

A Global Unions Anti-corruption Network

CRACKING DOWN ON CORPORATE CORRUPTION

USING THE FREEDOM OF INFORMATION ACT: A UK CASE STUDY

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ANNEX 1: RESPONSES TO QUESTION ASKED UNDER FREEDOM OF INFORMATION ACT.

1. Aim and Structure

This report presents a case study of on-line use of the Freedom of Information Act in relation to the Private Finance Initiative in the UK. The case study was carried out from January to April 2005 – the first four months of the Act being in force.

The report is structured follows:

- *Section 2* sets out the rationale for the case study;
- *Section 3* provides an overview of UK Freedom of Information legislation;
- *Section 4* presents the case study: method and findings;
- *Section 5* identifies the key lessons.

2. Rationale

The Private Finance Initiative (PFI) is a major component of the UK government's extension of the private sector into the delivery of public services. It is also an area in which the government has faced criticism about the lack of transparency and the difficulties faced by politicians, media and the general public in gaining access to information about the scope and costs of PFI projects. The use of private sector companies in delivering public services has seen an increase in the use of 'commercial-in-confidence' as a reason for refusing to divulge financial and other details.

Freedom of Information (FoI) legislation is a step towards giving people the 'right to know', so marking a change to the traditional culture of secrecy and representing an extension of democratic rights.

3. Freedom of Information Legislation

3.1. Introduction

The Freedom of Information Act (FoI) 2000 (for the UK except Scotland) came into effect on 1 January 2005. A separate Act, the Freedom of Information (Scotland) Act 2002, came into effect in Scotland on the same date. The Acts are retrospective and applications can be made for information

held before it came into force.

The UK Act is enforced by the UK Information Commissioner and the Scottish Act by the Scottish Information Commissioner.

A number of other measures providing additional rights to information came into force at the same time:

- The Environmental Information Regulations (EIR) 2004 for the UK;
- The Environmental Information (Scotland) Regulations 2004;
- Amendments to the Data Protection Act 1998.

3.2. Coverage

3.2.1. Public Authorities

The Freedom of Information Act 2000 covers over 100,000 UK public authorities including:

- central government departments and agencies;
- local authorities;
- the NHS, including individual GPs, dentists, opticians and pharmacists;
- police and armed forces;
- educational institutions (schools, colleges and universities);
- non-departmental public bodies, quangos, regulators, advisory bodies, publicly owned companies and the BBC and Channel 4 (though not in relation to journalistic materials).

It includes government departments operating in Scotland; public authorities in England, Wales and Northern Ireland; the House of Commons and the House of Lords; and the Welsh and (when reconvened) Northern Ireland assemblies. The full list of bodies covered is available at: <http://www.foi.gov.uk/coverage.htm>.

The Freedom of Information (Scotland) Act 2002 covers the Scottish Executive and Scottish Parliament, local authorities, NHS bodies, police forces, schools, colleges and universities and other Scottish authorities. A full list is available at: <http://www.itspublicknowledge.info/foiact8.htm>.

3.2. 2. Non-public Bodies

Ministers can use a Parliamentary Order to designate *non-public bodies* that provide public services as coming under the Act. However, the Act would only apply to those specific services. This would allow applications for information to be made directly to the private body. To date (April 2005), no private bodies have been designated as coming under the Act.

3.2. 3. Exempted Bodies

The courts, tribunals, security and intelligence services are not covered by the Act.

3.2. 4. Types of Information

The FoI Acts and EIRs apply to any recorded information held by or on behalf of a public body, including: paper records, emails, information stored on computer, audio or video cassettes, microfiche, maps, photographs, handwritten notes or any other form of recorded information.

3.3. Requirement to Publish

Public authorities are required to issue publication schemes, listing all information which they already make publicly available, and that which they intend to make publicly available.

3.4. Response times and costs

Public authorities have 20 working days in which to reply to a FoI request.

In most cases there will be no charge. If there is a charge, the authority must tell the applicant in advance. Charges can be levied for copying, printing and postage. If the cost (excluding copying, printing and postage) incurred by the authority in responding to a request is more than £600 for a government department, or £450 for all other public authorities, then they are not required to respond at all.

3.5. Refusal to Disclose Information

Public authorities can withhold information but only if an exemption in the Act allows them to. In some cases exempt information may have to be disclosed in the public interest.

