Using Access to Information to support social change
Rethinking our approach to marginalised communities

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Summary

- Marginalisation affects communities in many different ways, including through a lack of access to devices, distrust of authority and language barriers. The strongest way communities are affected is by the design of social structures, which are built for a norm which doesn’t represent them.
- Organisations who support marginalised communities do commonly use access to information, however the process is perceived as long and challenging, and can often rely on personal contacts to get information released.
- Information released by public bodies is often wanted to provide the base understanding for policy and research work. However the time information takes to be released can be a barrier, and information that includes private companies providing public services isn’t obtainable.
- Differences in the ways data are recorded and fields are named, the granularity of available information and the lack of clarity on production methods all show a clear case for standardisation of data production methods.
- The impact released information can have is huge and centres around validation of the experiences of marginalised groups, especially when that information is adjusted to account for institutional bias.

Introduction

One of mySociety’s core beliefs is that knowledge is power. More and more we can see how current systems are serving only a few within society, and how important transparency and accountability are to regaining trust in our political systems. For movement towards positive change in society we theorise that putting knowledge into the hands of marginalised groups will start to help redistribute power in a more equitable way.

Historically mySociety’s user base has skewed towards those who already hold privilege, with white, well-educated, affluent males most represented across all our UK services. This demographic has fluctuated a little over time, but not as considerably as we would like.

And therein lies the problem: this group already holds so much power; and the systems that hold up society are weighted in favour of their needs. To make society more equitable and truly repower democracy, mySociety needs to look at ways we can connect with the groups traditionally left behind by social structures.

This report aims to uncover the challenges that organisations embedded in or working with marginalised communities face when gathering and using information held by public bodies to
advocate for positive social change. It gives recommendations for where changes to processes could have impact, such as response timeframes and data standardisation.

Finally it sets out some adjustments mySociety should make to their ATI services to better support marginalised communities in the UK.

Methodology

This study examined the qualitative experiences of 22 organisations who gather or use information from public bodies in their work to support or advocate for social change within the UK. Predominantly we looked at organisations working with communities which are traditionally classed as marginalised, with our key marker for marginalisation being low digital literacy or digital availability, as a lack of access to online tools is a substantial barrier to the use of our services.

Low digital literacy is often a proxy for other forms of marginalisation: compared to the general population, people with low digital literacy are 1.5x more likely to be from BAME groups, 8x more likely to be over 65, and 4x more likely to be from low income households. More than half are living with an impairment. As society becomes ever more digital, it is increasingly clear that some communities are getting left behind and the most connected voices are being amplified, deepening inequities already present in society. So this research also aims to listen for the reasons why people do or cannot engage online fully. By crossing other markers of marginalisation with lower digital literacy and lower digital engagement we were able to understand more about the intersectional barriers that community support, advocacy and campaigning groups face.

We approached a total of 75 groups, spanning campaigning, research, policy work and advocacy. To identify these, we used a mix of approaches: internet-based research informed by what we already knew of FOI use within these communities; looking at organisations funded by donors who strategically support marginalised communities on 360 Giving; and through leads from the groups we spoke to.

Of these 75 groups, around 25 responded and 22 donated their time to help us with this research. These organisations supported a mixture of causes including youth voice, race, mental health, homelessness, migrant support, human trafficking, research around lobbying, autism support and LGBTQIA+ support. A full list can be found in the acknowledgements section of this report.

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5. https://www.mysociety.org/2020/02/24/whadotheyknow-survey/
Organisations took part in 30-45 minute interviews consisting of around 16 questions. We discussed organisational drivers and day to day work, barriers faced in delivering their work, what information they look for and what that process of obtaining information looks like, how useful the information they get is and what it unlocks, and also whether low digital literacy is common in the communities they serve.

The limitations to this work should be acknowledged: we only spoke to a small selection of organisations and we didn't manage to connect with all organisation types within our markers for marginalisation. Notably, voices on ageing provisions and traveller communities are absent. Our research is not perfect and while we have made every effort to include the voices of lived experience we realise there is still much more work to be done.

