

**Report on the Findings of the  
Information Commissioner's Office  
Annual Track 2009**

**Organisations**



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**Final Report**

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## Foreword

The Information Commissioner's Office (ICO) has tracked awareness and understanding of the Data Protection Act 1998 (DPA) since 1997 and the Freedom of Information Act 2005 (FOIA) since 2004.

The research was reviewed in 2007 to form a more focussed and respondent-friendly consultation, whilst still meeting the needs of the ICO's core research objectives.

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## 1.0. Introduction

Since the revised DPA came into force in 1998, the ICO has monitored awareness and understanding of this legislation amongst organisations (private and public sector).

The FOIA was passed in 2000 and was fully enforced at the start of 2005. This Act governs public authorities only and research is undertaken to monitor awareness and understanding of the Act amongst public authorities.

SMSR Ltd has conducted this research – which takes the form of an annual track survey - on behalf of the ICO since 2004.

Research is also undertaken amongst individuals to measure awareness and understanding of each of the acts. Findings are detailed in a separate report.

## 2.0 Research Aims and Objectives

Where applicable this report contains and compares the results from previous years and compares all results with 2007's revised questions.

The research objectives of the consultation were as follows;

### 2.1. DPA Objectives:

*To identify:*

- Awareness of rights of individuals about whom information is stored.
- Awareness of organisations' obligations under the Act.
- Perceived benefits of the DPA.

### 2.2. FOIA Objectives:

*To identify:*

- Awareness of rights of individuals with regards to freedom of information.
- Awareness of public authorities' obligations under the Act.
- Perceived benefits of the FOIA.

### 2.3 Corporate Awareness Objectives:

- To measure awareness of the ICO as the organisation responsible for enforcing the DPA.
- To measure awareness of the ICO as the organisation responsible for enforcing the FOIA.

### 3.0 ICO Communications Objectives

It is helpful to read this report in the context of the ICO's communications objectives for organisations, which are detailed as follows:

- To raise awareness of obligations and principles under DPA and FOIA.
- To raise awareness of the ICO as the enforcing authority for the DPA and FOIA.

## 4.0 Executive Summary

*Overall, there is positivity towards data protection and freedom of information. However, there has been a general decrease across the board with regards to general awareness of the ICO, the Acts and the related principles. Organisations can clearly see the benefits of implementing the principles and obligations set down by the Acts and are moving them up the organisational agenda which continues the theme of last year. It may be that the biggest advocates of data protection and freedom of information are the organisations responsible for their implementation.*

*When prompted, organisations show very high levels of awareness of rights, obligations, and principles under the Acts. However, as in 2008, the findings show that on a spontaneous level, awareness is falling across some key areas.*

### 4.1 Data Protection

#### Rights

Unprompted awareness of individuals' *right to see information* has decreased by 10% (from 82% to 72%) since 2008. However, it is still higher than levels recorded between 2003 and 2006. This decline in unprompted awareness has been driven by smaller private organisations (-15%) and larger public organisations (-13%). The decline across public and private overall was equal.

Spontaneous awareness of the other rights has again decreased, and is particularly low among the private sector.

Prompted awareness of individuals' rights is very high and largely has remained stable year on year. The vast majority of organisations (94%+) correctly identified that *individuals have the right to see information held about them, have the right to have the breach of the Act investigated and assessed, and the right to correct inaccurate information.*

#### Principles

There has been a continual decrease in spontaneous awareness of all principles of the DPA since 2007. Both private and public sector organisations have contributed to these declines.

As with in 2008, the number one principle cited is *security*, at 46%. However, this represents a marked decline since 2007 and 2008, when awareness of this principle was 69% and 55% respectively. Private sector organisations are more aware of this principle than public authorities, however only slightly which marks a contrast when compared with 2008 (49% compared to 42%).

All other principles had higher levels of awareness amongst the public sector.

Prompted awareness of all principles is very high across all sectors. Over three quarters of organisations were able to identify six rights, with 97% identifying an *individual's right to see information*. Organisations were least likely to identify an *individual's right to object to decisions made only by automatic means* (69%).

### **Notification**

There are high levels of awareness regarding notification. As in 2008, the public sector show higher awareness than the private sector; however it should be noted that both the private sector and public sector have shown some decreases since 2008.

The number of requests in both sectors has decreased over the last year.

## **4.2 Freedom of Information**

### **Rights**

A total of 87% of public authorities were able to spontaneously identify the fact that the public had *the right to request information held by the Government and other public authorities*. This is still relatively high and is up 11% from 2005, however shows a decrease of 4% since 2008.

Prompted awareness of individuals' rights remains high and stable.

### **Obligations**

There have been fluctuations in unprompted awareness of the obligations under FOIA with both increases and decreases. However, significantly, there has been a larger decrease with one particular obligation: *Public authorities must provide information through a publication scheme*, of which there has been a 10% decrease in awareness. Unprompted, more than half of all authorities (56%) were aware that *public authorities must respond to requests made under the general rights of access within 20 working days*, a 1% increase since 2008.

Prompted levels of awareness were high, with 98% of authorities identifying that all four obligations were correct.

## Impact of the Act

Authorities remain positive with regards to how the FOIA has improved life within their organisation. However, negative perceptions have all slightly increased. 87% now say the Act is needed (an increase of 4% since 2008) and 83% say it increases trust (an increase of 2% since 2008). Almost two fifths (37%) say it is a burden on the organisation, a 6% increase since 2008.

## Information requests

It appears that the number of requests made is continuing to gain momentum as 57% of public authorities believe they have had more information requests over the past 12 months, an increase of 12% since 2008 and 32% since 2007.

### 4.3 Information Commissioner's Office

Prompted awareness of the ICO is currently 82%. This is a small decrease of 3% since 2008.

With regards to Data Protection, the decrease has been driven by private sector organisations. 59% of private organisations were aware that the ICO is the enforcing agent for the DPA - a 12% decrease on 2008. Awareness of the ICO as the enforcing agent of the FOIA has increased by 1% since 2008.

The ICO website has seen significant increases in terms of preference for advice and guidance for both the DPA and the FOIA, which was also the case in 2008. The ICO's website was the favoured source of information and advice on both the DPA (47%) and FOIA (64%), with contact with the ICO via telephone the second favoured source for both DPA (26%) and FOIA (36%).

## 5.0 Methodology

The consultation was undertaken by telephone to retain consistency with previous years.

Quotas were placed on organisation by size, thus allowing variations between larger and smaller organisations to be identified by the ICO.

Amongst public authorities, a separate interview was required for the FOI section in 32% of instances (i.e. the person interviewed was not responsible for FOIA but was responsible for the DPA).

All the interviews were conducted in house by SMSR's telephone team. The majority of interviewers had previously worked on ICO projects. All were regularly monitored by the Call Centre Supervisors.

It should be noted that when the results are discussed within the report, often percentages will be rounded up or down to the nearest one per cent. Therefore occasionally figures may add up to 101% or 99%.

Explanation of the use of  $R^2$  in graphs throughout the report:  $R^2$  tells us what fraction of the variance of the data is explained by the fitted trend line.  $R^2$  ranges from 0 to 1, with a value closer to 1, data is better explained by the trend line, or the trend line is more fitted to the data. In our charts, the bigger the value is the stronger trend the data has across time, therefore the more confident we can be in predicting next year's figures.

Fieldwork was carried out between 3<sup>rd</sup> August and 19<sup>th</sup> September 2009.

## 6.0 Sample / Profile

The required sample size for organisations was 800 (400 private and 400 public sector based). The achieved sample was 825.

Size of Organisation	Private		Public	
	Quota	Achieved	Quota	Achieved
Total	400	400	400	425
Large	200	173	200	241
Small	200	227	200	184

The sample structure allowed analysis to be undertaken by the following groups (in addition to overall):

### DPA

- Large public authorities
- Small public authorities
- Large private organisations
- Small private organisations

### FOIA

- Large public authorities
- Small public authorities

A precise definition of large/small, public and private can be found in the appendix as well as the breakdown of the two samples by type.

