 43 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 7,700 “non-routine” information requests during the quarter. Across all monitored bodies, this figure was around 13,400, eighty-six per cent of which had been processed at the time of monitoring. *[see table 1]*

Eighty-two per cent of all monitored bodies’ requests were processed “in time” in that they received a response within the statutory deadline of 20 working days\*, or were subject to a permitted deadline extension. This percentage excludes requests which were “on hold” because a fee had been charged, but had not yet been paid. *[see table 2]*

Of all “resolvable” requests (i.e. requests where a substantive response was possible), 56 per cent were granted in full, 13 per cent were withheld in part, and 18 per cent were withheld in full. The remaining requests had not yet received a substantive response. *[see table 3]*

Monitored bodies have had a total of 430 requests referred for Internal Review on the grounds that some or all information was withheld. *[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 7,733 information requests under the Fol Act and the associated EIRs during the quarter from 1 January – 31 March 2005. Across all monitored bodies, a total 13,427 requests were reported.

Of the departments of state, the Ministry of Defence reported having received 1,843 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. Among other monitored bodies, the Health and Safety Executive reported having received 2,085 requests, and the National Archives reported 1,749. No other monitored body reported having received more than 1,000 requests during the quarter.

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

The large majority of requests (86 per cent) had been processed by the time monitoring information was collected. Of the 1,853 requests that were still being processed by monitored bodies, 509 (32 per cent) were reported as “on hold” because a fee had been charged but no payment had been received at the time of monitoring. These requests are effectively in suspension, since public authorities are not obliged to respond until the fee has been paid.

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

The Fol Act requires public bodies to respond to written requests for information within 20 working days of receipt. Across all monitored bodies, 69 per cent of requests received a response within this standard deadline. Eighty-three per cent of requests were “in time”, in that they either received a response within the standard 20-day deadline or were subject to a permitted deadline extension.

Note that, although the standard statutory deadline for responding to an information request is 20 working days, a 30 working day deadline applies where

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requests relate wholly or partly to archived information. As a result, the National Archives' provided response timeliness information on this basis.

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

As stated above, there were 13,427 requests reported during the quarter across all monitored bodies, of which 509 were “on hold” awaiting a fee payment. In addition, a further 1,587 were requests for information that was not held, and 775 were responded to with “advice and assistance” because the body handling the request needed further information in order to identify the information being sought. The remaining 10,556 requests were assumed to be “resolvable” requests, where it was possible to give a substantive response.

Of these “resolvable” requests, 56 per cent were granted in full, 13 per cent were withheld in part, and 18 per cent were withheld in full. The remaining 13 per cent had not yet received a substantive response.

**Fees**

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

Only 6 of the 43 monitored bodies reported charging fees in respect of “non routine” information requests received during the quarter. There were 847 such requests in total, accounting for 6 per cent of all requests received. Of these 847 requests, 812 (96 per cent) were handled by the National Archives.

**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

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- 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 2,413 requests across all monitored bodies. The most commonly applied exemptions or exceptions were those listed at Section 35 of the FoI Act (“Formulation of Government Policy, etc.”) which was applied to 611 of these requests, and Section 40 of the FoI Act (“Personal Information”) which was applied to 569 requests.

#### **Internal Reviews of requests [see table 5]**

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.

Across all monitored bodies, 427 Internal Reviews were reported as having been initiated at the time of monitoring on the grounds that some or all of the requested information was initially withheld. The outcomes of 200 Internal Reviews were known at the time of monitoring, and the initial handling of the request under review was upheld fully in 83% of these cases.

#### **Appeals to the Information Commissioner**

At the time of monitoring there had been very few appeals to the Information Commissioner from the bodies covered by these statistics. As a result this bulletin does not present figures on these appeals.