Under the UK and Scottish FoI Acts, public authorities are entitled to refuse to supply information if:

- finding and extracting the information would cost more than the set cost limit;
- the authority has already provided the applicant with the same or substantially similar information in which case the applicant may have to wait a 'reasonable' time before they can

apply again;

- a request is 'vexatious' - for example, if it is made in order to disrupt the work of the authority or part of an obsessive pattern of requests;
- the information is covered by an exemption which is not subject to the Act's public interest test. These are known as 'absolute' exemptions and are as follows:
 - Section 21: Information accessible by other means
- Section 23: Information supplied by security bodies
- Section 32: Court records
- Section 34: Parliamentary privilege
- Section 36: Conduct of public affairs in the House of Lords or House of Commons
- Section 40: Personal information (except 40(3) (a)(i))
- Section 41: Information provided in confidence
- Section 44: Prohibited by another enactment
- the information is covered by an exemption to which the public interest test does apply but, in which case, the public interest in withholding the information is greater than the public interest in its disclosure.

The public interest test (Section 2) applies to 17 exemptions:

- Section 22: Information intended for future publication;
- Section 24: National security;
- Section 26: Defence;
- Section 27: International relations;
- Section 28: Relations within the UK;
- Section 29: The economy;
- Section 30: Investigations and proceedings by public authorities;
- Section 31: Law enforcement;
- Section 33: Audit functions;
- Section 35: Formulation of government policy;
- Section 36: Effective conduct of public affairs (not subject to the public interest test in respect of the House of Commons and House of Lords);
- Section 37: Communication with Her Majesty and Honours;
- Section 38: Health and safety;
- Section 39: Environmental information;
- Section 40(3) (a)(i): Personal Information (where the data subject has a right to prevent processing);

- Section 42: Legal professional privilege;
- Section 43: Commercial interests

Under the UK FoI Act, an authority can refuse to say whether it even holds particular information if:

- to do so would be likely to prejudice an interest such as international relations or law enforcement and the public interest in not confirming the existence of the information is greater than the public interest in doing so;
- the information relates to a matter such as the formulation of government policy or investigations carried out by a prosecuting authority and the public interest in not confirming the existence of the information is greater than the public interest in doing so;
- the information itself would not have to be disclosed in any circumstances, eg. information about the security services or court records.

3.6. Challenging a Decision to With-hold Information

It is possible to appeal against the decision to refuse to divulge information. The first step is to appeal to the public authority in question, but if this still fails there is a series of further channels.

APPEAL	UK (NOT SCOTLAND)	SCOTLAND
Step 1:	Public authority	Refusing public authority
Step 2:	UK Information Commissioner	Scottish Information Commissioner
Step 3:	Information Tribunal	Court of Session
Step 4:	High Court	

Under the legislation, cabinet ministers can veto any decision of the Information Commissioner or Information Tribunal requiring a government department to disclose exempt information on public interest grounds. The government has said that all cabinet ministers will be consulted before a veto is used.

The Welsh First Minister, and the Northern Ireland First Minister and Deputy First Minister acting jointly, also have a similar veto in relation to the devolved administrations.

In Scotland, the First Minister can veto decisions of the Scottish Information Commissioner if he orders the Scottish Executive to disclose some classes of exempt information on public interest grounds. The information must be of “exceptional sensitivity” and includes that which relates to the formulation of government policy, ministerial communications, Law Officers’ advice, the operation of a ministerial private office, national security, information supplied in confidence by a foreign government or international organisation, information which could be withheld during legal proceedings and information relating to honours. The veto cannot be used in relation to some types of exempt information, including information whose disclosure would substantially prejudice commercial interests, law enforcement, the economy, relations between devolved assemblies or an assembly and the UK government or in relation to the exemptions for information due to be published in the next 12 weeks, trade secrets, information likely to endanger health and safety or the environment or communications with the Royal Family. The First Minister must consult other ministers before using the veto.

Use of the veto cannot be kept secret and could be judicially reviewed.

A fuller explanation of the various Acts and use of them can be found in the excellent pamphlet from the Campaign for Freedom of Information, *A Short Guide to the Freedom of Information Act and Other New Access Rights* (http://www.cfoi.org.uk/pdf/foi_guide.pdf).

4. The Case Study

4.1. Method of Approach

The case study involved all the major UK government departments, the Scottish Executive and the Welsh Assembly Government.

