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**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

### **Freedom of Information – One Year on**

A year after the Freedom of Information Act came into force, the majority of public authorities say that the Act is beneficial and is helping to create a culture of greater openness in the public sector.

The findings come from a survey carried out among 500 public authorities by the Information Commissioner's Office (ICO) as part of its review of the first year of the Act. Increased openness and transparency, better records management, improved accountability and improved relationships with the public were all highlighted in the survey as benefits of the Act. Three out of five respondents said that their organisation released more information to the public as a result of the Freedom of Information Act.

The Information Commissioner, Richard Thomas, said: "The Freedom of Information Act is making a significant impact and is being taken very seriously by most public authorities. The pendulum is definitely swinging towards disclosure of information unless there is very good reason to do otherwise. Governmental culture is starting to change. There is still a long way to go but I am encouraged by the range and significant number of disclosures we have seen so far.

"A great deal of important information that is clearly in the public interest has been released over the past 12 months, which would not otherwise have been in the public domain, including details of politicians' expenses, amounts and recipients of farm subsidies under the Common Agricultural Policy and hospital mortality rates. Where public authorities have refused to disclose information, my office has sought to address this, such as securing the disclosure of minutes held by the Department for Education in Northern Ireland on the future of secondary education in Northern Ireland and restaurant hygiene inspection reports in Bridgend and London."

## **The ICO's experience**

Since the Act came in to force at the end of 2005, the Information Commissioner's Office has received over 2300 complaints about public authorities not releasing information. Of these, over 1000 have been resolved either by negotiation, informal resolution or by formal decision notice, 135 of which were issued.

Local and central government account for the largest number of classified complaints, with each accounting for over one third of cases. The most common complaints related to section 1 of the Act, relating to the general right of access to information held by public authorities (where the complaint is that requested information has not been provided, in full or in part) and section 10, the time a public authority may take to comply with a request. The most common reason public authorities claimed an exemption from the Act was that disclosure would breach someone's personal privacy. Prejudice to commercial interests was the second most common exemption claimed.

The ICO had an initial surge of complaints, reflecting the experience of public authorities at the start of 2005, and this has resulted in some delays with casework. The organisation has gained much experience in dealing with FOI during 2005 and has recently instituted a series of new measures designed to help it deal more effectively with complaints. These include setting up a new case reception unit, introducing a new complaints form, more active case management and extra staff, including more senior managers. The measures are already beginning to have a significant effect with more than twice as many cases being processed in December 2005 than in the previous month.

Mr Thomas said: "I am confident that with the changes we have made, along with our growing experience, we can accelerate case handling procedures and improve productivity. Particularly complex cases do take longer to resolve, but increasing experience will continue to reduce the time this takes. We have already closed over a third of all cases and our closure rate continues to improve. We are also discussing increased resources with the Department for Constitutional Affairs which will help us to deliver further improvements to our service.

There is still some way to go, but the first year of the Freedom of Information Act in action has proved that people's right to know how public authorities operate, make decisions and spend their money is being better served."

## **ENDS**

If you need more information, please contact the Information Commissioner's Press Office on 020 7282 2960, or visit the website at: [www.ico.gov.uk](http://www.ico.gov.uk).

### **Notes to Editors**

1. The research conducted among public authorities can be found on the ICO website.
2. A summary of cases reported in the media in October 2005 to illustrate the range and volumes of information released under freedom of information is attached to this document. Further copies can be obtained by contacting the ICO Press Office.
3. The ICO has introduced a new standardised (non–statutory) form for complaints to help ensure that those making complaints provide all the information required and to help speed up decisions. Factors which lengthen the process include:
  - Often the complainant does not provide all the information required by the ICO, such as a copy of their original application, evidence that the request has been turned down by a public authority, or evidence of internal review. The individual then needs to be contacted and the information obtained before the complaint can be progressed.
  - Very often the ICO needs to obtain further information from a range of bodies to help make the decision. This information helps the ICO to decide how to proceed with the case, however it can take a long time for the public authority to disclose the information; a minority of public authorities have been unwilling to disclose information.
  - The factual complexity of cases and the need for the ICO to gain understanding of the sector specific issues can add to the time they take to resolve.
  - Particularly complex cases take longer to resolve as they may involve difficult and/or novel legal issues.
4. The ICO issued top tips for public authorities in July to help them understand their obligations under the Act. These top tips are on the ICO website.
5. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000 and other legislation, such as the Environmental Information Regulations 2004 and the Privacy and Electronic Communications Regulations 2003.