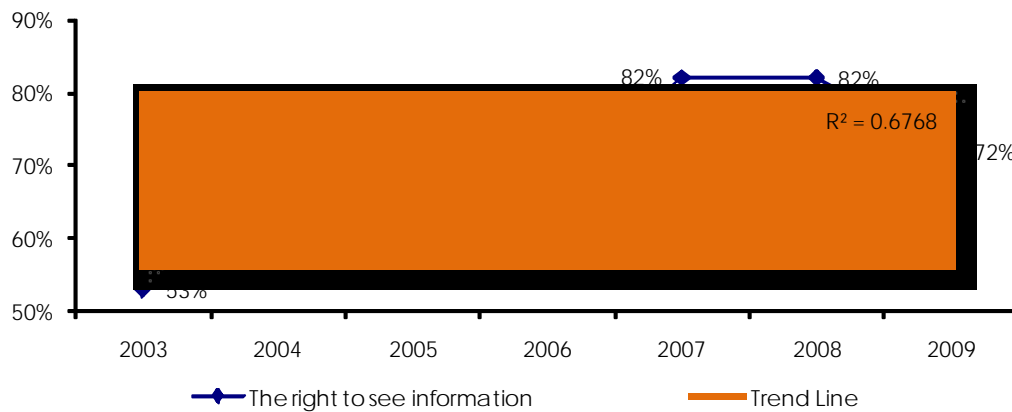
## 7.0 Results

### 7.1 Data Protection Act

#### 7.1.1 Awareness of individuals' rights (Unprompted)

Between 2003 and 2008, spontaneous awareness of individuals' rights has increased significantly (29%). However, since 2008 there has been a 10% decrease.

Chart 1: Unprompted awareness of the right to see information



As with in 2008, large organisations - especially within the public sector – show higher levels of awareness of rights. Just 55% of small private organisations mentioned the *right to see information* compared with 83% large private, 74% small public and 78% large public organisations.

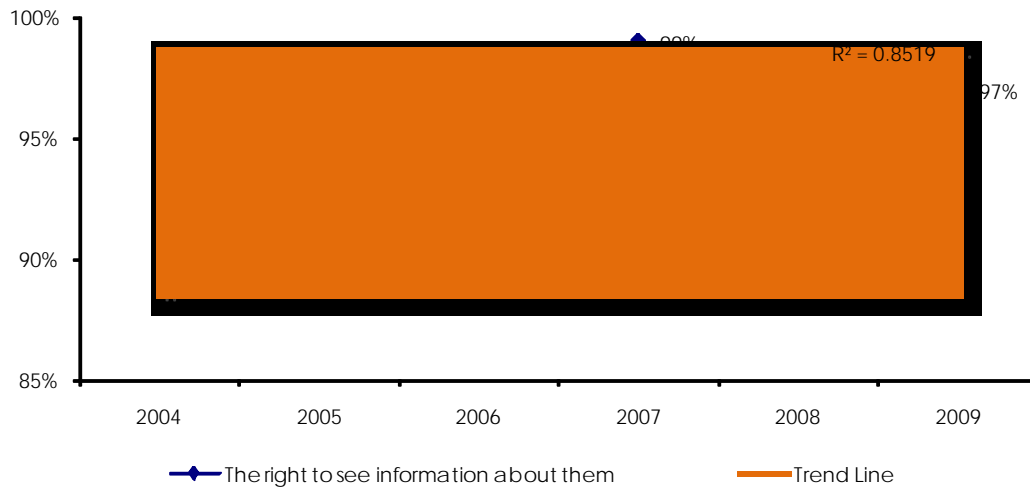
With the exception of three, awareness of the other rights has seen decreases across the board. Awareness of the right to see information has decreased by 10% overall, while the other decreases have been by only 1%. Increases in awareness were with regards to: the right to correct inaccurate information (+1%), the right to prevent the processing of information if it would cause damage or distress (+3%) and the right to have the breach of the Act investigated and assessed (+2%).

Q12 What rights are you aware of that are given to individuals about whom your organisation processes personal information?									
Individuals' Rights (Unprompted)	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
The right to see information	72%	77%	67%	92%	87%	76%	82%	82%	72%
The right to correct inaccurate information	18%	9%	7%	48%	27%	30%	33%	18%	19%
The right to prevent the processing of information if it would cause damage or distress	14%	5%	3%	33%	14%	20%	24%	9%	12%
The right to object to decisions made only by automatic means	10%	4%	2%	20%	11%	10%	15%	8%	6%
The right to claim compensation for damage or distress caused by a breach of the Act	6%	2%	1%	20%	10%	9%	13%	6%	5%
The right to stop unsolicited mail	10%	3%	1%	24%	7%	6%	17%	5%	4%
The right to have the breach of the Act investigated and assessed	7%	3%	4%	17%	3%	6%	12%	3%	5%
Individuals have no rights	-	1%	1%	1%	0%	0%	0.4%	0.2%	0%
<i>Don't know</i>	23%	12%	19%	4%	3%	7%	14%	7%	13%

### 7.1.2 Awareness of individuals' rights (Prompted)

On a prompted level, 97% of all organisations were aware that individuals have *the right to see information held about them*. From 2004 to 2007, this measure had shown a gradual and significant increase. However, since then, there has been a decrease, albeit by 1% in 2008 and a further 1% in 2009.

**Chart 2: Prompted awareness of the right to see information**



Prompted awareness of rights has generally remained high and stable, with very little change. Where there is change; this is only a margin of 1%.

<b>Q13 I am now going to read out a list of rights that may or may not be given to individuals about whom your organisation processes personal information? Please tell me which you believe to be true and which you believe to be false.</b>									
<b>Individuals' Rights (Prompted)</b>	<b>Private</b>			<b>Public</b>			<b>Overall</b>		
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
The right to see information	99%	98%	97%	99%	99%	97%	99%	98%	97%
The right to have the breach of the Act investigated and assessed	94%	95%	94%	97%	95%	95%	95%	95%	94%
The right to correct inaccurate information	94%	94%	94%	96%	95%	94%	95%	94%	94%
The right to stop unsolicited mail	91%	89%	88%	92%	87%	89%	92%	88%	89%
The right to claim compensation for damage or distress caused by a breach of the Act	92%	88%	88%	87%	87%	86%	89%	87%	87%
The right to prevent the processing of information if it would cause damage or distress	84%	72%	72%	86%	85%	83%	85%	79%	78%
The right to object to decisions made only by automatic means	75%	62%	64%	77%	74%	74%	76%	68%	69%
Individuals have no rights	2%	2%	2%	1%	2%	2%	1%	2%	2%

### 7.1.3 Awareness of DPA principles (Unprompted)

There has been a continual decrease in spontaneous awareness of all the principles of the DPA since 2007. Both public and private sector organisations have driven these decreases.

As in 2007 and 2008, ‘*Keeping information secure*’ was once again the number one principle identified spontaneously by 46% of respondents. However, as in 2008, there has been a decrease in the number of respondents that identified this principle (9%). While the decrease in 2008 was driven by a significant decrease amongst the public sector, this year, the decline has been driven by a significant decrease amongst the private sector, from 61% to 49%. While in previous years it has been the large public authorities that have seen the most significant year on year decrease in awareness of this principle, it is both public (-8% on 2008) and private (-21% on 2008) small-medium organisations that have seen the biggest decrease with regards to this principle in 2009.