Each was asked the same question relating to the Private Finance Initiative (PFI):

“Could you email me a list of the winning bidders for each of the department's PFI projects (including any carried out for agencies attached to the department)?”

The public authorities involved were:

- Cabinet Office
- Department for Constitutional Affairs, DCA
- Department for Culture, Media and Sport, DCMS
- Department for Education and Skills, DfES
- Department for the Environment, Food and Rural Affairs, DEFRA
- Department for Transport, DfT
- Department for Work and Pensions, DWP
- Department of Health, DH
- Department of Trade and Industry, DTI
- Foreign and Commonwealth Office, FCO
- HM Customs And Excise/Inland Revenue, HMRE
- HM Treasury, HMT
- Home Office, HO
- Ministry of Defence, MOD
- Northern Ireland, NIO
- Office of Government Commerce, OGC
- Office of the Deputy Prime Minister, ODPM
- Scottish Executive
- Welsh Assembly Government

4.2. Findings

4.2.1. Usability of Public Authority Web Sites

One of the most common ways that users will use the FoI Act will be through the web site of the relevant public authority. It is therefore important that the web sites are both clear and simple to use, and allow users to make a request quickly. It is also of use if the sites assist users in checking earlier responses to FoI requests.

All of the sites in this study were examined to see whether the home page clearly identified a link to Freedom of Information issues, whether it was straightforward to make an online request (either by a form or by email) and whether it was possible to see previous releases.

Virtually all of the public authorities had a link to a Freedom of Information section on their front page. The Treasury and the Welsh Assembly Government were the exceptions to this with no link; resulting in any prospective user having to search for the section (the Treasury has since added a link on its front page).

Most provided a clickable email address in order to make an online FoI request. However, some of these – such as DEFRA and HM Treasury – were not easy to find and users have to search through several pages in order to get there.

Some authorities provided an online form instead of an email address. These included DfT, MOD and the Northern Ireland Office. The OGC provided an online form as well as an email address.

The Cabinet Office does not publish an email address for this purpose and neither does DCMS (offering only a postal address) and DWP. The latter department suggest contacting the relevant local office for FoI requests, and although it provides an email address for ‘more information about how DWP implements the Freedom of Information Act’, this does not appear to extend to actual requests under the Act.

Similarly most of the public authorities surveyed published a list of responses to earlier FoI requests. Sometimes this was qualified (as was the case for the Cabinet Office, HM Treasury, OGC, ODPM and the Scottish Executive) with a phrase like ‘where the material is of wider interest’.

The only public authorities that did not list any earlier releases were DCMS, DfES and HMRE (the latter may possibly be because the department is a new one resulting from the amalgamation of HM Customs and Excise and the Inland Revenue).

TABLE 1: WEB SITE USE

PUBLIC AUTHORITY	LINK TO FOI SECTION FROM FRONT PAGE OF WEBSITE?	EASILY ACCESSIBLE METHOD OF MAKING FOI REQUEST?
Cabinet Office	Yes, not listed as FoI but accessible under 'Publication Scheme' http://www.cabinetoffice.gov.uk/publicationscheme/	No. Great deal of information about what is published and how to access it (including list of earlier releases 'which relate to issues of general interest to the public') but not how to make a new request.
Department for Constitutional Affairs	Yes, clickable link 'Freedom of Information' http://www.dca.gov.uk/rights/dca/foidcaintro.htm	Yes. Very clear explanation of how to find out what is available and clickable email link to make new request. Earlier FoI releases listed.
Department for Culture, Media and Sport	Yes, clickable link 'Freedom of Information' http://www.culture.gov.uk/foi/default.htm	No. Very clear explanation of what is available etc but only postal address supplied for new requests. No separate list of earlier FoI releases.
Department for Education and Skills	Yes, clickable link 'Freedom of Information' http://www.dfes.gov.uk/FOI/	Yes. Clickable email link for new requests but no explanation of how to find out what is already available or list of previous FoI releases.
Department for the Environment, Food and Rural Affairs	Yes, clickable link 'Freedom of Information release' http://www.defra.gov.uk/corporate/opengov/info_release/index.htm	Yes clickable email link for new requests but requires searching through several pages first. Great deal of information and how to access it, including list of earlier releases.
Department for Transport	Yes, clickable link 'Freedom of Information' http://www.dft.gov.uk/stellent/groups/dft_foi/documents/sectionhomepage/dft_foi_page.hcsp	Yes, online form. Also list of earlier releases.
Department for Work and Pensions	Yes, clickable link 'Freedom of Information' http://www.dwp.gov.uk/pub_scheme/	No, suggests contacting relevant local office. Has clickable email address for 'more information about how DWP implements the Freedom of Information