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5. Outcomes of Internal Reviews of information requests received by monitored bodies from 1 January - 31 March 2005, where the requested information was initially withheld

**TABLE 1****Number of non-routine information requests received from 1 January - 31 March 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" <sup>2</sup> awaiting fee payment	Still being processed
<b>TOTAL for all monitored bodies</b>	<b>13,427</b>	<b>11,574</b>	<b>509</b>	<b>1,344</b>
<b>TOTAL for Departments of State only</b>	<b>7,733</b>	<b>6,772</b>	<b>10</b>	<b>951</b>
<b>TOTAL for other monitored bodies</b>	<b>5,694</b>	<b>4,802</b>	<b>499</b>	<b>393</b>
<b><i>Departments of State</i></b>				
Cabinet Office	764	737	0	27
Department for Constitutional Affairs #	273	260	0	13
Department for Education and Skills	245	212	0	33
Department for Environment, Food and Rural Affairs	344	332	0	12
Department for International Development	94	86	0	8
Department for Transport #	591	562	0	29
Department for Work and Pensions #	437	413	0	24
Department of Culture, Media and Sport #	185	143	0	42
Department of Health	424	393	0	31
Department of Trade and Industry	341	287	0	54
Foreign and Commonwealth Office	574	491	0	83
HM Treasury	277	209	0	68
Home Office	710	512	0	198
Legal Secretariat to the Law Officers	80	80	0	0
Ministry of Defence #	1,843	1,585	0	258
Northern Ireland Office	80	64	9	7
Office of the Deputy Prime Minister	393	330	1	62
Privy Council Office	16	16	0	0
Scotland Office	36	35	0	1
Wales Office	26	25	0	1

**TABLE 1****Number of non-routine information requests received from 1 January - 31 March 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" <sup>2</sup> awaiting fee payment	Still being processed
<b><i>Other bodies included in monitoring</i></b>				
Central Office of Information	21	21	0	0
Charity Commission	94	94	0	0
Crown Prosecution Service	143	141	0	2
Debt Management Office	78	78	0	0
Export Credits Guarantee Department	34	27	0	7
Food Standards Agency	102	98	0	4
Health and Safety Executive	2,085	1,763	7	315
HM Customs and Excise	155	138	0	17
HM Land Registry	94	93	0	1
Inland Revenue	356	337	0	19
National Archives	1,749	1,246	490	13
National Savings and Investments	8	7	0	1
Office for National Statistics	71	71	0	0
Office for Standards in Education	133	133	0	0
Office of Fair Trading	108	107	0	1
Office of Gas and Electricity Markets (OFGEM)	156	152	0	4
Office of Rail Regulation	48	48	0	0
Office of Water Services (OFWAT)	32	32	0	0
Ordnance Survey	56	56	0	0
Royal Mint	3	3	0	0
Rural Payments Agency	74	65	0	9
Serious Fraud Office	19	19	0	0
Treasury Solicitor's Department	75	73	2	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 week commencing 9 May 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.

**TABLE 2**  
**Timeliness of response to non-routine information requests received by monitored bodies from 1 January - 31 March 2005**

Government body	Total requests received (excluding "on hold" <sup>1</sup> )	Timeliness of response <sup>***</sup>			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>12,918</b>	<b>8,894</b>	<b>1,764</b>	<b>2,256</b>	<b>69%</b>	<b>83%</b>
<b>TOTAL for Departments of State only</b>	<b>7,723</b>	<b>4,911</b>	<b>917</b>	<b>1,895</b>	<b>64%</b>	<b>75%</b>
<b>TOTAL for other monitored bodies</b>	<b>5,195</b>	<b>3,983</b>	<b>847</b>	<b>361</b>	<b>77%</b>	<b>93%</b>
<b>Departments of State</b>						
Cabinet Office	764	485	126	153	63%	80%
Department for Constitutional Affairs #	273	226	14	33	83%	88%
Department for Education and Skills	245	160	59	26	65%	89%
Department for Environment, Food and Rural Affairs	344	210	65	69	61%	80%
Department for International Development	94	67	4	23	71%	76%
Department for Transport #	591	493	29	69	83%	88%
Department for Work and Pensions #	437	356	42	39	81%	91%
Department of Culture, Media and Sport #	185	120	49	16	65%	91%
Department of Health	424	228	14	182	54%	57%
Department of Trade and Industry	341	201	26	114	59%	67%
Foreign and Commonwealth Office	574	295	184	95	51%	83%
HM Treasury	277	114	0	163	41%	41% ^
Home Office	710	210	74	426	30%	40%
Legal Secretariat to the Law Officers	80	56	6	18	70%	78%
Ministry of Defence #	1,843	1,311	182	350	71%	81%
Northern Ireland Office	71	46	15	10	65%	86%
Office of the Deputy Prime Minister	392	278	17	97	71%	75%
Privy Council Office	16	15	0	1	*	*
Scotland Office	36	18	9	9	50%	75%
Wales Office	26	22	2	2	85%	92%

**Note**

\*\*\* - All departments are looking at how they can improve their timeliness performance. In the least successful departments, difficulties with case management processes have been a factor in delay. These departments are already working with the Department for Constitutional Affairs in looking at best practice in other government departments to see what adjustments can be made. The Information Commissioner will be appraised of action taken in due course.