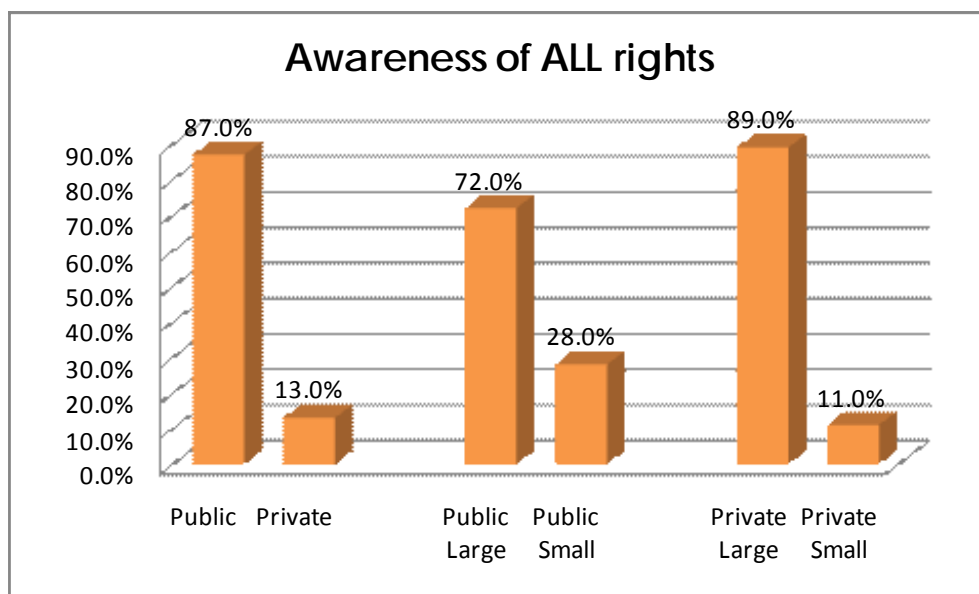
Although there has been this decrease in identifying security as a principle, the private sector is more likely to be aware of the principle of *security* than the public sector, which was also the case in 2008.

Similarly to 2008, the private sector has a lower awareness of all other principles, and particularly amongst small/medium private organisations. The principle with the second highest level of awareness (personal information is processed in a fair and lawful manner) was only mentioned by 10% of this sub-sample – a 5% decrease since 2008, and 20% lower than overall.

#### Q14 What are the principles you are aware of that organisations have to comply with when processing personal information?

Principles (Unprompted)	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Personal information is kept secure	64%	61%	49%	74%	48%	42%	69%	55%	46%
Personal information is processed in a fair and lawful manner	44%	24%	18%	62%	56%	42%	53%	40%	30%
Personal information is kept accurate and up to date	40%	25%	18%	66%	47%	38%	53%	36%	28%
Personal information is not kept longer than necessary	27%	16%	10%	52%	34%	32%	39%	25%	22%
Personal information is processed for limited purposes	31%	14%	12%	50%	34%	32%	40%	24%	22%
Personal information is not transferred to other countries without adequate protection	17%	11%	7%	41%	31%	30%	29%	21%	19%
Personal information held is adequate, relevant and not excessive	23%	13%	8%	42%	26%	27%	32%	19%	18%
Personal information is processed in line with the individual rights	23%	9%	5%	39%	23%	25%	31%	16%	15%

As in 2008, with the exception of the *security* principle, there were lower levels of awareness of all principles in the private sector. All eight principles were only identified correctly by just 13% of organisations, a 4% increase since 2008. Of the 13%, large public sector organisations were most likely to have been aware of all 8 principles.



The table below details how many principles respondents were aware of:

Number of principles organisations are aware of			
Principles (Unprompted)	2007	2008	2009
1	19%	33%	40%
2	15%	18%	21%
3	13%	10%	10%
4	8%	5%	5%
5	6%	4%	5%
6	2%	2%	4%
7	2%	2%	3%
8	22%	9%	13%

The three of the key indicator principles identified were as follows and were predominantly identified by large public sector organisations. Just 12% overall of all organisations were able to identify all three key principles below, this was also the case in 2008.

<b>Q14 What are the principles you are aware of that organisations have to comply with when processing personal information?</b>							
Principle (Unprompted)	Public			Private			Overall
	Large	Small	Total	Large	Small	Total	
Personal information is kept secure	45%	38%	42%	58%	42%	50%	46%
Personal information is not kept for longer than necessary	40%	22%	32%	16%	6%	10%	22%
Personal information is processed for limited purposes	39%	22%	32%	17%	8%	12%	22%

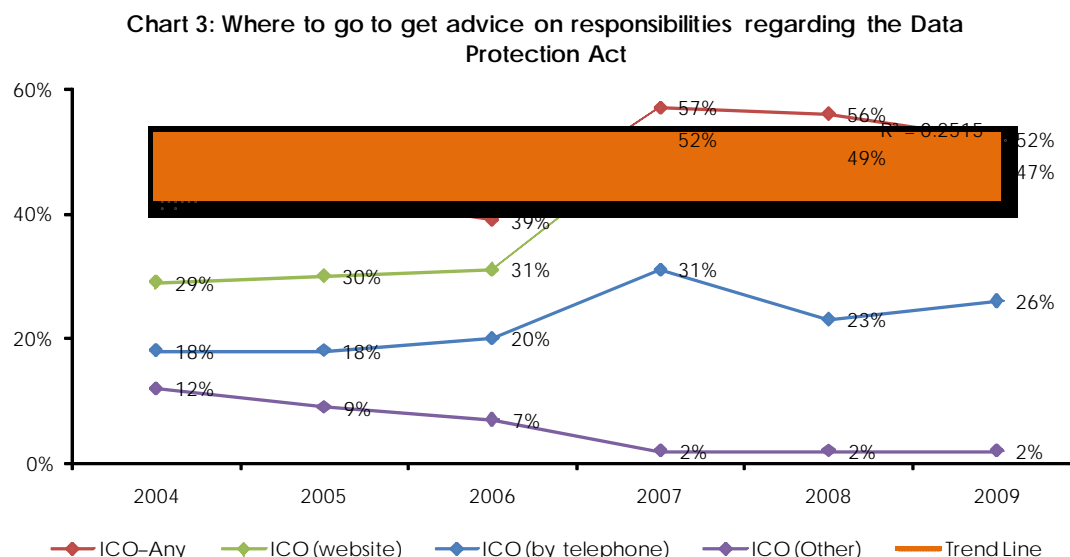
#### 7.1.4 Awareness of DPA principles (Prompted)

When prompted, awareness of the principles was extremely high. The figures have remained stable year on year.

<b>Q15 Which of the following principles do you think organisations have to comply with when processing personal information? Please tell me which you believe to be true and which you believe to be false.</b>									
Principles (Prompted)	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Personal information is processed in a fair and lawful manner	100%	99%	100%	100%	100%	100%	100%	100%	100%
Personal information is kept secure	100%	100%	99%	100%	100%	100%	100%	100%	100%
Personal information is kept accurate and up to date	100%	98%	97%	100%	100%	100%	100%	99%	98%
Personal information held is adequate, relevant and not excessive	98%	98%	97%	96%	98%	99%	97%	98%	98%
Personal information is processed in line with the individual rights	98%	97%	96%	99%	97%	96%	99%	97%	96%
Personal information is not transferred to other countries without adequate protection	98%	96%	94%	99%	98%	97%	98%	97%	95%
Personal information is processed for limited purposes	97%	93%	93%	99%	98%	98%	98%	96%	95%
Personal information is not kept longer than necessary	95%	92%	93%	99%	98%	97%	97%	95%	95%

### 7.1.5 Source of advice on the DPA

The overall percentage of respondents mentioning the ICO as their main source of advice on the DPA has decreased by 4% since 2008 however remains higher than figures recorded between 2004-2006.



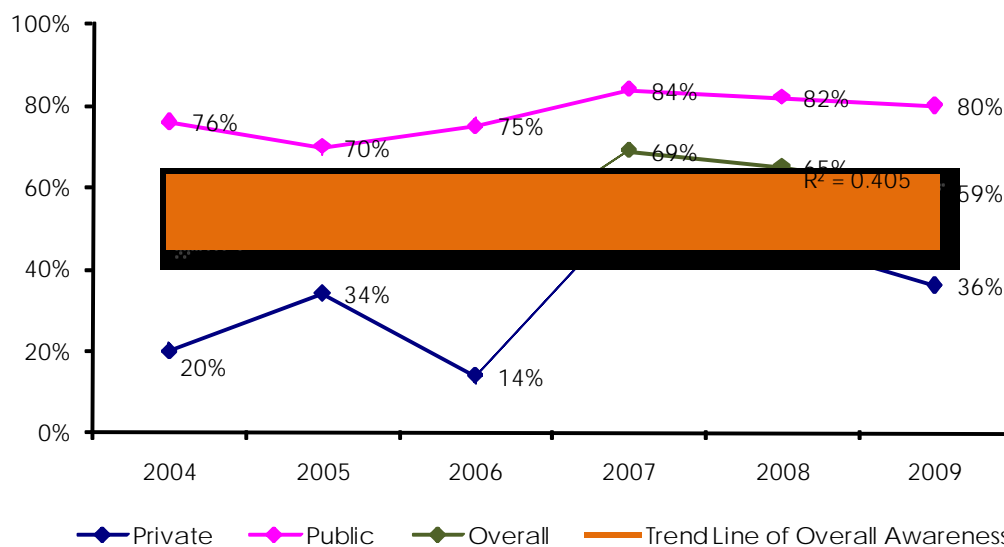
It remains the ICO's website that the majority of organisations turn to for advice, with almost half (47%) mentioning this method. There has been a slight decrease overall in the mention of the website (2%). However, public sector mention of the website has increased by 7%.

