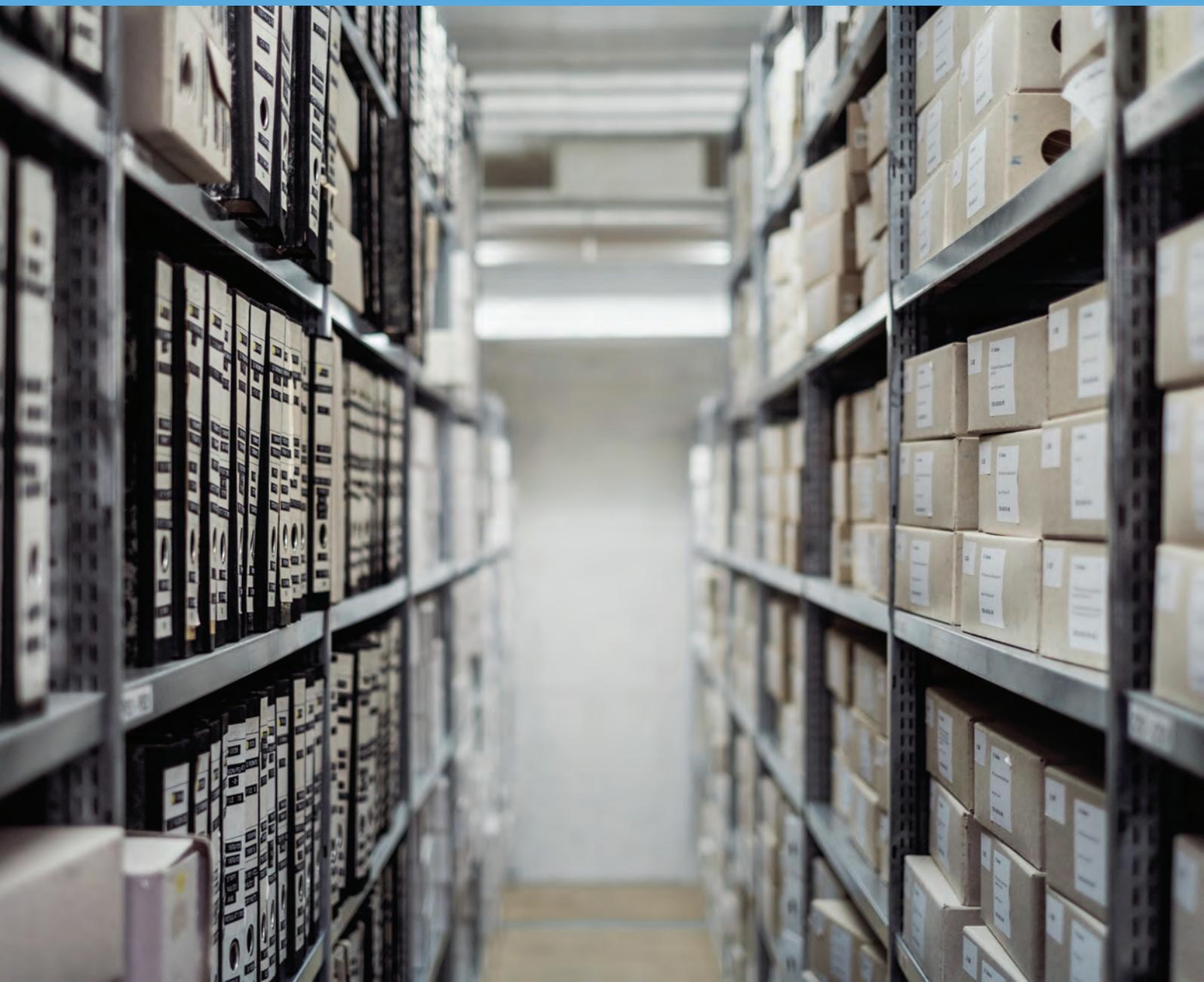


Public FOI

Central government and WhatDoTheyKnow

2018 Report

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Introduction

WhatDoTheyKnow is a public FOI platform (run by mySociety and a group of volunteers) that simplifies the process of sending an FOI request to a public authority and makes the result public so the information can be of use to more people. It is an implementation of mySociety's [Alaveteli](#) software — an open-source framework that can be used to implement FOI transparency sites.

Every quarter the Cabinet Office releases [Freedom of Information statistics](#) for a collection of central government ministries, departments and agencies. This provides a benchmark for understanding how requests made from WhatDoTheyKnow relate to FOI requests made through other methods. From 2017, mySociety started retrospectively tracking the proportion of FOI requests sent via WhatDoTheyKnow to central government using a minisite — <https://research.mysociety.org/sites/foi/> — that explores the data.