Further notes at end of table

**TABLE 2**  
**Timeliness of response to non-routine information requests received by monitored bodies from 1 January - 31 March 2005**

Government body	Total requests received (excluding "on hold" <sup>1</sup> )	Timeliness of response <sup>***</sup>			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	21	20	0	1	95%	95%
Charity Commission	94	87	0	7	93%	93%
Crown Prosecution Service	143	135	6	2	94%	99%
Debt Management Office	78	78	0	0	100%	100%
Export Credits Guarantee Department	34	18	13	3	53%	91%
Food Standards Agency	102	92	6	4 ~	90%	96%
Health and Safety Executive	2,078	1,133	731	214	55%	90%
HM Customs and Excise	155	112	13	30	72%	81%
HM Land Registry	94	92	1	1	98%	99%
Inland Revenue	356	303	11	42	85%	88%
National Archives ##	1,259	1,228	23	8	98%	99%
National Savings and Investments	8	7	0	1	*	*
Office for National Statistics	71	71	0	0	100%	100%
Office for Standards in Education	133	118	0	15	89%	89%
Office of Fair Trading	108	101	5	2	94%	98%
Office of Gas and Electricity Markets (OFGEM)	156	133	11	12	85%	92%
Office of Rail Regulation	48	47	1	0	98%	100%
Office of Water Services (OFWAT)	32	30	2	0	94%	100%
Ordnance Survey	56	55	0	1	98%	98%
Royal Mint	3	3	0	0	*	*
Rural Payments Agency	74	30	24	20	41%	73%
Serious Fraud Office	19	19	0	0	*	*
Treasury Solicitor's Department	73	71	0	2	97%	97%

**Notes**

\*\*\* - All departments are looking at how they can improve their timeliness figures. In the least successful departments, a factor in delay has been difficulties with case management processes. These departments are already working with the Department of Constitutional Affairs in looking at best practice in other government departments to see what adjustments can be made. The Information Commissioner will be appraised of action taken in due course.

\* - 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.

^ - HM Treasury's request management system distinguishes between cases which were processed within 20 days and those which took longer, but it does not currently identify cases where a permitted deadline extension was used. As a result no such cases have been reported. This figure may therefore underestimate the percentage of HM Treasury requests which were "in time".

- -The Food Standards Agency did not provide information about their 4 requests which were still in progress at the time of monitoring. These requests have been treated as "late" although some may have been subject to deadline extensions which were not reported to DCA.

1 - 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. 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 January - 31 March 2005**

Government body	Total requests received (excluding "on hold" <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>12,918</b>	<b>775</b>	<b>1,587</b>	<b>10,556</b>	<b>5,929</b>	<b>1,407</b>	<b>1,876</b>	<b>1,344</b>	<b>56%</b>	<b>18%</b>
<b>TOTAL for Departments of State only</b>	<b>7,723</b>	<b>483</b>	<b>967</b>	<b>6,273</b>	<b>3,187</b>	<b>902</b>	<b>1,233</b>	<b>951</b>	<b>51%</b>	<b>20%</b>
<b>TOTAL for other monitored bodies</b>	<b>5,195</b>	<b>292</b>	<b>620</b>	<b>4,283</b>	<b>2,742</b>	<b>505</b>	<b>643</b>	<b>393</b>	<b>64%</b>	<b>15%</b>
<b>Departments of State</b>										
Cabinet Office	764	160	141	463	136	61	239	27	29%	52%
Department for Constitutional Affairs #	273	26	80	167	77	16	61	13	46%	37%
Department for Education and Skills	245	0	24	221	112	48	28	33	51%	13%
Department for Environment, Food and Rural Affairs	344	43	45	256	152	52	40	12	59%	16%
Department for International Development	94	10	26	58	36	3	11	8	62%	19%
Department for Transport #	591	28	64	499	377	48	45	29	76%	9%
Department for Work and Pensions #	437	0	23	414	281	37	72	24	68%	17%
Department of Culture, Media and Sport #	185	6	18	161	87	23	9	42	54%	6%
Department of Health	424	53	70	301	177	34	59	31	59%	20%
Department of Trade and Industry	341	0	83	258	54	52	98	54	21%	38%
Foreign and Commonwealth Office	574	89	27	458	92	222	61	83	20%	13%
HM Treasury	277	25	12	240	70	45	57	68	29%	24%
Home Office	710	0	91	619	171	61	189	198	28%	31%
Legal Secretariat to the Law Officers	80	7	19	54	10	6	38	0	19%	70%
Ministry of Defence #	1,843	0	140	1,703	1,146	127	172	258	67%	10%
Northern Ireland Office	71	0	18	53	14	18	14	7	26%	26%
Office of the Deputy Prime Minister	392	25	66	301	176	38	25	62	58%	8%
Privy Council Office	16	0	5	11	6	5	0	0	*	*
Scotland Office	36	4	10	22	4	4	13	1	18%	59%
Wales Office	26	7	5	14	9	2	2	1	*	*

