

## **Scottish Information Commissioner**

### **Public Awareness Research**

**October 2005**

On 1 January 2005, the Freedom of Information (Scotland) Act 2002 (the Act) introduced a new right of access to information held by Scottish public authorities. Anyone who requests information from a public authority is now entitled to receive it, subject to certain exemptions. This right extends to everyone, regardless of their age or country of residence.

One of the responsibilities of the Scottish Information Commissioner is to promote these new rights. To help inform his promotional strategy, and provide a benchmark against which the effectiveness of the strategy can be measured, the Commissioner commissioned a programme of research to evaluate the public's awareness of the Act, and assess whether they are likely to use the rights it provides in future.

An initial survey (S1) was carried out in August 2004 and repeated in April 2005 (S2) to monitor the effect of the Commissioner's promotional activity. A further survey (S3) was carried out in October 2005, in order to continue the monitoring process. This is the report of that survey.

### **Research Objectives**

The research objectives for S3 remained largely unchanged from those identified for the original survey which were to measure and identify:

- 1) Public awareness of the Freedom of Information (Scotland) Act 2002
- 2) Public awareness of the role of the Scottish Information Commissioner
- 3) Public awareness of the new rights provided by the Act
- 4) Public understanding of the term "Scottish public authority"
- 5) Whether people have requested information from Scottish public authorities in the past
- 6) Whether people would be likely to make such requests in the future.

Item (4) above was deleted from the objectives for S3 as it was felt that awareness of Scottish public authorities had been established in the previous surveys and was unlikely to have significantly changed.

### **Methodology**

Scottish Opinion was again commissioned to use their in-house Omnibus poll to conduct the fieldwork. The questionnaire used in S2 was modified slightly for S3.

1004 people were interviewed by telephone between 18 and 25 October 2005 to provide a data set with a maximum standard error of +/- 3.1% at the 95% confidence interval.

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

Results were presented in the form of tables showing the baseline responses to each question and a breakdown of these responses by age, sex, socio-economic group and region. Additional tables were also provided which cross-tabulated each question in turn with the questions designed to show levels of awareness of the Act and of the Commissioner.

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

## **Key Findings**

The third survey was conducted soon after the second 5-week run of the Commissioner's television advertisement, which was screened on terrestrial channels between 5 September 2005 and 9 October 2005. The same advertisement was shown in this period as in February and March of the same year, with a small amendment: a telephone number was provided for further information instead of a website address.

The study reveals the following **key results**:

- A significant rise in awareness of the role of the Scottish Information Commissioner
- A further significant increase in awareness of the Act and the rights that it affords
- An increase in the proportion of respondents who are likely to request information from a Scottish public authority, particularly among those who are aware of the Scottish Information Commissioner
- An increase in the number of people who think that the Act will be useful to them, but a decline in opinion that authorities are becoming more open and accountable as a result of the Act

## **Summary of results**

### **Q1. Have you ever made a written request for information that a public authority holds?**

Total responses: Yes, 8%, No 91%. (Survey 2 (S2) results yes, 4% No 96%)

The proportion of respondents who have made a written request for information has doubled since the last survey, but this is still a relatively small proportion of the whole sample.

The proportion of respondents from the C2 social grade who reported having made a request increased from 4% in S2 to 20% in S3. The responses from different age groups to this question were also of note. The 35-44, 45-54, and 55-64 age groups were all more likely to have requested information than people in the youngest and oldest age groups.

A correlation is evident between awareness of the Act and the Commissioner and having made a request for information. For example, 10% of those aware of the Act had made a request, compared to only 3% of those unaware. In addition, 29% of those aware of the Commissioner had made a request, again compared to 3% of those unaware.

**Q2a – (only asked of the 83 respondents who answered yes to Q1)**

**Has any request been made since the start of 2005?**

37% yes, 63% no

The responses to this question suggest that of all those respondents who have requested information in the past, just over a third have done so since the Act came into force. The majority (63%) had done so at some unspecified point further in the past.