Q16 Where would you go to get advice on your responsibilities regarding the DPA? (Spontaneous)																		
	Private						Public						Overall					
	04	05	06	07	08	09	04	05	06	07	08	09	04	05	06	07	08	09
ICO - Any	30%	28%	13%	40%	41%	30%	64%	53%	66%	74%	70%	73%	47%	43%	39%	57%	56%	52%
ICO Website	19%	19%	10%	36%	37%	25%	39%	40%	52%	69%	60%	67%	29%	30%	31%	52%	49%	47%
ICO (phone)	9%	11%	5%	17%	13%	11%	27%	25%	35%	46%	33%	41%	18%	18%	20%	31%	23%	26%
Solicitor	21%	20%	13%	28%	20%	17%	20%	22%	16%	19%	9%	13%	20%	21%	15%	23%	15%	15%
Head office	10%	20%	37%	14%	6%	8%	5%	9%	6%	8%	4%	4%	8%	14%	22%	11%	5%	6%
CAB	n/a	n/a	11%	4%	2%	6%	n/a	n/a	2%	1%	2%	1%	n/a	n/a	6%	2%	2%	3%
Gov. Dep.	n/a	n/a	4%	2%	2%	3%	n/a	n/a	3%	2%	2%	2%	n/a	n/a	4%	2%	2%	3%
ICO (other means)	9%	5%	2%	1%	0%	0%	15%	12%	11%	2%	3%	3%	12%	9%	7%	2%	2%	2%

### 7.1.6 Knowledge of organisations responsible for enforcing the DPA

Almost 60% of organisations are aware that the ICO is responsible for enforcing the DPA. Overall awareness of the ICO's responsibility to enforce the DPA has tended to vary since 2004. There has been however a 10% decrease when compared with 2007. Awareness of the ICO's responsibility has decreased significantly more in the private sector than in the public.

**Chart 4: Awareness of the ICO as an enforcer of the DPA**



Overall awareness regarding the responsibility of enforcing the DPA amongst public sector organisations is much higher than those organisations in the private sector. Within the private sector, there has been a 6% increase in general unawareness, driven by the small-medium private organisations of which there has been an 8% increase in unawareness.

**Q17 Which organisations are you aware of that are responsible for enforcing the DPA?**

Response (Unprompted)	Private						Public						Overall					
	04	05	06	07	08	09	04	05	06	07	08	09	04	05	06	07	08	09
ICO	20%	34%	14%	54%	48%	36%	76%	70%	75%	84%	83%	80%	48%	52%	44%	69%	66%	59%
Government	9%	10%	9%	6%	12%	12%	5%	5%	3%	2%	5%	3%	7%	7%	6%	4%	9%	7%
D. P Registrar / Commissioner	7%	7%	2%	3%	3%	1%	8%	4%	2%	3%	1%	2%	7%	5%	2%	3%	2%	2%
D.P Agency	8%	11%	5%	2%	5%	7%	3%	7%	2%	2%	2%	2%	6%	9%	4%	2%	4%	5%
Department Constitutional Affairs	0%	0.5%	0.2%	1%	0%	1%	2%	6%	2%	2%	2%	0%	1%	3%	1%	1%	1%	0%
<sup>1</sup> OSIC	n/a	n/a	0.2%	1%	1%	0%	n/a	n/a	1%	2%	1%	1%	n/a	n/a	0.4%	1%	1%	0%
None	26%	10%	4%	3%	3%	5%	4%	5%	2%	0%	0%	1%	15%	7%	3%	1%	2%	3%
Don't know	27%	28%	60%	33%	30%	36%	6%	9%	17%	10%	8%	8%	16%	19%	39%	21%	19%	22%

<sup>1</sup> Office of the Scottish Information Commissioner

The impact of organisational size on awareness of the ICO as enforcer of the DPA is evident in the table below. Larger organisations in both the private and public are much more likely to be aware of the ICO as an enforcer of the DPA than small-medium organisations.

However, there have been decreases across all organisation sizes in both the public and private sectors, with the biggest decreases being in the larger organisations. Large public organisations have seen a 9% decrease since 2008, while large private organisations have seen an 11% decrease.

<b>Q17 Which organisations are you aware of that are responsible for enforcing the DPA?</b>				
<b>Response (Unprompted)</b>	<b>Private</b>		<b>Public</b>	
	<b>Large</b>	<b>Small</b>	<b>Large</b>	<b>Small</b>
ICO	53%	25%	88%	68%
Government	15%	10%	2%	4%
Data protection Registrar / Commissioner	1%	1%	1%	3%
Data Protection Agency	5%	8%	1%	4%
Ministry of Justice	4%	0%	6%	3%
Department for Constitutional Affairs	1%	0.4%	0%	0%
Office of the Scottish Information Commissioner (OSIC)	0%	0%	0.4%	1%
None	2%	7%	0%	1%
Don't know	19%	49%	2%	16%

## 7.1.7 Notification

There are generally high levels of awareness regarding notification. The two statements that usually occupy the top two places (*exempt organisations still have to comply*, and *notification is usually a legal requirement*) remain in top place, and positions have not changed since 2008.

Public sector respondents indicated significantly higher levels of correct agreement across the four statements. However, with the exception of *some organisations may be exempt from having to notify* for private sector organisations, levels of correct agreement have decreased in both the private and public sector – although it should be noted that these have been very slight decreases (1-2%).

Q18 I am now going to read out four statements about notification. Please tell me which you believe to be true and which you believe to be false.									
Statements (Prompted)	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
That those organisations that do not have to notify still have to comply with the principles of the DPA	86%	86%	83%	84%	92%	91%	85%	89%	87%
That notification is usually a legal requirement as part of the DPA	85%	82%	80%	92%	91%	90%	89%	87%	85%
That organisations can notify voluntarily	69%	62%	60%	67%	72%	71%	68%	67%	66%
Some organisations may be exempt from having to notify	65%	49%	49%	66%	73%	67%	66%	61%	58%

## 7.1.8 Consequences of the Act

The wave of increased positivity and appreciation of the role of the DPA and its impact on organisations has continued in 2009 with the scores remaining consistent across the board, with 94% of organisations agreeing that the DPA is needed.

Public sector organisations were more likely than private sector organisations to agree with the statements.

Although there has been a slight increase in agreement with the more negative statements since 2008 the overall trend is positive. There has been a 2% increase in the number of those that feel that the DPA means extra work and a 3% increase in those that feel the DPA is a burden and a waste of resources. Both public and private organisations are following this pattern.

The increase in “it means extra work” is mainly driven by private businesses, of which there was a 4% increase in agreement with this statement. It is worth noting that this measure is one of fact rather than emotional opinion, and not necessarily a “negative” measure. Instead, it demonstrates that the organisation is taking the matter of data protection seriously.

