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JUSTICE

**Strand 3 – Investigative study
to inform the FOIA (2000)
post-legislative review
Costing Exercise**

**Helen Powell, Rebeccah Szyndler, James Stannard,
Avraham Bram and Sarah Colover
Ipsos MORI**

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Disclaimer

The views expressed are those of the authors and are not necessarily shared by the Ministry of Justice (nor do they represent Government policy).

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Executive Summary

As part of the post-legislative review of the Freedom of Information Act (FOIA), the Ministry of Justice commissioned Ipsos MORI to undertake three strands of work to investigate the operation of the Act. The first strand involved a small-scale literature review to examine evidence relating to the delivery of the Act and the current gaps in knowledge. The second consisted of 22 in-depth interviews with FOI officials from a range of public authorities, which gathered their views and experiences on the process of responding to FOI requests. This report details the findings from the third strand of work: a costings exercise across central government departments and a range of other public authorities which aims to provide an assessment of the resources devoted to responding to information requests, by assessing both staff time and costs. During a survey week, which for most organisations took place week commencing 5 December 2011, Freedom of Information (FOI) requests received by participating bodies were tracked for six weeks and the amount of staff time spent compiling the responses was recorded in a detailed log.

Overall, each FOI request submitted to a central government department cost an average of £184 in staff time to resolve. Requests took an average of 6 hours and 10 minutes to complete, with the average cost of staff time calculated at £30 per hour. This is higher than the £25 per hour cost stated in the current regulations. The average cost of an Internal Review was £179, with an average hourly cost of £29.

A number of public authorities in the wider public sector were also included in this study (these are termed “non-central public authorities” in this report). Each FOI request submitted to these organisations cost an average of £164 in staff time to resolve. Requests took an average of 5 hours and 21 minutes to complete, with the average cost calculated at £31 per hour.

The average cost of responding to an Environmental Information Regulations (EIR) request was £308, taking on average 9 hours 57 minutes to complete.

Previous research undertaken by Frontier Economics for the Department for Constitutional Affairs in 2006 also attempted to measure the costs of FOI requests to central government departments. Due to methodological differences between this current study and the previous research, comparisons between the two can only be indicative. Analysis attempting to control for these differences suggests that the average time and staff cost of responding to a central government FOI request remains at a similar level to that calculated in this previous research.

The vast majority of FOI requests submitted to both central government and non-central public authorities involved time spent carrying out administration, searching for the information needed to provide an answer, and drafting the response. Some 39% of the requests made to central government departments were granted in full.

A public body can turn down a request if the cost of locating, retrieving and extracting the information sought exceeds a certain threshold. Analysis of the staff costs for these activities reveals that none of the requests submitted to central government departments during the survey week exceeded the £600 cost limit for staff time (although 11% of the tracked requests were refused because to answer the request in full *would* have exceeded the limit). However, if all staff activities involved in answering the requests could be counted towards the limit, then 4% of the requests would have been above the threshold. For non-central public authorities, where the cost limit is set at £450, this figure was 10%.

Statistics produced by the Ministry of Justice show that a total of 45,958 FOI requests were submitted to central government departments in the twelve months from October 2010 to September 2011.¹ Multiplying the average request cost of £184 by this figure gives an estimated total staff cost of approximately £8.5m per year for dealing with FOI requests submitted to central government departments. As mentioned previously, an indicative analysis comparing this study with previous research in 2006 suggested that the average staff cost of dealing with an FOI request submitted to central government departments is similar to the cost calculated in 2006; therefore the aggregate cost has increased markedly as the volume of requests received has increased (central government departments received 34,000 requests in 2006).

¹ Volume estimates are taken from Quarter 4 2010 to Quarter 3 2011 Statistical Tables, available from the "Freedom of Information: Statistics on implementation in central government" page of the Ministry of Justice website. <http://www.justice.gov.uk/statistics/foi/implementation>. Figures are compiled for all Departments of State and other monitored bodies and based upon the number of non-routine requests and their status at the time of monitoring.

1. Introduction

1.1 Background

The Freedom of Information Act (FOIA) gained Royal Assent in 2000 and came into force on 1 January 2005. The Act aims to make government more open and accountable and gives the public a statutory right to access information held by public bodies. It applies to over 100,000 public authorities, including central government departments, local authorities, schools, the health service, the police and a range of other public bodies.

The quantity of requests being lodged with public bodies under the FOIA has grown steadily since the Act came into effect. Between 2007 and 2010 Ministry of Justice statistics show that request volumes to central government grew at an average rate of around 10% per year.² The statistics do not cover bodies in the wider public sector (termed ‘non-central public authorities’ throughout this report), but the first strand of this research found that volumes have also increased for local authorities.³ Despite the information about numbers of requests received, there is little recent research on the cost to the public sector of complying with the Act, in particular for public sector bodies outside of central government.