Findings

About the organisations themselves

Of the 22 organisations we spoke to, 65% were intermediaries, sitting between the users and political spaces they were trying to influence and 35% were grassroots organisations focused on direct community support. It's important to note that 65% of the organisations who participated are embedded in the communities themselves, representative of and working deeply with them and their lived experiences. Those who aren't tend to be performing legal or research work which either directly or indirectly affected the marginalised communities we were looking at. It should also be mentioned that 30% of the organisations pay for data or research as they don't have the resource to generate this inhouse.

In terms of the work they carry out, half of the groups directly endeavour to upskill their communities in some way, providing them with tools and opportunities to make change in their own lives as well as for the wider community.

We concentrated on organisations supporting marginalised communities in this research, and we also strongly aim to support individual use of FOI from people within marginalised groups. The next phase of this work will include FOI training seminars where we hope the mission to upskill community members will play a part in introducing FOI to individuals.

When it came to advocacy and policy work, 65% of the groups are working on systems change and national policy, and 50% of the organisations also have some specific local policy focus as well. The type of policy work the organisations undertake tends to involve shining a light on the lived experiences of those who the policies would affect, and trying to influence those making decisions to make better ones. 70% of the organisations are working on emotionally charged topics with their users, who generally have a distrust of authority.
Social structures, language and the digital divide

For some of the organisations, lack of tech skills (30%) or lack of tech availability (35%) in their users play into how they interact with information and with society. For the remaining 65% of the organisations we spoke with, digital literacy in their userbase isn’t such an issue. This accords with the intermediary weighting of the organisations.

One important consideration is that mobile phones are more common than any other kind of digital device for access to the internet in the communities we are focusing on.

So while technically people do have access to the internet, it is via one limited type of device, and they may not have the skills to engage using other device types (such as laptops), causing what might be termed ‘device poverty’.

This restriction can limit the ability to engage with civic services provided by local authorities and national bodies (for example: 30% of the organisations said their users didn’t know what their rights were) and also have some effect on employability (for example: writing a CV or filling out a job application are more difficult when using a mobile phone), and therefore the opportunities and prospects available to these communities.

Finally, for some groups, especially those who come from a history of domestic violence, device use and internet use may not feel or even be safe. In these cases, community based organisations who can provide support and safe places to carry out digital tasks—or who can engage on the person’s behalf—are key to these groups being able to participate.

For 20% of the organisations, language creates a barrier to connecting with useful services or society. For some, this is because English is a second language; for others it became clear that formal or technical language and language perceived to be ‘of the government’ is also a barrier for engagement. This type of language is seen as an indicator that something is “not for them”.

This is an interesting finding in light of the fact that the biggest challenge by far faced by 70% of the organisations we spoke to is that the structures and systems of society are weighted against the change they are trying to make. This follows our understanding of BIPOC and marginalised communities' experiences of interaction with social structures’ and might link into different ways of viewing or communicating their understanding of the world.

When thinking about FOI this could manifest as a reluctance to engage with, trust or do something that might support the continuation of those same social structures. 45% of organisations also

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mentioned that the political and media climate was hostile to the requests that their organisations were trying to make to spur social change, which also links in to the sense of social structures being hostile. Our understanding mainly comes from the lived experiences shared in our interviews and a few studies on the justice system\(^8\).

For the purposes of using FOI, analysis of datasets, reading PDF documents and even downloading attachments may be difficult or even impossible on mobile phones. Therefore it is important to consider how these barriers can be overcome in a more mobile-centric world. There is a clear need for us to simplify language and reduce the amount of technical language on WhatDoTheyKnow, and some of this work has already begun.

The wider social problems must be acknowledged too, though they are outside of our ability to fix on our own. That being said, we can endeavour to create more opportunities for partnerships around FOI work, where we can play a supporting role to organisations who are fighting for social change.

\(^8\) [https://documents.manchester.ac.uk/display.aspx?DocID=64125](https://documents.manchester.ac.uk/display.aspx?DocID=64125)
Long response times, challenging processes and personal relationships

Only 20% of the organisations we spoke to had used WhatDoTheyKnow, though 80% had used FOI in some form. For 15% of the groups we spoke to, FOI was a new skill; 30% didn’t use it often and 20% never used it at all. Of the groups who had never used it at all, half were unsure if they even needed information from public bodies.