Q19 To what extent would you agree with the following statements about the DPA? <sup>2</sup>																		
Data Protection Act Statement (Prompted)	Private						Public						Overall					
	04	05	06	07	08	09	04	05	06	07	08	09	04	05	06	07	08	09
It is needed	n/a	n/a	86%	90%	93%	92%	n/a	n/a	93%	97%	97%	96%	n/a	n/a	89%	94%	95%	94%
It improves information management	72%	69%	80%	80%	85%	82%	83%	81%	88%	90%	92%	90%	78%	75%	84%	85%	88%	86%
It helps improve risk management	64%	64%	78%	80%	83%	81%	77%	76%	82%	90%	92%	89%	71%	70%	80%	85%	87%	85%
It improves customers trust	72%	73%	81%	79%	83%	81%	85%	84%	85%	90%	92%	89%	78%	78%	83%	84%	87%	85%
It adds value to the business	47%	48%	60%	52%	61%	59%	60%	61%	72%	75%	77%	73%	54%	55%	66%	63%	69%	66%
It means extra work	76%	65%	45%	64%	53%	57%	88%	81%	78%	69%	66%	67%	82%	73%	56%	66%	60%	62%
It is a burden on my organisation	25%	24%	13%	16%	14%	16%	29%	21%	18%	11%	12%	16%	29%	23%	16%	13%	13%	16%
It is a waste of resources	15%	14%	11%	10%	3%	7%	7%	6%	9%	7%	4%	4%	11%	10%	10%	7%	4%	6%

<sup>2</sup> This percentage of agreement refers to the respondents that stated agree or strongly agree to the statements

### 7.1.9 Requests for personal information (subject access requests)

Unlike in previous years, there has been a decrease in the number of subject access requests over the past 12 months in the private sector, 48% of organisations have received at least one request, compared to 53% in 2008. Public sector requests have continued to increase to some extent (10-200 requests and 500+ requests). 80% of organisations have received at least one request (compared to 79% in 2008).

Large public organisations remain the sector that is most likely to receive a high volume of requests – 36% have received more than 50 requests in the last year (this was also the case in 2008), compared with 19% of small-medium organisations in the public sector.

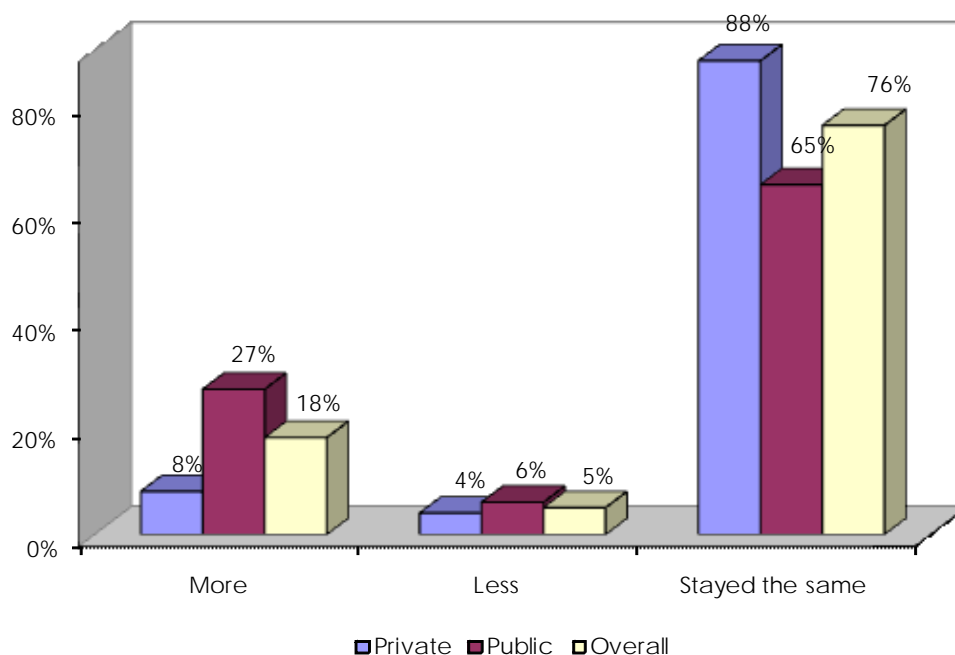
Smaller organisations are, unsurprisingly, more likely to have received no or few requests.

Again police forces and authorities were most likely to receive the most requests for personal information.

<b>Q20 Approximately how many requests for personal information has your organisation received in the past 12 months?</b>									
<b>Number of requests</b>	<b>Private</b>			<b>Public</b>			<b>Overall</b>		
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
None	57%	47%	52%	24%	21%	20%	41%	34%	35%
Just 1-2	11%	15%	14%	11%	15%	12%	11%	15%	13%
3-10	14%	19%	16%	17%	24%	18%	15%	22%	17%
10-50	10%	7%	7%	17%	16%	20%	13%	12%	14%
50-100	3%	5%	4%	6%	6%	8%	4%	6%	6%
100-200	2%	2%	2%	8%	4%	7%	5%	3%	5%
200-500	3%	2%	2%	5%	5%	3%	4%	4%	2%
500+	2%	4%	3%	11%	10%	11%	6%	7%	7%

When asked how this compared to the previous year, 18% of all respondents said they had seen increases, a 2% increase when compared with 2008. 5% said it was less and 76% felt it was about the same. The public sector claimed a higher increase in requests when compared with the private sector (+19%). There has been a continual increase in the number of requests for personal information under the Data Protection Act within the public sector – although the increase since 2008 has been less dramatic than that of 2007/2008.

**Chart 5: The number of requests for personal information under the Data Protection Act**



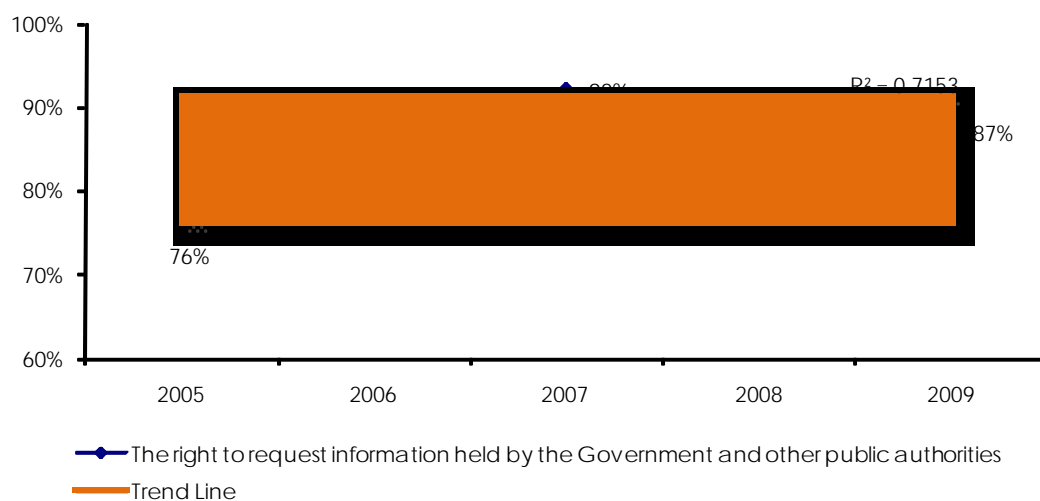
Q21 The number of requests for personal information under the Data Protection Act compared to 2007									
Number of requests	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
More	18%	10%	8%	8%	21%	27%	13%	16%	18%
Less	4%	3%	4%	4%	9%	6%	4%	6%	5%
About the same	78%	86%	88%	88%	70%	65%	83%	78%	76%

## 7.2 Freedom of Information Act

### 7.2.1 Awareness of public's rights (Unprompted)

A total of 87% of public authorities spontaneously mentioned the public's *right to request information held by the government and other public authorities*. While still high, there has been a decrease of 4% in the number of public sector organisations that were aware of this right.

**Chart 6: Unprompted awareness of the right to request information held by the Government and other public authorities**



95% of large public authorities were aware of this right compared to 76% of small/medium sized public authorities. Both large and small-medium public organisations have seen a decrease in awareness – with the decrease for small-medium organisations being significantly higher (6%).

While in 2008, there were significant decreases in awareness across all other rights, awareness regarding *The right to know what type of information is available from the government and other public authorities* and *The right to see official information from the government and other public authorities such as minutes and planning documents* have increased. While these increased figures are not as high as those recorded in 2007, it is positive that there has been an increase (6-7%) in awareness of these rights.