PUBLIC AUTHORITY	LINK TO FOI SECTION FROM FRONT PAGE OF WEBSITE?	EASILY ACCESSIBLE METHOD OF MAKING FOI REQUEST?
		Act'. Also lists earlier releases.
Department of Health	Yes, clickable link 'Freedom of Information' http://www.dh.gov.uk/PolicyAndGuidance/FreedomOfInformation/fs/en	Very clear, easy to use. Has clickable email link for new requests and lists earlier releases.
Department of Trade and Industry	Yes, clickable link 'Freedom of Information' http://www.dti.gov.uk/about/foi/	Very clear, easy to use. Has clickable email link for new requests and lists earlier releases.
Foreign and Commonwealth Office	Yes, clickable link 'Freedom of Information' http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1032370383930	Very clear, easy to use. Has clickable email link for new requests and lists earlier releases.
HM Revenue and Customs	Yes, clickable link 'Freedom of Information' http://www.hmrc.gov.uk/about/foi.htm	Clickable email link for new requests. Unable to find list of earlier releases
HM Treasury	No. Clicking on 'About us' http://www.hm-treasury.gov.uk/about/about_index.cfm produces a list of links including: * Freedom of Information Act 2000 and HM Treasury * HM Treasury's Publication Scheme * Recent publications * How to make an information request * Freedom of Information disclosures	Clickable email link but not very easy to locate. List of earlier releases 'where the material is new or of wider interest'.
Home Office	Yes, clickable link 'Freedom of Information' http://www.homeoffice.gov.uk/inside/foi/index.html	Very clear, easy to use. List of departmental and general clickable email links. Also lists earlier releases.

PUBLIC AUTHORITY	LINK TO FOI SECTION FROM FRONT PAGE OF WEBSITE?	EASILY ACCESSIBLE METHOD OF MAKING FOI REQUEST?
Ministry of Defence	Yes, clickable link 'Publications, FOI and Reports' http://www.mod.uk/publications/index.htm which points to http://www.foi.mod.uk/	Online form for new requests. Lists earlier releases among general recent documents list
Northern Ireland Office	Yes, clickable link 'Freedom of Information' http://www.nio.gov.uk/index/foi.htm	Online form for (short) new requests. Lists earlier releases.
Office of Government Commerce	Yes, clickable link 'Freedom of Information' http://www.ogc.gov.uk/index.asp?docid=2817	Very clear clickable email and online form. Lists earlier releases 'where the material is new or of wider interest'.
Office of the Deputy Prime Minister	Yes, clickable link 'Freedom of Information' http://www.odpm.gov.uk/stellent/groups/odpm_accessstoinformation/documents/sectionhomepage/access_to_information_page.hcsp	Clickable email link for new requests. Lists earlier releases 'where we judge these to be of wider interest'.
Scottish Executive	Yes, clickable link 'latest disclosures'. http://www.scotland.gov.uk/Topics/Government/FOI/19260/20126	Clear. Clickable email link for new requests. Lists earlier releases 'which may be considered to be of wider interest'.
Welsh Assembly Government	No. But Freedom of Information page can be accessed by clicking on 'F' in alphabetical listing of subjects. http://www.information.wales.gov.uk/	Clickable email link for new requests. Lists earlier releases.

NB: All sites checked 21 April 2005

4.2.2. Response times

The question was emailed to the public authorities in two batches, the first group on 3 March 2005 and the second on 7 March 2005. The full list of responses (as of 21 April 2005) can be found in the Annex to this paper.

Under the Act the authority must supply the information requested, or explain why not, promptly and within 20 working days. If it can supply the information earlier, i.e. before the end of the 20 working days, it must do so.

Just over a third (36%) of public authorities provided the answer to the request within the time limit. Of the 19 surveyed, seven replied within the recommended time limit: DfES, DH, Cabinet Office, HMRE, OGC, Scottish Executive, and the Welsh Assembly Government.

Five sent a holding reply within the 20 working days target date and then provided an answer after the limit. These were DCA, FCO, ODPM, HMT and NIO.

Four others replied, but after the 20 working days recommended time limit. These were MOD, Home Office, DWP and DTI.