50% said that FOI involved too long a wait for information — one organisation said they had to wait an average of between eight and ten weeks for a data release or response — with 30% citing the quick turnaround on policy or research work being a reason why FOI wasn’t fit for purpose in their work. Digging into this a little, we heard that organisations and researchers were often asked to clarify — and/or reduce the scope — of their requests in order to get data released, which can then reset the timeline, adding another 20 days before the request will be fully completed.

25% of groups thought a shorter response timeframe would be beneficial, and 40% thought more proactive disclosure of commonly requested information would be helpful. This will be explored more in the recommendations section, the gist being that it would be more helpful if the initial response stated whether or not the data is held, or whether a request needs to be clarified., Most organisations would appreciate more of a dialogue and pointers about what could be released as part of the FOI process.

While we can’t change the timeframe in which an authority responds, or whether they are willing to enter into dialogue about clarifications, we can provide good examples of FOI requests which may support more frequent data release.

25% of groups said the process of making an FOI request was difficult (none of these had used WhatDoTheyKnow) and 20% of groups said FOI felt like it was a very formal route to get information.

The level of formal language required when asking for data (eg specific terminology used to define the information ) was a contributing factor to this feeling of difficulty. For some, the idea that you need to be able to predict and then counteract, in that first request, all of the possible reasons why a request might be rejected or information might be deemed unavailable, also added to process challenges and left groups feeling like FOI wouldn’t be worth the hassle. Only 10% of groups, however, mentioned the process of making an FOI being overly time consuming.

During our conversations we did hear that the way the FOI process is presented often sounds onerous, as if you have to fight for data all the time and that you’ll end up in a lengthy and often litigious process.

Respondents mentioned that positive stories around FOI requests and subsequent data release—especially where it’s quick and easy—aren’t often shared, which contributes to this misconception about the process. This in turn leads to organisations taking more familiar routes,
and investing their scarce financial resources in outsourcing this data collection because the unknown path of using FOI feels too difficult.

One issue which deepens inequities is that personal relationships can be key to getting information released, something raised by 35% of our interviewees.

This was described by one as “socially regressive”, because some groups, especially grassroots ones without the backing of larger organisations or funding, would never be able to access information through connections they don’t have.

And in many cases, a close relationship with certain types of public body wouldn’t be sought due to how this would be perceived within the communities the organisations serve – though information from those public bodies would naturally be the most useful to these groups.

This push and pull ties into the challenge mentioned above, with societal structures being weighted against the change the organisations desire to make. It is important to step outside our own experience as relatively affluent racially privileged people, and understand that what might feel normal to us is a world away from what marginalised communities feel comfortable with.

15% of groups said that making an FOI request was more of a hassle than asking their connections - such as civil servants or service leads who are partnering with them on a project. Some groups first make FOI requests and then fall back on their personal relationships with the information providers to actually get what they wanted, because they got a quicker or fuller response.

While this route it is still using the rights conferred by the FOI Act, the lack of a formal structure places more power back with the authority (for example, they may feel at liberty to ignore the obligation to release within a timeframe) and removes the checks and balances that an FOI team will consider to prevent data breaches or decide whether information is within the public interest.

On top of this, 25% of groups mentioned that the FOI process felt adversarial towards authorities. Half of those groups were ones who had a personal relationship with information providers and would use this route to get information released.

There was a sense, and in some cases outright statements from these connections, that submitting an FOI request would break the trust they had with the public body – and that trust was crucial to getting hold of information the public body would otherwise be loath to release. This begs an ethical question then about the power dynamics around the release and use of this information: where can it be used? Does the public body have the ability to deny its existence if the information is used in a way that they consider to be counter to their interests? If the information can be released at all, why can it not be released publicly?