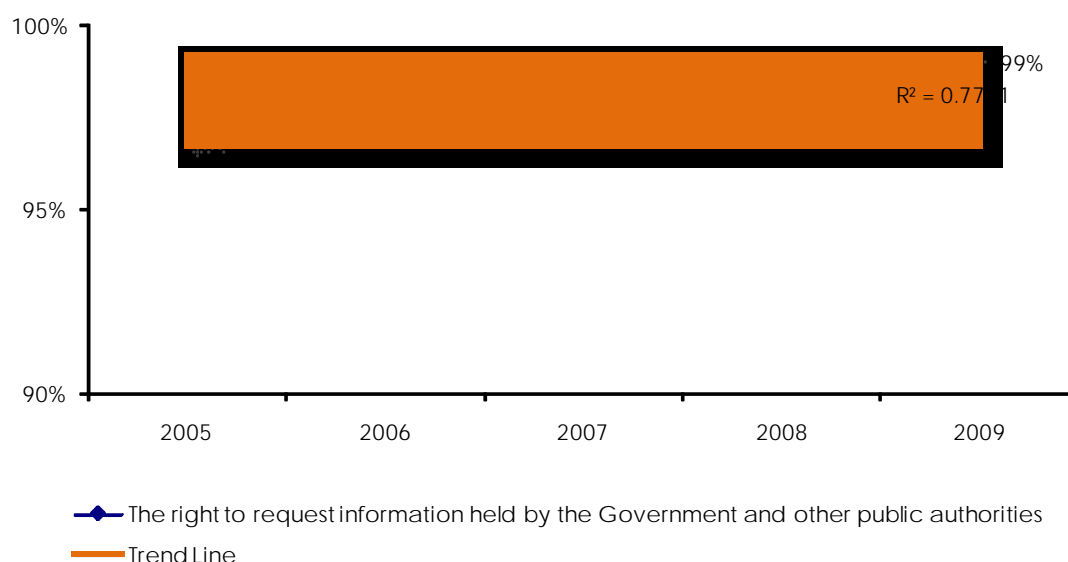
Q22 What rights are you aware of that the FOIA gives to the public?					
Public Rights (Unprompted)	2005	2006	2007	2008	2009
The right to request information held by the government and other public authorities	76%	80%	92%	91%	87%
The right to know what type of information is available from the government and other public authorities	14%	12%	40%	13%	20%
The right to see official information from the government and other public authorities such as minutes and planning documents	3%	2%	21%	5%	11%
The right to request information about the environment	3%	7%	14%	10%	6%
The right to see what public money is being spent on	4%	6%	16%	5%	4%
The public don't have any rights	/	/	1%	0.2%	0%
Don't know	/	/	4%	1%	4%

The increases from 2008 to 2009 in awareness (of the rights) have been apparent in both large and small-medium sized public organisations.

## 7.2.2 Awareness of public's rights (Prompted)

On a prompted basis, awareness levels were very high, with 99% aware of *the right to request information held by the Government and other public authorities*. This level of awareness has remained at 99% since 2007.

**Chart 7: Prompted awareness of the right to request information held by the Government and other public authorities**



Awareness of all rights remains high, and positively, there have been slight increases in awareness of rights, perhaps the most significant being with regards to requesting information about the environment, of which there has been a 2% increase (following a 5% decrease the previous year). It was small-medium sized organisations that have contributed towards this increase.

**Q23 I am now going to read out a list of rights that may or may not be given to the public under the FOIA. Please tell me which you believe to be true and which you believe to be false.**

Public Rights (Prompted)	2007	2008	2009
The right to request information held by the government and other public authorities	99%	99%	99%
The right to see what public money is being spent on	96%	99%	98%
The right to know what type of information is available from the government and other public authorities	98%	97%	98%
The right to see official information from the government and other public authorities such as minutes and planning documents	95%	95%	94%
The right to request information about the environment	87%	82%	84%
The public don't have any rights	2%	3%	1%

### 7.2.3 Knowledge of obligations under FOIA

With the exception of *public authorities must provide information through a publication scheme*, levels of awareness have tended to remain the same. Awareness of providing information through a publication scheme has continued to decrease, however the rate has slowed.

Awareness of all obligations was greatest amongst large public authorities. Just 8% of all organisations were aware of all of the obligations – with larger organisations being most likely to be aware.

Q24 What legal obligations are you aware of that apply to public authorities under the FOIA?			
Legal Obligations (Unprompted)	2007	2008	2009
Public authorities must respond to requests made under the general rights of access within 20 working days	67%	55%	56%
Public authorities must provide information through a publication scheme	63%	49%	39%
Public authorities must provide help and advice to people asking for information	50%	32%	31%
Public authorities must disclose information unless there is a legal reason not to	52%	30%	31%

Just 32 organisations (10%) were able to identify all 4 principles correctly.

The table below shows the breakdown between large and small-medium sized organisations.

<b>Q24 What legal obligations are you aware of that apply to public authorities under the FOIA?</b>			
<b>Legal Obligations (Unprompted)</b>	<b>Overall – Public Sector</b>	<b>Small/Medium</b>	<b>Large</b>
Public authorities must respond to requests made under the general rights of access within 20 working days	56%	48%	61%
Public authorities must provide information through a publication scheme	39%	34%	43%
Public authorities must provide help and advice to people asking for information	31%	23%	37%
Public authorities must disclose information unless there is a legal reason not to	31%	22%	37%

Looking specifically at two of the ICO's key indicator measures, as with last year, large public authorities were more likely to have mentioned both of these (37% v 22/23% small/medium public authorities).

<b>Q24 What legal obligations are you aware of that apply to public authorities under the Freedom of Information Act?</b>									
<b>Response (Unprompted)</b>	<b>2007</b>			<b>2008</b>			<b>2009</b>		
	<b>Small</b>	<b>Large</b>	<b>Total</b>	<b>Small</b>	<b>Large</b>	<b>Total</b>	<b>Small</b>	<b>Large</b>	<b>Total</b>
Public authorities must provide help and advice to people asking for information	39%	61%	50%	23%	40%	32%	23%	37%	<b>31%</b>
Public authorities must disclose information unless there is a legal reason not to	37%	66%	52%	34%	28%	30%	22%	37%	<b>31%</b>

On prompting, there were extremely high levels of awareness of all obligations and there have been small increases across all obligations since 2008.

<b>Q25 Which of the following legal obligations under the FOIA do you believe to be true or false?</b>			
<b>Legal Obligations (Prompted)</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Public authorities must disclose information unless there is a legal obligation not to	97%	98%	99%
Public authorities must provide help and advice on people asking for information	99%	97%	98%
Public authorities must respond to requests made under the general rights of access within 20 working days	96%	96%	97%
Public authorities must provide information through a publication scheme	95%	95%	97%

## 7.2.4 Source of advice on the FOIA

The vast majority of respondents indicated that they would turn to the ICO for advice on the FOIA. The ICO website remains a key source of advice, and has seen an increase of 6% since 2008. Overall use of the ICO as a source of advice on the FOIA has increased by 4% since 2008.

Q26 Where do you turn to for advice on the FOIA?					
Source of Advice (Unprompted)	2005	2006	2007	2008	2009
<b>ICO Overall</b>	<b>73%</b>	<b>63%</b>	<b>76%</b>	<b>66%</b>	<b>70%</b>
ICO's website	43%	54%	72%	58%	64%
ICO (by telephone)	20%	26%	45%	27%	36%
Solicitor / legal department	19%	16%	20%	10%	13%
In-house expert	23%	32%	16%	16%	12%
Ministry of Justice	n/a	n/a	4%	7%	9%
Department for Constitutional Affairs	19%	9%	3%	1%	1%
Person responsible for freedom of information overall	5%	4%	3%	7%	4%
ICO (not website or telephone)	10%	8%	2%	2%	5%
Office of the Scottish Information Commissioner	2%	3%	2%	5%	5%
Campaign for freedom of information	1%	2%	1%	1%	1%
Other	30%	19%	22%	17%	23%

This increase in use of the ICO website as source of information and advice for FOIA has been driven by small-medium sized organisation, which have seen an increase of 6% compared with 2008. Larger organisations have seen an increase of 4% since 2008.

The large public authorities were more likely to turn to the ICO for advice when compared with small / medium sized organisations. The larger public authorities are also more likely to use the ICO website, 74% compared to 51% of small/medium public authorities. This was also the case in 2007 and 2008.