One (DEFRA) replied after the time limit (4 April) to advise that the time limit needed to be extended and that a response would follow by 29 April.

As of 22 April, two had still not replied: DfT and DCMS.

TABLE 2: RESPONSE TIMES TO EMAIL REQUEST[1]

	Replied Within 20 Working Days	Holding Reply Within 20 Working Days. Replied Beyond Limit	Replied after 20 working days limit was up	Extended Time Limit	No Reply as of 22 April
Public authority	DfES	DCA	MOD	DEFRA	DfT
	DH	FCO	Home Office		DCMS
	Cabinet Office	ODPM	DTI		
	HMRE	HMT	DWP		
	OGC	NIO			
	Scottish Executive				
	Welsh Assembly Government				
TOTAL	7	5	4	1	2

4.2. 3. Format of responses

The request asked for an email reply to be sent. Most respondents replied by email. Sometimes the requested data was in the body of the text, sometimes in an attached letter.

Several respondents simply provided a link to a web page which listed the data requested. Usually this was a web page on the public authority's own web site (DCA, MOD, Scottish Executive, and Welsh Assembly Government). On other occasions this was an external web site. DfES initially referred to a subscription site before referring to its own; FCO provided a link to a page of Hansard listing a relevant PQ; Home Office initially referred to external site, then provided details in email.

ODPM provided a spreadsheet. DTI and HMRE sent hard copy letters by post. Cabinet Office and Northern Ireland Office sent replies by both email and post.

4.2. 4. Quality of responses

The question requested the names of the winning bidders in each of the public authority's PFI projects. Some cross checking of responses was possible by comparing the number of projects identified by the respondent with the Treasury's overall list (available at http://www.hm-treasury.gov.uk/media/D90/70/PFI_signedprojects_dec04.xls).

Less than half (47%) of respondents supplied data that comprehensively answered the query in the first instance (9 out of 19). Those that did so were DCA, MOD, FCO, DH, ODPM, Cabinet Office, HMRE, Scottish Executive and Welsh Assembly Government.

For others it took a second and sometimes third attempt to clarify the response and gain a fuller answer. Two did not answer at all (DfT, DCMS), despite reminders by email.

However, others provided incomplete answers and responded with varying degrees of helpfulness.

OGC (which plays a leading role in the government's PFI programme) first sought clarification to ascertain whether the request referred to them specifically or to all PFI projects. On being told that the query was directed to them, OGC claimed not to have any, but that in any event access to the TED (Tenders Electronic Daily, the supplement to the Official Journal of the European Union, accessible at <http://ted.publications.eu.int/>) fulfilled the requirements of the FoI. A brief glance at the TED will confirm to most people that access to it does no such thing. When OGC were referred to their Treasury listing, they agreed that an agency of the OGC did have a PFI and the respondent then copied in the OGC FoI officer to the email correspondence. However despite this, no response ever came from the agency (OGC buying solutions).

The Northern Ireland Office provided details for 'the only PFI contract let by the Northern Ireland Office'. However the Treasury lists 39 projects under Northern Ireland. Clarification was sought but none received as of 21 April 2005.

The DfES reply simply referred the enquiry to a website (<http://www.publicprivatefinance.com>). This is not a departmental website and is only accessible by subscription. On complaining about this the DfES defended its response by arguing that the website is in the public domain and therefore referring to it in response to a FoI query is acceptable as the Act does not stipulates that information should be free and publicly available but simply publicly available. Following further complaint, DfES referred to a page on their own website which carried the requested information. In other words, the first response was to refer an enquiry to an external subscription website despite the information being available (without charge) on the department's own website.

The Home Office was not quite so unhelpful but also referred the enquiry to an external website. This time the website was www.partnershipsuk.org.uk and the justification was that 'the information that you have asked for is already accessible to you as it is already in the public domain' and 'the website contains a database of all PFI projects and gives detailed information including the contractors/winning bidders for each project'. This is true but as the Home Office must know, the information is not available in a format which allows a listing of contracts by sponsoring department. Therefore it is impossible to see which contracts are Home Office sponsored unless every single one of the 600 or so contracts is examined. On pointing this out the Home Office then responded with a list of projects. Again this was incomplete. Although it listed those commissioned directly by the Home Office and by the Prison Service and the Passport Service, it did not list those commissioned by the various police forces in England and Wales or those commissioned by the Youth Justice Board. The Treasury list both groups as Home Office-sponsored. A further request was made for clarification, but as of 22 April no reply had been received.