Respondents were more likely to have made a request since the Act came into force if they were aware of the Act or Commissioner than if they were not aware of it.

**Q2b – Could you tell me roughly what type of information you asked for? (Spontaneous responses and respondents could select more than 1 option)**

This question was asked only of people who had responded “yes” to Question 2(a) and therefore the sample size is small.

Respondents were able to provide multiple answers to this question. General personal data and medical records were the most frequently identified subjects of information requests, as in both of the previous surveys. 47% of respondents to this question said that they had asked for medical records, and 59% had asked for other personal data.

Non-personal information which had been requested most frequently related to public authority finances, planning matters, and local authority grants and benefits. The first of these had not been identified as the subject of a request in either of the previous surveys. The range of interests reflected in information

requests appear to be wider in this survey than previous ones, although this may simply reflect the fact that there was a considerably larger group of respondents in this survey than previously (42 in the most recent survey compared with 16 in S2).

### **Q3 – In your opinion what legal rights do you have to see information held by public authorities?**

Respondents were able to select multiple answers to this question

	Survey 1 (S1)	S2	S3
I have the legal right to see any information I ask for, subject to certain exemptions	37%	39%	53%
I have the legal right to see personal information they hold about me but it is up to the authority to decide what other information they give out	53%	39%	34%
I don't have any legal rights, it is up to the authority to decide what information they give out	8%	6%	4%
Other	0%	0%	0%
Unsure	7%	16%	9%

Since the last survey, the proportion of respondents selecting the first option (which was incorrect at the time of S1 but was correct for S2 and S3 after the Act had come into force) has significantly increased (by 14%). The proportion selecting the (now inaccurate) second and third options has continued to decrease.

As might be expected, awareness of the Act and the Commissioner made it more likely that people will be aware of their information access rights. 58% of those aware of the Act selected the first option in this question, while 67% of those aware of the Commissioner responded correctly.

When analysed by social grade, the highest level of correct responses was from C2 (59%). The lowest was DE (48%).

### **Q4 – Have you ever heard of the Freedom of Information (Scotland) Act?**

	S1	S2	S3
<b>Yes, definitely</b>	30%	49%	57%
<b>Yes, I think so</b>	14%	20%	15%
<b>No, don't think so</b>	9%	5%	9%
<b>No, definitely not</b>	47%	26%	19%
<b>Unsure</b>	0	1%	1%

The total percentage of respondents who have definitely heard of, or think they have heard of, the Act (referred to below as “combined yes score”) has risen for the third time: from 44% in September 2004 and 69% in April 2005 to 72% in October 2005, representing a 64% increase in overall awareness of the legislation over the period of all 3 surveys.

Awareness of the Act has doubled over the period of the surveys. 30% of respondents to S1 said that they were definitely aware of the Act and this rose to 57% of respondents in S3. The rate of increase in awareness was slower between S2 and S3 (from 49% to 57%) than that between S1 and S2 (from 30% to 49%).

The youngest and oldest age groups continue to have lower awareness than others, although these groups have also seen greater increase in awareness than other age groups. Therefore the gap in awareness between different age groups is declining over time for all groups, with the exception of the 65+ age group when compared with the 45-54 age group.

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Age group	Proportion aware (combined yes scores) S2	Proportion aware (combined yes scores) S3 – increase in brackets
18-24	58%	66% (8%)
25-34	70%	71% (1%)
35-44	73%	74% (1%)
45-54	75%	82% (7%)
55-64	72%	75% (3%)
65+	59%	64% (5%)

Awareness among female respondents has also increased more than among their male counterparts for the second time. Female “combined yes score” awareness is now only 4% behind that of male respondents, down from a 12% gap in the first survey.