**TABLE 3**  
**Initial outcomes of non-routine information requests received by monitored bodies from 1 January - 31 March 2005**

Government body	Total requests received (excluding "on hold" <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	21	6	0	15	12	3	0	0	*	*
Charity Commission	94	8	3	83	75	3	5	0	90%	6%
Crown Prosecution Service	143	13	27	103	27	13	61	2	26%	59%
Debt Management Office	78	0	0	78	78	0	0	0	100%	0%
Export Credits Guarantee Department	34	4	0	30	15	2	6	7	50%	20%
Food Standards Agency	102	0	5	97	35	33	25	4	36%	26%
Health and Safety Executive	2,078	208	261	1,609	873	247	174	315	54%	11%
HM Customs and Excise	155	0	25	130	52	18	43	17	40%	33%
HM Land Registry	94	0	3	91	84	3	3	1	92%	3%
Inland Revenue	356	0	40	316	168	48	81	19	53%	26%
National Archives	1,259	0	185	1,074	907	37	117	13	84%	11%
National Savings and Investments	8	1	0	7	6	0	0	1	*	*
Office for National Statistics	71	0	18	53	32	5	16	0	60%	30%
Office for Standards in Education	133	0	10	123	85	15	23	0	69%	19%
Office of Fair Trading	108	4	7	97	27	47	22	1	28%	23%
Office of Gas and Electricity Markets (OFGEM)	156	11	0	145	126	5	10	4	87%	7%
Office of Rail Regulation	48	2	14	32	28	2	2	0	88%	6%
Office of Water Services (OFWAT)	32	0	2	30	22	6	2	0	73%	7%
Ordnance Survey	56	7	1	48	41	6	1	0	85%	2%
Royal Mint	3	0	0	3	3	0	0	0	*	*
Rural Payments Agency	74	2	0	72	27	9	27	9	38%	38%
Serious Fraud Office	19	6	1	12	6	0	6	0	*	*
Treasury Solicitor's Department	73	20	18	35	13	3	19	0	37%	54%

**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" 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.

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 details.

3 - "Resolvable requests" are all those where it would have been possible to provide a substantive response. They exclude requests "on hold", requests where the information was not held, and requests 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 minority 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 January - 31 March 2005**