The Treasury itself was guilty of acknowledging ownership of fewer PFI projects than its own list suggests. HM Treasury only offered one project, and upon querying this response they agreed that National Savings (a Treasury agency) also had one and details were provided.

DTI also provided details of fewer PFI projects than identified by the Treasury (3 as against 8). This was queried but no reply received as of 21 April. DWP provided details of 3 as against 11 listed by the Treasury. Clarification was sought but not received by 22 April.

4.2. 5. 'Commercial interests' and disclosure

The most peculiar response was from DEFRA, which responded a few days after the 20 working days deadline had passed with an email stating that there needed to be an extension to the deadline 'because the information requested must be considered under one of the Act's exemptions to which the public interest test applies. This means that we need to assess whether the public interest in disclosing the information outweighs the public interest in withholding it, and some extra time will be needed to determine this. The particular exemption we are considering in relation to your request is Section 43

FOIA (Commercial Interests)’.

DEFRA is the only public authority that has cited commercial interests (or anything else) as a reason for not identifying the winning contractors for its PFI projects. Given that every other public authority in the survey supplied company names, this is an odd response.

The House of Commons Library Research Paper, *Freedom of Information implementation* (24 November 2004) predicted that:

‘Section 43 on commercial interests may well be the subject of early appeals concerning public sector contracts’.

But perhaps the authors did not expect that the mere naming of a company in association with a particular PFI project was itself damaging to commercial interests. Under the FoI Act (UK) the public authority must show that disclosure is likely to “prejudice” commercial interests.

5. Conclusion

5.1. Summary

The most noticeable characteristic of the responses from the 19 public authorities surveyed was the unevenness of response.

A simple and straightforward request was dealt with in a variety of ways with different degrees of cooperation, some almost certainly in breach of the letter and certainly the spirit of the Act.

This case study examined the use of the FoI under four broad headings:

- Usability of the public authority web sites
- Response times
- Format of response
- Quality of response

Most public authorities have a prominent link on the front page of the web site to a section on Freedom of Information. But there are wide disparities in the utility and user-friendliness of the sites. Some are clear and well signposted (such as DH and DTI) while in others, users enter a maze in which it is difficult to find out how to make a FoI request.

Response times also vary markedly. Only 7 out of 19 replied with the answer to the request within the required 20 working days. This is a poor showing in the first few months of the new Act.

The format of response appeared significant. Some of those public authorities that appeared least cooperative seemed to favour reference to external websites or the provision of data in email text. Alternatively, those most helpful, provided either links to their own web pages, tables in attachments or (in one case) a spreadsheet.

The quality of the response was again extremely uneven. 9 of 19 provided the data requested without further correspondence. With a number of public authorities it was necessary to engage in a debate and several emails in order to achieve the same result. This suggests that for some public authorities, information is still regarded as available on a need to know basis rather than on a right to know basis.

5.2. Lessons

The case study illustrates that questions need to be tightly constructed so that misinterpretation is minimised, if not eliminated.

Also, it is clear that it is worthwhile engaging in dialogue with the public authority to seek either clarification or additional information if the initial response is perceived as inadequate.

The functioning of the Act will undoubtedly be strengthened and its value increased the more enquiries stretch the use of the legislation and the more often public authorities are obliged to expand on initial minimalist responses. Good practice from public authorities in responding generously to requests will be rewarded by a decrease in the administrative burden and cost of response, while those who respond by drip feeding information will find themselves in long dialogues with FoI enquiries.

ANNEX 1: RESPONSES TO QUESTION ASKED UNDER FREEDOM OF INFORMATION ACT

‘Could you email me a list of the winning bidders for each of the department's PFI projects (including any carried out for agencies attached to the department)?’