<b>Q26 Where do you turn to for advice on the FOIA?</b>		
<b>Source of Advice (Unprompted)</b>	<b>Large</b>	<b>Small</b>
<b>ICO Overall</b>	<b>64%</b>	<b>36%</b>
ICO's website	74%	51%
ICO (by telephone)	42%	29%
Solicitor / legal department	13%	12%
In-house expert	10%	15%
Ministry of Justice	14%	3%
Department for Constitutional Affairs	2%	0%
Person responsible for freedom of information overall	2%	7%
ICO (not website or telephone)	6%	4%
Office of the Scottish Information Office	5%	4%
Campaign for freedom of information	0.4%	2%
Other	22%	23%

## 7.2.5 Organisations responsible for enforcing the FOIA

When asked to identify the organisation responsible for enforcing the Act, 81% identified the ICO. This is an increase of 11 percentage points since 2005, and an increase of 1% since 2008.

Q27 Which organisations are you aware of that are responsible for enforcing the FOIA?				
Organisations (Unprompted)	2006	2007	2008	2009
ICO	70%	84%	80%	81%
Office of the Scottish Information Commissioner	4%	5%	5%	5%
Ministry of Justice	-	1%	3%	5%
Government	6%	4%	6%	3%
Department for Constitutional Affairs	4%	2%	2%	1%
Data Protection Agency	2%	-	1%	1%
Data Protection Registrar / Commissioner	1%	-	-	0.2%
None	3%	-	0.2%	0.2%

87% of large public authorities correctly identified the ICO, compared to 73% of small/medium public authorities. 17% of small/medium public authorities answered "don't know" to this question.

## 7.2.6 Implications of the FOIA

As with in 2008, the majority of organisations agreed that the Act is “needed”.

The negative statements have seen a slight increase, with 3% more feeling that it increases work, 4% more feeling that it puts a strain on the business and 6% more feeling that it is a burden on the organisation.

Q28 To what extent would you agree or disagree with the following statements about the FOIA?						
Implication (Prompted)	2004	2005	2006	2007	2008	2009
It is needed	n/a	n/a	82%	88%	91%	87%
It improves records management	89%	86%	79%	83%	86%	85%
It increases trust	72%	79%	73%	81%	81%	83%
It improves organisational knowledge externally	79%	76%	69%	77%	83%	81%
It means extra work	n/a	83%	73%	80%	78%	81%
It increases participation	63%	69%	66%	76%	79%	74%
It improves organisational knowledge internally	77%	75%	71%	72%	75%	73%
It puts strain on resources	70%	68%	62%	58%	61%	65%
It has increased expenditure	67%	57%	59%	51%	58%	57%
It is a burden on my organisation	51%	38%	36%	34%	31%	37%

High levels of positivity towards FOIA are shared across all sector sizes. This year, many of the increases seen year on year are due to increases amongst large public authorities.

Large public authorities are also more likely to agree with the negative elements.

Q28 To what extent would you agree or disagree with the following statements about the FOIA?									
Implication (Prompted)	Small/Medium			Large			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
It is needed	85%	90%	85%	90%	91%	89%	88%	91%	87%
It improves records management	78%	85%	84%	88%	88%	86%	83%	86%	85%
It improves organisational knowledge externally	72%	82%	75%	83%	83%	85%	77%	83%	83%
It increases trust	78%	82%	80%	84%	81%	85%	81%	81%	81%
It increases participation	71%	77%	69%	81%	81%	79%	76%	79%	81%
It means extra work	70%	73%	73%	90%	83%	87%	80%	78%	74%
It improves organisational knowledge internally	66%	76%	70%	78%	74%	76%	72%	75%	73%
It puts strain on resources	47%	54%	51%	68%	68%	76%	58%	61%	65%
It has increased expenditure	45%	54%	47%	57%	61%	65%	51%	58%	57%
It is a burden on my organisation	29%	23%	29%	39%	38%	44%	34%	31%	37%

## 7.2.7 Information Requests

The data shows that there has been an increase in the number of information requests made – with 8% more organisations receiving over 200 requests.

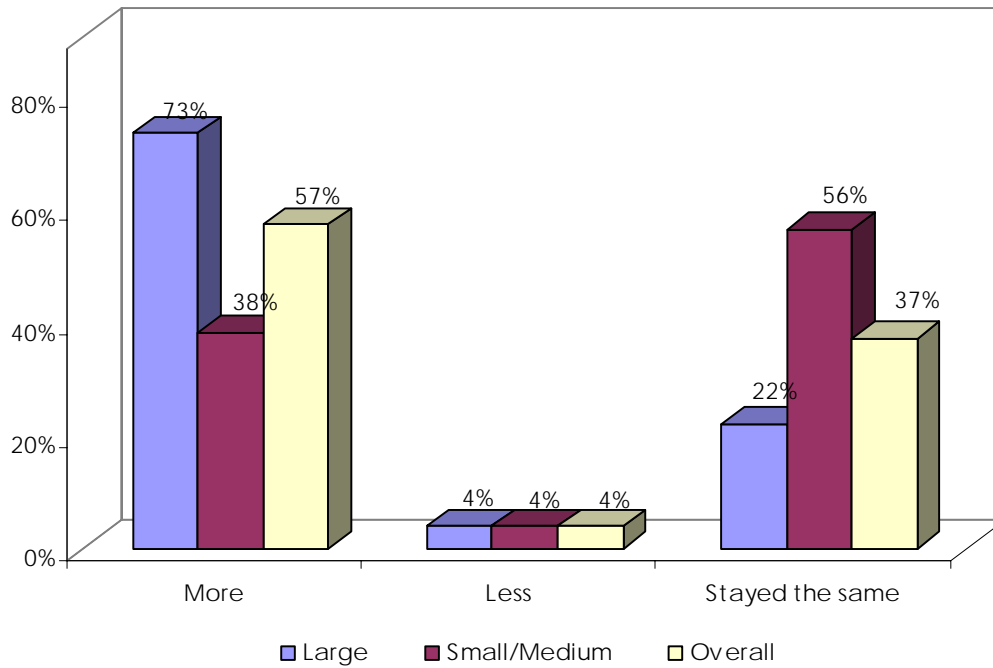
There has been a very slight increase (1%) in the number of organisations receiving zero requests for information in the last 12 months, with these most likely to be small/medium public organisations.

Unsurprisingly, large public authorities are receiving far higher request volumes than small/medium organisations, with 2/3rds receiving over 100 requests a year.

<b>Q29 Approximately how many requests for information has your organisation received in the past 12 months under the FOIA?</b>									
<b>Number of requests</b>	<b>Small/Medium</b>			<b>Large</b>			<b>Total</b>		
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
None	37%	25%	28%	2%	0%	2%	19%	12%	13%
Just 1-2	11%	19%	10%	2%	2%	1%	6%	10%	5%
3-10	12%	17%	15%	6%	4%	4%	9%	10%	9%
10-50	20%	17%	14%	20%	17%	12%	20%	17%	13%
50-100	11%	10%	6%	16%	20%	12%	13%	15%	9%
100-200	5%	9%	10%	22%	22%	13%	14%	15%	12%
200-500	2%	3%	10%	22%	19%	34%	12%	11%	24%
500+	2%	1%	4%	12%	16%	22%	7%	9%	14%