This was detailed in a report covering [the 2016 release](#); this report updates that document with the last two years of data releases and contextualises it with more recent research into FOI in other parts of government.

This report also covers the number of requests made through [WhatDoTheyKnow Pro](#) — a new service being piloted that allows embargos of the results of FOI requests for a period — with the goal of bringing more people making FOI requests professionally (such as journalists) into the system and leading to more raw results being made available after the conclusion of a project.

Key Points

- WhatDoTheyKnow accounted for between 15-17% of audited bodies and between 18-21% of ministerial department FOI requests.
- These are expressed as ranges because efforts to reduce the number of non-FOI requests sent to the Home Office through WhatDoTheyKnow have been successful — requiring a new method to compare over time.
- While the proportion of requests has grown most years since 2010, there was no real change from 2017 to 2018.
- Requests made to central government via WhatDoTheyKnow only make-up around 9-10% of all requests sent via WhatDoTheyKnow in 2018.
- WhatDoTheyKnow Pro requests made up 1% of FOI requests to central government — but most requests using this service went to other areas of the public sector.

2018 Statistics

In 2018, out of 49,961 requests to central government, WhatDoTheyKnow accounted for 8,684 (17.38%). Requests sent to central government represent a very low percentage of FOI requests

made through the site and 89.8% of WhatDoTheyKnow requests went elsewhere (for example, to local authorities).

This percentage varies significantly between government departments. For instance the National Archives received 3,395 requests in 2018 — but only 19 came from WhatDoTheyKnow. While the Health and Safety Executive receives the largest number of FOI requests in central government (4,837), very few (2%) come from WhatDoTheyKnow. On the other hand, the Department for Work and Pensions received the second highest number of requests (4,826) — and a sizeable proportion of these arrived from WhatDoTheyKnow (23%). The Department for Health and Social Care only received 976 FOI requests, but 35% of these were sent through WhatDoTheyKnow.

What this suggests is that different departments are receiving different kinds of requests — and certain kinds of requests are more likely to be sent through WhatDoTheyKnow than others. That very few requests are made to the Health and Safety Executive from WhatDoTheyKnow might reflect that a greater proportion of requests are being made by businesses, journalists or researchers who would prefer to make their requests in private, or who have internal methods of conducting and tracking FOI requests.

There will similarly be different breakdowns of requester types between sectors. Estimates of the top four requester types for central and local government show that while both receive roughly equal breakdowns of requests from the general public, local government receives more requests from journalists and business and fewer from academics and researchers.¹ This presents a problem in using a sample of requests from one area to evaluate the use of FOI in another.

Home Office and immigration

Since 2012, the number of FOI requests made to the Home Office have increased in far greater proportion than those to any other central government body. For mySociety's [last report covering 2016](#), WhatDoTheyKnow appeared to represent 61% of requests made to the Home Office. However, this is misleading and results from the use of WhatDoTheyKnow as an avenue for queries concerning people's personal immigration status or to chase up correspondence and documents. These often aren't answered directly (although sometimes are) and tend to get replied to with a message redirecting to the correct channel or procedure. These may not be being counted as FOI requests (it would be inappropriate to class these personal information requests as FOI requests, as they would legally fall under the Data Protection Act, rather than the Freedom of Information Act) and so the count of FOI requests WhatDoTheyKnow sends the Home Office is higher than the Home Office would consider it to be.

¹ Worthy, B. and Hazell, R. (2017) 'Disruptive, dynamic and democratic? Ten years of FOI in the UK', *Parliamentary Affairs*, 70(1), pp. 22–42. doi: 10.1093/pa/gsv069., p. 27

While these may still be dealt with correctly if requests are correctly referred inside the Home Office, the problem this causes is that potentially private information is exposed in public on WhatDoTheyKnow. As such, the website has been modified several times to increase the number and prominence of cautions not to use it to contact the Home Office for personal reasons.

In 2018 the proportion saw a large decline (from 69% in 2017 to 44% in 2018). This results from several changes in how requests sent to the Home Office are administered:

- 1) [Questions were added](#) before allowing users to write to the Home Office to suggest alternate paths to write about immigration issues.
- 2) [The admin interface was changed](#) to make it easier for WhatDoTheyKnow's volunteers to flag requests as containing immigration information. This then hides the request from view and sends an email to the user with alternate forms of contact.

While the proportion has dropped, the Home Office still represents an outlier. WhatDoTheyKnow is accidentally an accessible platform for people to ask the state about this kind of information – and this represents failure demand as a result of poor official mechanisms for this process. That people do receive, if not personal, then at least helpful answers, may be encouraging others to use the service in the same way, either through word of mouth or by increased ranking in search engines.