	Survey 1		Survey 2		Survey 3	
	Male	Female	Male	Female	Male	Female
Yes definitely	35%	26%	53%	44%	60%	55%
Yes think so	16%	13%	22%	19%	14%	15%
Combined	51%	39%	74%	63%	74%	70%

Within the different social grades, awareness has continued to increase significantly for all groupings except for DE. Awareness in this group has decreased by 2% since S2 and, as a result, the awareness gap between DE and other social grades has increased significantly. This gap is emphasised by the

continued strong growth in awareness among respondents from the C2 social grade.

	Survey 1				Survey 2				Survey 3			
	AB	C1	C2	DE	AB	C1	C2	DE	AB	C1	C2	DE
Yes definitely	46%	32%	26%	22%	58%	55%	48%	38%	71%	71%	48%	44%
Yes think so	20%	15%	13%	10%	19%	22%	19%	21%	12%	11%	27%	13%
Combined	66%	47%	39%	32%	77%	77%	67%	59%	83%	82%	75%	57%

**Q5 – The Freedom of Information (Scotland) Act 2002 (FOISA) is a new law, which came into force on 1<sup>st</sup> January 2005. I appreciate that you may not be fully aware of this Act but I would like you to tell me what rights you think the FOISA might give you.**

NB – Responses to this question were spontaneous and unprompted, with respondents able to provide more than one answer. Responses were then categorised within the following options.

	Survey 1	Survey 2	Survey 3
To see any general information held by a public authority	32%	29%	52%
To see any personal information a public authority holds about me	42%	40%	46%
To see any personal information a private company holds about me	24%	12%	20%
To see any general information held by a private company	7%	3%	7%
To see information normally kept confidential by public authorities	8%	6%	9%
Other	2%	1%	1%
Unsure	41%	40%	25%

Awareness of the general right to access information held by public authorities, provided by the Act has increased significantly from 29% in S2 to 52% in S3. The survey also shows, however, that almost half of all respondents continue to be under the incorrect impression that the Freedom of Information (Scotland) Act 2002 provides them with subject access rights which are actually provided under the Data Protection Act 1998.

Respondents were more likely to identify the first (correct) option in response to this question if they were aware of the Act and/or the Commissioner. However, those aware of the Act and the Commissioner were also more likely than those

unaware to suggest that the Act provides the right of access to personal data which is actually afforded by the Data Protection Act 1998.

**Q6a – How likely are you to ask for information from a Scottish public authority in the next year**

	<b>Survey 1</b>	<b>Survey 2</b>	<b>Survey 3</b>
<b>Very likely</b>	3%	3%	5%
<b>Quite likely</b>	9%	6%	12%
<b>Neither/ nor</b>	3%	3%	3%
<b>Quite unlikely</b>	22%	41%	38%
<b>Definitely unlikely</b>	56%	40%	35%
<b>Unsure</b>	7%	6%	6%

The proportion of people stating they are likely to make a request for information over the next year has increased since the previous surveys. 17% of respondents suggested they will request information in the next 12 months, although the majority of people remain unlikely or very unlikely to make a request for information.

There is a significant correlation between those respondents who are aware of the Commissioner and those who are likely to request information. 41% of those aware of the Commissioner reported that they are quite or very likely to make a request for information in the year ahead.

The youngest respondents were less likely to make a request than respondents from older age groups, with only 12% of those in the 18-24 age group suggesting that they were quite or very likely to do so. Among social grades, C2 respondents were significantly more likely to suggest that they would make a request than other groups. Overall, 32% of C2 respondents said they were likely to make a request. DE respondents were next most likely, with 14% suggesting that they would do so.

**Q6b – What sort of information do you think you might ask for?**

(Only respondents who answered that they were very or quite likely to request information within the next 12 months were asked this question.)

Responses to this question were spontaneous and unprompted, with respondents able to provide more than one answer.