DEPARTMENT	DATE OF EMAIL REQUEST	20 WORKING DAYS LIMIT	DATE OF FIRST REPLY	DATE OF ACTUAL ANSWER (if different)	RESPONSE
Department for Constitutional Affairs (DCA)	030305	040405	040305	180305	Holding reply. Then referred to page on departmental web site
Ministry of Defence (MOD)	030305	040405	100305	150305	Holding copy sent on 100305. Then referred to page on MOD website. Also referred to http://www.partnershipsuk.org.uk

DEPARTMENT	DATE OF EMAIL REQUEST	20 WORKING DAYS LIMIT	DATE OF FIRST REPLY	DATE OF ACTUAL ANSWER (if different)	RESPONSE
Department for Environment Food and Rural Affairs (DEFRA)	030305	040405	070405		Sent 'extension of time' letter <p>'because the information requested must be considered under one of the Act's exemptions to which the public interest test applies. This means that we need to assess whether the public interest in disclosing the information outweighs the public interest in withholding it, and some extra time will be needed to determine this. The particular exemption we are considering in relation to your request is Section 43 FOIA (Commercial Interests).</p> <p>I hope to let you have a response by 29th April 2005, and will keep you informed of any further delay.'</p>
Department for Education and Skills. (DfES)	030305	040405	070305	170305	Holding reply first. Then referred to subscription website (http://www.publicprivatefinance.com). On complaint referred to page on DfES website
Foreign and Commonwealth Office (FCO)	030305	040405	070305	180405	Holding reply Reminder 130405 Replied 150405, 'hope' to get a response within week. Answer received 180405. Referred to PQ and provided web link to it
Department of Health (DH)	030305	040405	050405		Sent a list of winning bidders for each of the major PFI schemes. Unfortunately, information is not held centrally for schemes with a capital value below £20million as these fall below our delegated limits.
Home Office (HO)	030305	040405	010405		Referred to website on grounds that 'The

DEPARTMENT	DATE OF EMAIL REQUEST	20 WORKING DAYS LIMIT	DATE OF FIRST REPLY	DATE OF ACTUAL ANSWER (if different)	RESPONSE
					<p>information that you have asked for is already accessible to you as it is already in the public domain' and 'the website contains a database of all PFI projects and gives detailed information including the contractors/winning bidders for each project'.</p> <p>www.partnershipsuk.org.uk</p> <p>Replied on 020405 pointing out that the website does not list projects by department and asking for advice and again on 130405.</p> <p>Replied 130405 with list of projects. These excluded all police-related projects and Youth Justice Board projects. Asked for clarification 200405.</p>
Office of the Deputy Prime Minister (ODPM)	030305	040405	110405		Sent spreadsheet containing the details requested. Details requested for ODPM's general local government and Joint Service Centres PFI projects is not held centrally but contact details provided for individual authorities where this information can be obtained.
Department of Trade and Industry (DTI)	030305	040405	210405		Reminder 130405. Received letter by post 210405. Requested clarification 210405.
Department for Transport (DfT)	030305	040405			Sent (again) by online form 130405
HM Treasury (HMT)	030305	040405	040305	100305	Initially only offered one project. On querying this, agreed that National Savings (A Treasury agency) also has one and sent the information 100305.
Department for Work and Pensions (DWP)	030305	040405	040305	200405	<p>Holding reply.</p> <p>Reminder sent 130405.</p> <p>Response received by email 200405. Clarification sought 220405</p>
Cabinet Office	070305	060405	090305	150305	Holding reply sent and then data by email

DEPARTMENT	DATE OF EMAIL REQUEST	20 WORKING DAYS LIMIT	DATE OF FIRST REPLY	DATE OF ACTUAL ANSWER (if different)	RESPONSE
					and post
Department for Culture, Media and Sport (DCMS)	070305	060405			Emailed (again) 130405
Inland Revenue (IR)	070305	060405	220305		Holding reply Reminder sent 130405 Response on 130405 to say that letter sent by post on 040405. Replied explaining non receipt 130405. Scanned copy emailed 130405.
HM Customs & Excise (C&E)	070305	060405			Reminder sent 130405 Covered by IR response (above). HMCE phoned 140405 to confirm this.
Northern Ireland (NI)	070305	060405	100305	070405	Holding reply sent (hard copy). Gave details for 'the only PFI contract let by the Northern Ireland Office'. Treasury list 39 projects so sought clarification 200405.
Office of Government Commerce (OGC)	070305	060405	080305 and 150305		Autoreply confirming receipt. Holding reply, then clarification requested, then claimed not to have any (and that in any event access to TED fulfilled the requirements of the FoI), then in response to query acknowledged that an agency of the OGC had a PFI. Copied in FoI officer at OGC buying.solutions but no response from there.
Scotland	070305	060405	080305		Referred to page on SE web site
Wales	070305	060405	140305		Referred to page on WAG web site

[\[1\]](#) (posted in two batches: 3rd March and 7th March 2005)