It’s important to note that for groups with a personal relationship, anecdotal evidence suggests there is more understanding on the side of the public body as to where information would be used, and why it is important.
Perhaps this also represents a desire to try and help despite potential restraints on the release of information. The request for information then becomes more of an informal conversation about what is possible within the difficult balance between the job/department requirements and the desire to support a cause, rather than a direct request from a stranger, which may feed into feelings of antagonism and formality around FOI.

The issue with this type of information exchange is that it starts to water down the strength of the FOI law and the rights of people using it; by law FOI is applicant blind and data is releasable by default unless exemptions apply. While the reasons for this movement toward informal requests are clear, it is also a worrying development.

We were hoping to gain input from some civil servants on this issue but unfortunately none of the leads we were given responded to our requests for an interview. This is an area we’d very much like to explore further however, as we feel there must be some positive work we can do to support public bodies as well as supporting the right to request information via FOI.

What organisations are hoping to achieve with FOI

In 45% of cases organisations were using FOI to obtain base data to set the scene for a piece of work they were planning, be that research, policy making or campaigning. In 35% of cases FOI has also been used to surface gaps in legislation or service provision where policy work could be done.

In such cases, however, FOI may be a challenging or fruitless route.

If the data required is held by private organisations, which are not subject to the FOI Act, it cannot, of course, be obtained via this means. We heard that this makes FOI unsuitable for much of the activity around food and alcohol policy and lobbying, for example in understanding the influence of alcohol companies in public consultations. Where information is sought on public-private partnerships, there is a little more leeway, but still substantial obstacles may arise. In such arrangements, the public authority is subject to FOI, and so requesting the information from that side can be a route in. However, the partnership’s activities may be protected by commercial exemptions.

In short, it can be very hard for organisations hoping to influence public policy to gather a full picture.

The type of work, then, that FOI is useful for when organisations are working on policy change and campaigning for marginalised communities, tends to be responsive and fast paced. It is therefore easy to see how the perception of long response timeframes, the overly-literal way in which
requests may be interpreted and the distrust that is sometimes present regarding how information will be used, is detrimental to carrying out this work.

When we consider changes we might make to WhatDoTheyKnow, these findings are instructive - especially in light of the relatively low usage of WDTK vs using personal connections to get information (20% vs 35% respectively), and the generally high usage of FOI in general (80%). It’s not so much that FOI is not being used for this work, but the perception of the process being long, drawn out, challenging and also interpreted very literally that is causing subjects to be less likely to submit a request via the FOI team in a public body.

The response timeframe is also of note. Our research9 shows that actually many public bodies answer a request within the requisite 20 days, and it’s important to recognise that, by law a response asking for a clarification or saying the data isn’t available is still valid within this timeframe. There may be a lot of entirely permissible back and forth before a data release (or before the request is eventually rejected).

WhatDoTheyKnow can support organisations in getting data released promptly by providing examples of “good” FOI request formulations which have been successful. We can also provide positive stories of FOI use - where the process has been swift and easy rather than onerous - to boost trust in FOI use. We should acknowledge that requests for clarification can come within a shorter time, and not always right at the end of the 20 day period.

The case for standardisation

One of the key things we wanted to understand was how useful data released by FOI actually is to organisations - especially in light of the recent guidance from the ICO around spreadsheets10, which may lead to a reluctance to release data, and lack of understanding of how data thought to be removed before release might be uncovered.

What we found was that in 40% of cases, the datasets that people needed simply weren’t available – either they didn’t exist, the lack of clarity over terms made it tricky to phrase the request to get the authority to provide the data or the public bodies wouldn’t share them.

Of the data that was released either via FOI or informal methods, 65% said the granularity was not there, or the data did not represent the local level so therefore had to be separately modelled for this, which affected its usefulness.

While in some cases public bodies could do better, there has to be acknowledgement that when it comes to intersectional data on specific topics, anonymity also needs to be preserved and this can

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be challenging. This is an area where more input from the research community in shaping how data is collected and standardised could be beneficial to ensure that data being aggregated and shared is of the most use to people supporting marginalised groups in the UK.

Standardisation is also a key issue, as in 55% of cases the fragmentation of data has led to challenges in delivering or shaping of work that organisations are carrying out. Some of this is around terminology and naming conventions when creating data as mentioned above, especially across different regions, which make it harder to both make a request and then when data does come back, build a full picture of what is happening.