	<b>S2</b>	<b>S3</b>
Medical records	18%	42%
Information about myself*	8%	24%
Public authority finances	6%	19%
Planning information	20%	17%

Local authority grants and benefits**	2%	8%
Environmental Information	8%	7%
Other (Specify)	17%	12%
Don't know/ can't remember	32%	5%
<b>Total responses</b>	<b>80</b>	<b>193</b>

\*The wording has changed from "other personal data" in S2.

\*\*The wording has changed from "grants or subsidy awards" in S2

### Q6c – Have you seen or heard any advertising recently about FOISA?

	Survey 2	Survey 3
<b>Yes definitely</b>	23%	26%
<b>Yes, I think so</b>	13%	15%
<b>No, don't think so</b>	16%	17%
<b>No, definitely not</b>	46%	40%
<b>Unsure</b>	2%	2%

41% of people either recalled or thought they recalled seeing advertising about the Act when surveyed during S3 (one week after the Commissioner's second TV campaign finished). This compares with 36% in S2.

The oldest age group was the least likely to recall advertising:

Age group	% respondents who has seen any advertising (combined yes scores)
18-24	44%
25-34	41%
35-44	42%
45-54	48%
55-64	40%
65+	32%

The breakdown by social grade shows AB and C1 recognition is at similar levels as during survey 2 (38% and 42% respectively at survey 2). C2 has shown the biggest increase in recognition (37% at survey 2). As with survey 2, the lowest positive response was from DE social grade.

Social grade	Seen the advert (combined yes scores)
AB	40%
C1	43%
C2	54%
DE	31%

**Q6d – A TV ad campaign to promote FOISA has run recently where a filing cabinet opens, files open and paper from the files can be seen flying across Edinburgh. Do you recall seeing this ad?**

	Survey 2	Survey 3
<b>Yes definitely</b>	26%	29%
<b>Yes, I think so</b>	9%	9%
<b>No, don't think so</b>	12%	15%
<b>No, definitely not</b>	51%	44%
<b>Unsure</b>	2%	3%

When respondents were prompted to recall specifically seeing the Commissioner's TV advertisement, 38% answered that they had either definitely seen the advert or thought they had. This compares with 35% recall rate in S2. It should be noted that respondents were contacted by telephone and there was therefore no opportunity to provide them with a visual prompt.

**Q7a – Have you ever heard of the Scottish Information Commissioner?**

	S1	S2	S3
<b>Yes, definitely</b>	6%	4%	10%
<b>Yes, I think so</b>	2%	5%	10%
<b>No, don't think so</b>	5%	14%	20%
<b>No, definitely not</b>	87%	76%	58%
<b>Unsure</b>	0%	1%	2%

Awareness of the Scottish Information Commissioner has more than doubled since S2.

Respondents from Dumfries and Galloway had the lowest awareness rates, with only 3% stating that they had definitely heard of the Commissioner. Respondents from the C2 social grade showed the largest increase in awareness levels, from 6% in S2 to 22% in S3 stating that they had, or thought they had, heard of the Commissioner.

23% of respondents who had heard of the Act had also heard of the Commissioner, while only 12% of respondents who had not heard of the Act had heard of the Commissioner.

**Q7b – Where do you recall seeing/hearing about the Scottish Information Commissioner? Spontaneous, multiple responses possible**

	Survey 1	Survey 2	Survey 3

Newspaper editorial	18%	28%	28%
Newspaper advertising	18%	6%	31%
Radio	5%	3%	9%
TV programme*	24%	11%	6%
TV advert	n/a	10%	14%
Word of mouth	11%	19%	5%
Leaflet	2%	5%	3%
Billboards	0	0	1%
Internet	0	1%	1%
Through work	n/a	n/a	12%
CAB	n/a	n/a	1%
School/ College/ University	n/a	n/a	0%
Other	27%	12%	1%
Unsure	4%	21%	10%

\*S1 labelled this option "TV"

Respondents to this question were most likely to identify print media as the source of their awareness of the Commissioner. Curiously 31% of respondents reported that they had heard of the Commissioner through newspaper advertising despite the fact that none has been used to date.