Exemption / Exception <sup>1</sup>	Number of requests where exemption used	
	Departments of State only	All monitored bodies*
<b>Total number of requests where one or more exemptions or exceptions were applied</b>	<b>1,850</b>	<b>2,413</b>
<b>Number of requests where each exemption (listed in Part II of Fol Act) was applied</b>		
S(22) - Information intended for future publication	104	118
S(23) - Information supplied by, or relating to, bodies dealing with security matters	92	104
S(24) - National security	46	65
S(26) - Defence	36	41
S(27) - International relations	208	220
S(28) - Relations within the United Kingdom	14	24
S(29) - The economy	4	9
S(30) - Investigations and proceedings conducted by public authorities	22	67
S(31) - Law enforcement	44	94
S(32) - Court records, etc	21	31
S(33) - Audit functions	5	7
S(34) - Parliamentary privilege	7	8
S(35) - Formulation of Government policy, etc	589	611
S(36) - Prejudice to effective conduct of public affairs	191	201
S(37) - Communications with Her Majesty, etc and honours	54	55
S(38) - Health and Safety	39	67
S(39) - Environmental information	- <sup>2</sup>	- <sup>2</sup>
S(40) - Personal information	413	569
S(41) - Information provided in confidence	148	233
S(42) - Legal professional privilege	166	201
S(43) - Commercial interests	184	237
S(44) - Prohibitions on disclosure	38	150
<b>Number of requests where each exception (listed in Part 3 of EIRs) was applied</b>		
3(a) - Exempt personal data	10	17
4(b) - Manifestly unreasonable	0	16
4(c) - Too general	9	9
4(d) - Work in progress / incomplete data	11	16
4(e) - Internal communications	26	28
5(a) - Adverse effect on international relations, defence, national security or public safety	9	10
5(b) - Adverse effect on course of justice or conduct of enquiries	3	4
5(c) - Adverse effect on intellectual property rights	0	0
5(d) - Impinges on confidentiality of a public authority's work	8	8
5(e) - Impinges on confidentiality of commercial or industrial information	17	19
5(f) - Adverse effect on interests of person who provided the information	5	5
5(g) - Adverse effect on protection of environment to which information relates	6	6

**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 Inland Revenue and the Health and Safety Executive did not provide details on specific exemptions used, and this table therefore excludes information requests handled by these bodies. Additionally, the Department of Trade and Industry's data on exemption usage is not complete.

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 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\* from 1 January - 31 March 2005, where the requested information was initially withheld**

	Departments of State only	All monitored bodies*
<b>Total number of Internal Reviews</b> (of requests where information was withheld)	351	427
<b>Number of Internal Reviews with known outcome at time of monitoring</b>	<b>150</b>	<b>200</b>
Of Internal Reviews with known outcome, number where:		
Initial handling of request upheld in full	124	166
Initial handling of request upheld in part	17	21
Applicant's complaint upheld	9	13
<b>Percentage of Internal Reviews where initial handling was upheld in full</b>	<b>83%</b>	<b>83%</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.

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 May 2005. They relate to information requests received during the period 1 January 2005 – 31 March 2005. The collection of monitoring data began on the 21<sup>st</sup> working day after the last day of this period (i.e. 29 April 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 majority of data was received during the week commencing 9 May 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. The formal Fol / EIR monitoring work, on which these statistics are based, covers a total of **43** central government bodies. A full list of monitored bodies is shown in **Appendix B**.
7. This is the first quarterly statistical bulletin on the implementation of the Freedom of Information Act. As a result, all the statistics within this publication relate to the same time period (1 January – 31 March 2005). Subsequent publications in this series will present figures on the initial processing of information requests on a quarterly basis, and figures on any follow-up activity (i.e, Internal Reviews and Appeals to the Information Commissioner) on a “year to date” basis. This is because review and appeal work for a single request can take several months to run its course, 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. This publication has been prepared jointly by the Economics and Statistics Division and the Information Rights Division of the Department for Constitutional Affairs.
9. 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  
6<sup>th</sup> 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.gsi.gov.uk](mailto: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.

However, government departments supply large amounts of information on request as an established and routine part of their business. This includes information released in the form of leaflets, reports and other published material, through correspondence exchanges, and in answers to Parliamentary Questions. While all of the above work is covered by the Freedom of Information Act, 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 system.

### **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 handing 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 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 May 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 Customs & Excise  
HM Land Registry  
Inland Revenue  
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) were unable to provide monitoring data for the first quarter. OFCOM may participate in future monitoring exercises and if it does so we will include its figures in future monitoring bulletins.
2. Cabinet Office figures include requests that were addressed to 10 Downing Street.
3. The Inland Revenue and HM Customs and Excise merged on 1 April 2005 to form HM Revenue and Customs. Separate figures are shown here for the Inland Revenue and HM Customs and Excise since these bodies still existed during the period covered by this bulletin. Future bulletins will present a single set of figures for the new merged body.
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 the 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

and also the following agencies which were absorbed into the Ministry of Defence from 1 April 2005 but which existed as separate bodies during the period covered by this bulletin:

Defence Dental Agency  
Defence Geographic and Imagery Intelligence Agency  
Defence Intelligence and Security Centre  
Medical Supplies Agency  
Queen Victoria School  
Warship Support Agency

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