25% suggested there was a lack of clarity on how the data was produced, which standardisation would help combat. And in 30% of cases, organisations suggested that the data they received felt curated or needed to be interpreted to account for inherent bias⁹ against marginalised communities. The way the data system works at the moment, if you are a certain type of person who is affected by one or more markers of marginalisation then you are more harmed by how data is collected and created, and we need to understand more about that. Statistics are often presented as “clinical facts” where in reality, they are subject to interpretation dependent on which lens one is viewing through.

Therefore, on one hand, it’s important to recognise data is coming from sources that present it in a certain way — consciously or subconsciously — and to marginalised communities this presentation impacts their subconscious view of themselves, their community and ultimately their world view, often in a negative way.

On the other hand, we know from our conversations that presenting numbers which support a person’s experiences creates an acknowledgement of their world view that may never have been recognised through other media. This opens the door for conversation about the challenges they experience on a daily basis, which others might not, and can lead to a more hopeful view about their ability to change things. So, it’s not just about the actual data itself, it’s also about where the data is coming from, how it has been created and who owns it.

These points are more challenging, yet vital, to resolve as they require a building of trust between organisations and public bodies, the creation of feedback loops which are heard, and a recognition of the different ways a marginalised group and a dominant group may experience the same situation.

In a small number of cases we heard stories of relevant data being buried within a large dataset, the impact of which is twofold: firstly, the more data a body releases, the higher the risk of their accidentally releasing data that should not be publicly available (for example personal data). Secondly a bulk data dump could create the perception that public bodies are deliberately trying

to hide data they don’t want to release, even though this is probably not the case. We didn’t speak to any journalists as part of this particular round of research but our sense is this practice might be more commonly experienced by that profession.

For WhatDoTheyKnow, the actionable point here is that the way data is collected and presented differs from public body to public body, even if it is data about the same thing.

This difference presents challenges for the use of FOI, as a requester would first have to find out all the permutations of the data and then write a very long request covering all the potential options - which many don’t have time to do.

Standardisation could help with this and WhatDoTheyKnow could support standardisation attempts through strategic partnerships with organisations and researchers who want to request similar information across a number of public bodies and repeat these requests over time.

Validation of experiences and strengthening democracy

The strongest impact of using FOI people mentioned was that data and information release is hugely validating of the experiences of marginalised communities: it backs up their inherent “feeling” about a particular issue.

We heard that people were positive about the fact that they could actually “liberate data” and empower communities and speak to their experience. This is one key reason why the data released needs to be granular, unbiased and consistent — especially as we heard from respondents that often quantitative data is valued by national level policy makers over the more compelling qualitative data, which they find easier to dismiss.

Another strength of FOI is that, if information is released and used in a positive way, it shows the strength of democracy: people are exercising their rights and public bodies are understanding and respecting that. We were told that one clear way this has had an impact is through the use of FOI to support the retention of community spaces in community hands, giving a place for communities to come together and support each other to gain valuable societal skills.

Finally we heard stories of information being used to shine a light on where public funds were being used to advertise in spaces that also promote hate speech, and the subsequent withdrawal of that funding. These clear positive impacts help us to understand the importance of data and information released via FOI and how it can really support an organisation in their mission to drive social change.

While this report has highlighted a number of challenges and areas for improvement, it’s also
important to recognise that data obtained via FOI has had a positive effect for many organisations and is already supporting social change.