The number of people who said that they had heard of the Commissioner through television adverts has increased from 10% in S2 to 14% in S3.

#### **Q8 – Which of the following duties do you think the SIC carries out?**

	<b>Yes- carries out</b>	<b>No- does not carry out</b>	<b>Unsure</b>
Telling people about their right to see information held by Scottish public authorities*	64%	15%	21%
Investigating complaints when people don't get the information they request from public authorities*	65%	12%	23%
Dealing with complaints about DP legislation	54%	20%	27%
Making sure that public authorities comply with the FOISA*	68%	10%	22%
Providing information about public services	45%	29%	26%
Dealing with requests for environmental information*	45%	28%	27%

The response options marked with a star in the table above are the duties that the Commissioner does carry out.

This question has changed significantly from the way in which its equivalent was set out in S2, where it asked:

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

The answers were then marked down under the headings “aware”, “unaware” or “neither/nor”. As a result only the broadest conclusions can be drawn by comparing the results between S2 and S3.

Respondents in S3 were more likely to respond positively in relation to duties that the Commissioner does carry out, than in relation to those that he does not. The exception to this is in relation to the Commissioner’s role with respect to the Environmental Information (Scotland) Regulations, of which people were clearly less aware.

More than 50% of respondents suggested that the Commissioner is responsible for handling complaints about data protection law, as we might expect given the confusion about the rights to information illustrated in response to other questions in this survey.

Nearly half of respondents also suggested that the Commissioner is responsible for directly providing information about public services, rather than enforcing the law that requires the providers of these services to do so.

**Q9 – I am going to read out some statements about FOISA and ask you to tell me how much you agree or disagree with each statement. Even if you aren’t aware of this act, it is your impression I am interested in.**

**As a result of FOISA...**

	<b>Agree strongly</b>	<b>Agree slightly</b>	<b>Neither /nor</b>	<b>disagree slightly</b>	<b>Disagree strongly</b>	<b>Don’t know</b>
Public authorities are becoming more open and accountable	34% (47)	33% (32)	6% (5)	13% (6)	7% (4)	7% (6)
Members of the public can have more confidence in the decisions made by public authorities	22% (32)	31% (28)	5% (7)	21% (17)	13% (7)	7% (7)
Public authorities will find a way round the Act and won’t provide any information they don’t want to	41% (33)	25% (37)	4% (5)	18% (11)	5% (8)	7% (6)
No one bothers to use the rights provided by the act	19% (10)	28% (23)	6% (5)	23% (34)	13% (21)	11% (7)
This act is useful to me	36% (18)	30% (33)	6% (9)	11% (18)	7% (14)	10% (8)

(numbers in brackets represent percentage responses from S2)

The proportion of respondents agreeing that “as a result of the Act public authorities are becoming more open and accountable” or “members of the public can have more confidence in decision-making by public authorities” has decreased since S2. In S3, 9% and 7% fewer respondents agreed with these first two propositions respectively than in S2.

However, respondents were less likely to agree that “public authorities will find a way round the Act” than in the previous surveys. 4% fewer respondents agreed with this third proposition than had done in S2.

Almost half of respondents agreed to some degree with the statement “no one bothers to use their rights under the Act”, significantly more than did so in S2. Nonetheless, almost two thirds of respondents to S3 considered the Act to be useful to them, an increase of 15% on the proportion of respondents agreeing with the final proposition in S2.

**Q10 Would you say you have a disability?**

Overall, 13% responded yes.

Awareness among people with a disability has remained lower than for the rest of the population.

	Aware of the act	Unaware of act	Aware of SIC	Unaware of SIC
Disabled?	12% (9%)	16% (14%)	12% (4%)	14 % ( 11%)

(numbers in brackets represent responses from S2)