This behaviour mirrors the use of FOI laws in India, where 18% of FOI requests from rural areas and 15% for urban areas were found to be chasing answers to questions that should have been answered.² Worthy, John and Volloni (2017)'s finding that when asking a question to parish councils, framing it as an FOI request rather than just a question doubled the success rate (from 5% to 10%).³ An under-appreciated role of FOI is to encourage (and demand) the regular and efficient working of normal state services.

As a result of a large set of FOI requests that are potentially not FOI requests, as well as variability across years, to calculate the proportion of requests sent to central government this analysis generates two figures: including and excluding the Home Office.

² RTI Assessment and Advocacy Group (RaaG), Samya- Centre for Equity Studies (2014), [Peoples' Monitoring of the RTI Regime in India](#)

³ Worthy, B., John, P. and Vannoni, M. (2017) 'Transparency at the parish pump: A field experiment to measure the effectiveness of Freedom of Information requests in England', *Journal of Public Administration Research and Theory*, 27(3), pp. 485–500. doi: 10.1093/jopart/muw063.

WhatDoTheyKnow Pro

Over the last few years mySociety has been testing a version of WhatDoTheyKnow for professional use of FOI, that allows embargos of the content of request and some features for management of batch requests.

While 21,000 FOI requests were sent through WhatDoTheyKnow Pro in 2018 — very few of these (544) were sent to audited central government — [the majority were](#) sent to local government, or health and education public bodies.

This means that 1% of FOI requests to central government were made through WhatDoTheyKnow Pro. However, as the next section explores, there has been no overall change in the proportion WhatDoTheyKnow sends in total. This either reflects a slight decline in public use, or a set of users migrating from public to Pro accounts.

Change over time

FOI requests made to central government from all sources were relatively flat from 2014-2017, but 2018 shows an increase on the previous few years to only 4,000 requests below the 2013 peak. The figure in 2018 represents a 16% increase since 2010. While there are no year-on-year statistics for local government, the number of requests made to local government [almost doubled from 2010 to 2017](#).

While the number of requests made to audited bodies through WhatDoTheyKnow have generally increased year on year, this decreased for the first time in 2018. This results in part from the correction described above for Home Office statistics — excluding the Home Office, the proportion of WhatDoTheyKnow FOI requests only changed from 14.95% to 14.85%. Given this, it is better to understand WDTK usage to audited central government bodies as being flat from 2017-2018.

For all authorities, requests made through WhatDoTheyKnow in total have increased year-on-year every year. 2018 represents a 15% increase from 2017 and a 179% increase (almost 3x) from 2010.

Comparing requests

A key question when looking at a sample of information such as the WhatDoTheyKnow dataset is how representative it is of the whole. Certain kinds of requesters who want privacy (such as journalists) will tend not to use the service (although the [WhatDoTheyKnow Pro](#) service addresses this issue by allowing publication to be embargoed). As a result, the WhatDoTheyKnow dataset is missing certain classes of request that will make it unrepresentative of what is received. Knowing how much this is skewing the composition of our dataset is helpful, so we've explored a basic test to identify whether the success rate of requests is noticeably different between the two datasets.

In the central government statistics each body provides a success rate in terms of how many requests were met in full. This has some problems as an objective measure due to the way some requesters might combine questions while others might send each question as an individual request — but it does give us a basis for comparison over time. The Institute of Government found that from 2010 to 2018 the percentage of FOI requests that were fully withheld grew from 25% to 45%.⁴

To compare WhatDoTheyKnow requests and the official statistics, there is an added complication in that the success status of WhatDoTheyKnow requests is self-reported by the requester. Sometimes this isn't updated and so the dataset has many requests that are either successful or unsuccessful awaiting classification (requesters may also classify inconsistently, or set the wrong classification on their request). To provide an accurate measure of success these reports with unclassified statuses have to be adjusted. The methodology of that approach is explored [here](#), but involves an automated categorisation process — with a subset of these being manually checked and then the aggregate categorisation adjusted based on this known error. This process can't be used to validate small differences between official and WhatDoTheyKnow statistics, but is useful for checking for extreme discrepancies. Using this process, in 2018 WhatDoTheyKnow requests to central government had a success rate of 38.4% compared to an official rate of 34.1%. Over the entire time range the difference is much smaller — with the long term WhatDoTheyKnow success rate being within a percent of central government.

This doesn't necessarily represent a change as the methodology used to adjust success rates of unclassified requests is likely to be less accurate for historical data. Similarly this difference is unlikely to be that meaningful (given the methodology uses some quite general corrections) but in general doesn't show an extreme disparity. There is no obvious platform effect of WhatDoTheyKnow either leading to more or less successful requests. That this comparison method can not be used to compare success rates in individual departments without further manual categorisation limits its usefulness for cross-comparison.