**Recommendations**

While the main focus of the work we will be carrying out as a result of this research is internal, focused on the sites we create and the services we provide, it's important to recognise that there are beneficial changes which could be made to policy or data gathering methods to greater support marginalised communities. These include:

- **Shorter timeframes on responses** - the current law states that requests should be responded **promptly**, no later than 20 days after the date of the request\(^{12}\). In reality most requests get a response at 20 days or later. There needs to be a greater emphasis on the prompt response, especially where this response is asking for a clarification or suggesting the data is not held - prompting a process of refining and rephrasing the request which can feel overly long for many organisations, to allow for the greater use of FOI in policy making and research work.
- **More proactive disclosure** – especially of data that pertains to marginalised groups, and more importantly a better dialogue around what this data is and what is possible around the creation of intersectional datasets whilst still keeping data anonymised.
- **Better standardisation of data**, especially with regards to data naming conventions across different local authorities.
- **More clarity around the potential** of FOI regarding public private partnerships and private companies taking public funding. Currently these are either not subject to or less rigorously subjected to FOI, however as these organisations hold a lot of power, especially when it comes to lobbying, policy making and delivering of public contracts around healthcare a more formalised view which supports greater transparency on the part of these organisations would be beneficial.

**What’s next for WhatDoTheyKnow**

The recommendations above represent a larger piece of work around FOI in general which can support marginalised communities and organisations that work with them. Alongside this there are some changes mySociety itself can make to WhatDoTheyKnow.com and our messaging to better support the use of FOI for marginalised communities.

- Share more positive stories about the process of FOI: we heard from respondents that when FOI is mentioned in case studies and stories, either the process of getting the

information (e.g., submitting requests, following up, internal reviews, ICO rulings etc) isn’t covered or it is made to sound incredibly long and challenging. This puts people off trying as then it feels like it requires expertise and time they don’t have. So as a first step, sharing positive stories about the process and when data has been easy to come by could encourage people to try.

- Deeper look into the formality of language on WhatDoTheyKnow to identify areas where language may be unintentionally excluding populations
- Advice and support on what a good FOI request looks like: many groups who were new to FOI or not regular users mentioned that often it can be challenging to know what makes a good FOI request. While you can find advice on being specific and adding in time constraints, still people feel like there’s a magic formula which will unlock a data release. WhatDoTheyKnow could help with this using its huge database of almost a million FOI requests, including possible steps like linking to examples of great requests on WhatDoTheyKnow or How To guides for formulating requests with a view to getting information released. This was one of the top requests we heard from the organisations we spoke to, especially those earlier on their journey with FOI.

- Linked to the above, there was also mention of needing a greater understanding of what is and isn’t an FOI request. Crucially this guidance needs to be in plain language and should cover EIR vs FOI, as well as what makes a request an FOI request and when a request for information isn’t an FOI request.

- While WhatDoTheyKnow is optimised for mobile use, we do need to make some consideration as to the technical changes that could be made to ensure large documents or datasets are readable on mobile devices.

- Comparative data explorers by topic: to support users who are doing research which spans years or who need to compare data over time we have considered the potential of topic based data explorers - websites where all data released via WhatDoTheyKnow around a certain topic can be explored - using data obtained via FOI to stay up to date. The first phase of this work, pages on WhatDoTheyKnow allowing people to view FOI requests by topic, is being worked on and the topic based data explorers are an extension of this.

- Exploration of an ‘FOI for hire’ service available to research campaign and advocacy organisations which could also encompass yearly requests for the same data that could then be compared over time.

And overall, at the cornerstone of what we do: we need to ensure that we are striving to support and advance the work of those organisations with more expertise supporting marginalised communities to better achieve their goals.

**Acknowledgements**

None of this research would have been possible without the generous donation of time and expertise from organisations working on the frontlines of marginalisation in the UK. Their insights have given us a small window into the huge systemic issues facing marginalised communities and we hope to develop deeper relationships with many of them in the future.
In alphabetical order, thanks to:

- After Exploitation
- Agenda Alliance
- Dr Ben Hawkins and Nancy Karreman, Cambridge University
- Bite Back 2030
- Black Thrive
- Cardon Banfield
- Data Justice Lab
- Dr Eleanor Brooks, Edinburgh University
- Good Law Project
- Julius Cesar Alejandre, Glasgow University
- Just Right Scotland
- Kids of Colour
- Local Trust
- Migrant Democracy Project
- New Economics Foundation
- Shado
- Stay Up Late
- Stop Funding Hate
- Structural Inequalities Alliance
- The Advocacy Academy
- Thrive LND

And of course, none of this would have been possible without the generous support from the Joseph Rowntree Charitable Trust.