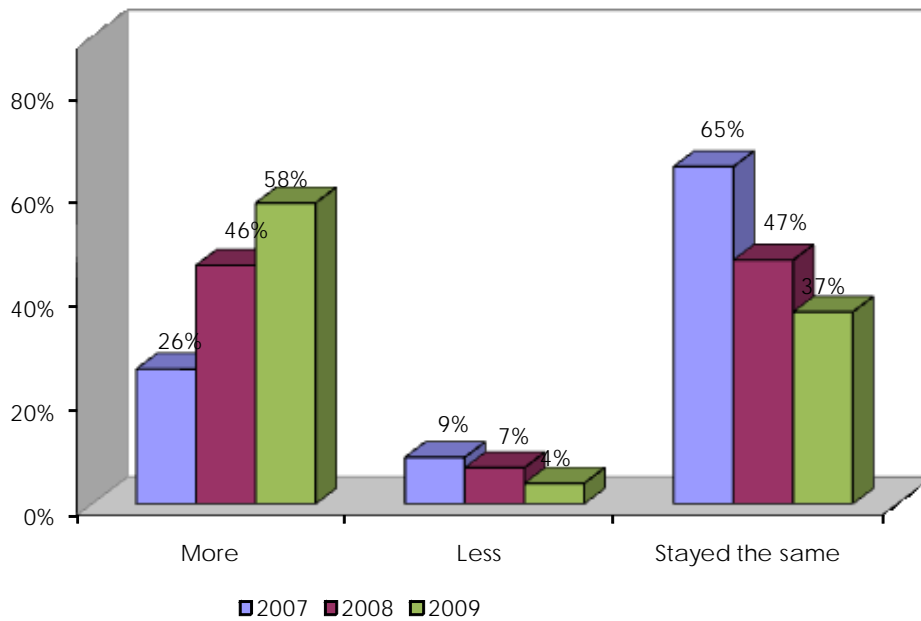
When asked how this compared to 2008, 58% said that this was more requests than last year. Large public authorities appear to be handling the majority of the increase - at 73% compared to 38% of small/medium public authorities.

**Chart 8: The number of requests for information under the FOIA compared with 2008, by size of public authority**



The increased momentum is also evident when these figures are compared year on year. In 2007, only 26% of organisations said they were experiencing more requests compared to 46% in 2008 and now 58% in 2009.

**Chart 9: The number of requests for information under the FOIA over time**



This increase may be a factor in the negative perceptions seen in section 7.2.6.

## 7.3 Information Commissioner's Office

### 7.3.1 Awareness of the ICO

Overall 82% indicated that they were aware of the ICO, a 3% decrease since last year. This decrease has been driven by the private sector (down 9%). Again, awareness was highest in the large public sector and lowest within small private sector organisations.

Q31 Have you ever heard of the Information Commissioner's Office?									
Awareness (Prompted)	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Yes	71%	75%	66%	96%	96%	96%	84%	85%	82%
No	29%	23%	32%	4%	4%	4%	16%	14%	18%

### 7.3.2 Advice and guidance from the ICO

As with in 2008, the top three ways to receive advice were the same, although guidance via a standalone e-mail request dropped 10%.

Q32 How would you prefer to receive advice and guidance on the DPA and FOIA from the Information Commissioner?				
Method (Unprompted)	2006	2007	2008	2009
Via stand alone email request	37%	47%	46%	36%
Website	19%	32%	29%	28%
Via letter	26%	27%	21%	22%
Via email bulletin I register to	25%	26%	7%	15%
Via email through a website	24%	31%	13%	9%
Through a leaflet	5%	5%	2%	3%
Phone	7%	5%	7%	5%
Face to face	1%	2%	3%	2%
Get in touch with other organisations/advice agency to ask on my behalf	1%	1%	4%	1%
Visit office	1%	1%	1%	0.2%

The differences in preferences between the public and private sector are shown in the table below. Both favour the electronic format, whilst the private sector is more likely than the public sector to want a letter.

Q32 How would you prefer to receive advice and guidance on the DPA and FOIA from the Information Commissioner?								
Method (Unprompted)	Private				Public			
	2006	2007	2008	2009	2006	2007	2008	2009
Via stand alone email request	25%	40%	41%	41%	40%	54%	52%	36%
Website	17%	22%	21%	21%	19%	43%	36%	35%
Via letter	36%	38%	27%	30%	24%	16%	15%	14%
Via email through a website	25%	24%	15%	5%	24%	38%	12%	13%
Via email bulletin I register to	17%	21%	2%	4%	27%	31%	12%	26%
Phone	4%	6%	3%	2%	7%	7%	11%	8%
Get in touch with other organisations/advice agency	0%	-	2%	2%	1%	1%	6%	1%
Face to face	0%	3%	1%	1%	1%	2%	5%	3%
Through a leaflet	10%	3%	1%	2%	4%	8%	2%	4%
Visit office	0%	1%	0.2%	0%	1%	1%	2%	1%

## 7.4 Organisational structure and DPA / FOIA duties

### 7.4.1 Other duties

As was seen in 2007 and 2008, the vast majority of respondents working in both the public (89%) and private (92%) sectors said that they have other duties aside from their data protection or where applicable, freedom of information duties.

### 7.4.2 Time dedicated to data protection duties

Based on comparisons with 2008, it seems that individuals are dedicating less time to data protection duties overall in 2009. Just 1%, compared with 7% in 2008, of respondents are now 100% occupied with data protection duties. Just 9%, compared with 16% in 2008, dedicate over half their time to it. And the number of respondents dedicating 10% of less of their time to data protection has increased by 4%.

The public sector generally dedicate more time to data protection than the private sector.

Q4 On a week basis, what percentage of your time is dedicated to data protection duties?									
Time dedicated to data protection	Private			Public			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
10% or less	73%	69%	69%	59%	52%	59%	66%	60%	64%
10 - 25%	9%	9%	10%	18%	20%	21%	14%	15%	15%
25 - 50%	8%	8%	11%	11%	10%	13%	9%	9%	12%
50 - 75%	4%	5%	6%	6%	5%	4%	5%	5%	5%
75 - 99%	4%	4%	3%	3%	3%	3%	3%	4%	3%
100%	3%	4%	1%	3%	10%	2%	3%	7%	1%

### 7.4.3 Time dedicated to freedom of information duties

For freedom of information, 48% of those interviewed said that just 10% or less of their time is dedicated to freedom of information duties, a 4% increase since 2008; while just 2% of the sample dedicated all of their time to freedom of information – a decrease of 8% from 2008.

<b>Q5 On a week by week basis, what percentage of your time is dedicated to freedom of information duties?</b>			
<b>Time dedicated to freedom of information</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
10% or less	55%	44%	48%
10 - 25%	17%	21%	21%
25 - 50%	16%	18%	17%
50 - 75%	7%	5%	10%
75 - 99%	3%	2%	3%
100%	2%	10%	2%

### 7.4.4 Additional resources within the organisation

64% of private sector respondents said that there are others in their organisation working on data protection duties, while 72% of public sector respondents did. Unsurprisingly, larger private organisations are more likely to have allocated more human resources to data protection than smaller private organisations, which was also the case in the public sector.

Q7 How many staff is there in your organisation working on data protection duties? (Private sector)									
Number of staff	Large			Small/Medium			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
One other	16%	14%	17%	19%	19%	27%	17%	16%	22%
2 - 5 staff	26%	26%	35%	18%	20%	32%	22%	23%	33%
5 - 10 staff	13%	6%	14%	4%	7%	14%	8%	6%	14%
More than 10	18%	25%	35%	8%	13%	22%	13%	19%	29%

76% of public sector organisations are slightly more likely to have allocated more than one member of staff to data protection and freedom of information duties this is up 30% from 2007; this is probably due to the extra demands of implementing both acts.

Q7 How many staff is there in your organisation working on data protection and freedom of information duties? (Public sector)									
Number of staff	Large			Small/Medium			Overall		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
One other	21%	21%	20%	22%	27%	30%	21%	24%	23%
2 - 5 staff	37%	29%	41%	30%	24%	39%	33%	27%	40%
5 - 10 staff	10%	15%	16%	4%	6%	12%	7%	11%	15%
More than 10	8%	12%	21%	4%	9%	20%	6%	11%	21%

### 7.4.5 Type of personal information held

Organisations were asked to indicate whether they held information about employees, customers, clients and / or suppliers. Similar to 2008 and 2007, the majority of respondents held information about employees (93%). 89% held information about suppliers, 88% held such information on their customers and 83% held information on their clients.

Q8 Does your organisation hold any information about any of the following?									
(Prompted)	Public			Private			Total		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Employees	97%	99%	98%	94%	98%	99%	96%	99%	93%
Suppliers	94%	92%	92%	83%	89%	85%	88%	90%	89%
Customers	88%	84%	89%	84%	84%	87%	86%	84%	88%
Clients	89%	84%	83%	83%	81%	84%	86%	83%	83%