There is also a sense that audits of FOI requests hide the complexity of requests. For instance, a single request may contain one or many actual questions — with experienced requesters including substitute questions for speedier replies in the event that one set of data isn't available. Comparisons of counts over time or between areas will not pick up these complexities.

⁴ Institute for Government (2018), We need to know why so many FoI requests are being refused <https://www.instituteforgovernment.org.uk/blog/we-need-know-why-so-many-foi-requests-are-being-refused>

FOI requests not sent to central government

While understanding FOI requests to central government is clearly important in understanding FOI's effect on the running of the country, because the numbers are well documented there is a risk of looking at these statistics as representative of the picture of FOI in the UK.

In 2018 there were only 49,961 requests to central government agencies. Looking at where requests were made in WhatDoTheyKnow, 89.8% of FOI requests sent in 2018 went to public bodies that were not audited as part of the central government. Using FOI to query local authorities about the FOI statistics, mySociety previously found that local authorities received around 469,000 requests in 2017 — over ten times the number of requests to central government in the same year. This also seems to represent [a larger increase over time](#):

Based on the data collected for this report the estimate for English councils only, is 388,736 FOI requests in 2017. This represents a 97% increase on the 2010 figure of 197,000 estimated by the Constitution Unit. In the same period FOI requests sent to audited central government only increased by 6%. Whether this represents a historical under-count or a growth over time (10% a year), the current volume of FOI is nearly double the previously available estimate.⁵

This suggests that central government is not just a minority recipient of FOI, but one that is showing less change over time. Similarly there is a difference in success rate. In 2017, the rate of full success was 34.14% — but for local authorities who recorded and released their success rate (66%), the success rate of FOI requests was 70%. Even assuming the remaining local authorities performed worse than this average, the difference would have to be substantial for FOI requests to local government not to be substantially more successful than to central government.

Collectively, requests made through WhatDoTheyKnow in 2018 via local government or audited central government bodies [made up 57.93% of all requests](#) sent through WhatDoTheyKnow. Using the structure of public bodies in WhatDoTheyKnow, Table Z shows the breakdown of where requests were sent from TheyWorkForYou. Where a body can sit under multiple headings it is counted twice — deduplicated numbers can be seen [on the accompanying minisite](#). Small discrepancies between the total for audited central government in the table and the rest of the report result from public bodies that have been part of the audited Cabinet Office statistics in some years but not others.

⁵ Parsons A, Rumbul R (2019), Freedom of Information in Local Government. [online], mySociety. Paragraph: , Available at: <https://research.mysociety.org/sites/local-gov-foi/l/3.5981.8qvfc.4ms2j.n4w-a.aqddp> [Accessed 5 Jun. 2019]

Sector	Sent requests	%
Local and regional	40,769	48%
Health	10,831	13%
Education	10,316	12%
Audited central government	8,711	10%
Emergency services	5,577	7%
Other central government	4,567	5%
Other	2,694	3%
Transport and infrastructure	648	1%
Media and culture	384	0%
Law making bodies, the courts and the legal system	335	0%
Military and security services	276	0%
Environment and agriculture	144	0%
Groups of public authorities	126	0%
Recreation	30	0%

Table Z -- Requests sent from WhatDoTheyKnow in 2018

WhatDoTheyKnow makes up between 15-17% of requests to audited central government departments, but [only 6% of requests to local authorities](#).⁶ The majority of FOI usage of WhatDoTheyKnow is covered by local and central government — but this variability means it hard to be sure the same is true for FOI requests overall. If the proportion of requests passing through WhatDoTheyKnow is even lower for health and education, these might represent more substantial venues for FOI requests than they appear in the WhatDoTheyKnow data.

The new FOI Code of Practice requires online disclosure of these statistics for public bodies above a certain size — as these disclosures become more common, it will become easier to examine the overall extent of FOI requests — although, [as explored in the local government FOI research](#), this will be much harder without a centralised or standardised system of storing these statistics.

⁶ Parsons A, Rumbul R (2019), Freedom of Information in Local Government. [online], mySociety. Element: 38, Available at: <https://research.mysociety.org/sites/local-gov-foi/l/3.4321.qzxl1.sp8w3.xj67i.9dvcs> [Accessed 5 Jun. 2019]

Future research

While central government and local government collectively represent most requests to WhatDoTheyKnow, this doesn't prove that this is representative of FOI requests overall in the UK. Future research could explore the real world rate of FOI requests to areas of the health or education public sector to further validate the real world rate of FOI requests across the public sector. From the other side, more understanding of the different types of requests made, or different groups of requestors would improve understanding of the effect of FOI.