1.2 Previous research

In 2006 (one year after the Act came into force) Frontier Economics carried out a one week costing exercise to determine the costs of delivering the Act across central government.⁴ Costs were also estimated for the wider public sector, although figures were not based upon primary research. A detailed comparison of the methodology between this current study and the 2006 research can be found towards the end of this report in the findings section. Generally, there were differences around certain assumptions used in calculating the costs of FOI requests and in the sample on which the calculations are based. Analysis attempting to control for these methodological differences between the two pieces of research can also be found in the findings.

² Compiled from annual statistics reports (2009/2010), available from the “Freedom of Information: Statistics on implementation in central government” page of Ministry of Justice website. <http://www.justice.gov.uk/statistics/foi/implementation>.

³ UCL Constitution Unit (2009), FOI and local government: preliminary findings, p. 2.

⁴ Frontier Economics (October 2006), “Independent Review of the impact of the Freedom of Information Act”, report prepared for the Department for Constitutional Affairs by Frontier Economics Ltd., London, §2.2.2.

A later study carried out by the Constitution Unit of University College London in 2010⁵ reviewed the key findings from surveys conducted with local government officials across 2005–2010. Their research found that the average amount of time spent on a request had fallen from 16.4 hours in 2005 to 6.4 hours in 2010. Furthermore, the average cost (based upon a figure of £25 per hour) had fallen from £410 to £160 per request.⁶ This research did not include requests made to central government.

1.3 The FOI process

The systems in place for responding to requests under the FOIA differ between public bodies, but typically requests are logged on to a central monitoring system and then passed on to the relevant official within the organisation. Requests may go through a number of stages including finding the information, considering the organisation's response to the request and ensuring it does not fall under an exemption.

Once a request has been received, the public body has a statutory time limit of 20 working days to respond. However, if the information requested falls within one of the qualified exemptions, an extension may be permitted to consider whether the public interest lies in disclosure or non-disclosure of the information. There are also a number of absolute exemptions which may prevent the requested information being released in full or in part.

1.4 Study objectives

In response to the lack of recent research, and as part of the government's post-legislative review of the FOIA, the Ministry of Justice commissioned Ipsos MORI to undertake three strands of research to provide information on the operation of the Act. The first of these strands involved a small-scale literature review to examine evidence relating to the delivery of the Act and the current gaps in knowledge. The previous research above was some of the evidence discussed in the report. It also looked at evidence on whether the FOIA has met its aims, the characteristics of requestors and freedom of information legislation across the world. The second strand consisted of 22 in-depth interviews with FOI officials, which gathered their views and experiences on the process of responding to FOI requests.

⁵ <http://www.ucl.ac.uk/silva/constitution-unit/research/foi/foi-and-local-government/foi-localgovt-6-year-summary.pdf>

⁶ Some caution should be exercised in interpreting these changes as alterations were made to the questionnaire and analysis methods across the period. More detail is given on page 32.

The reports of these two research strands were published on 19 December 2011 as part of the government's memorandum to the Justice Select Committee, which assessed how the FOIA has worked in practice. They can be found on the Ministry of Justice website at <http://www.justice.gov.uk/publications/research-and-analysis/moj/2011/investigative-study-to-inform-the-freedom-of-information-act-post-legislative-review>.

During the interviews for the second strand of this research, a concern expressed by respondents related to the increasing volume of requests received by public authorities, set against a backdrop of static or declining resources for providing responses. A number also noted concerns regarding the appropriate cost limit set out in the FOIA, which only allows the cost of locating, retrieving and extracting the information to be considered. Some respondents suggested lowering the cost limit for individual requests or allowing other time elements to be included, such as reading and redacting information.

This third strand of the study, a costings exercise across central government departments and a range of other public authorities, builds on these findings. It aims to provide a comprehensive and timely assessment of the resources devoted to responding to information requests, by assessing both staff time and costs across the different stages of work required when preparing a response.

2. Methodology

Overall, a total of 40 organisations took part in the costing exercise. Of those, 21 were central government departments and 19 were non-central public authorities in the wider public sector.⁷ A table of the range of organisations that participated in this research is provided at Annex 1. Some of these organisations also took part in the interviews in the second strand of this research. Given the small sample size selected, the research is not intended to be statistically representative of all public bodies subject to the FOIA. That said, the bodies selected for the research outside of central government cover a range of sizes, sectors, functions, structures and geographical locations.

Each organisation was asked to complete one pro forma for every FOI or Environmental Information Regulations (EIR) request that they received during a specific survey week. In order to limit the burden on organisations that receive a high volume of requests per week, information was collected on a maximum of 20 requests per organisation. If an organisation did not receive any FOI or EIR requests during the survey week then they were asked to wait until the next request was submitted and record information on this request.

Any requests for an Internal Review (IR) that the organisation received during the survey week – which will have been in relation to an initial request received by the organisation sometime previously – were also included in the research. This is in addition to the FOI/EIR requests monitored.⁸ Due to the timescales of the study, organisations were not asked to record appeals to the Information Commissioner's Office (ICO), given that some appeals may take several weeks to resolve.

Each request submitted during the survey week was tracked for the following six weeks.⁹ The pro forma allowed participants to keep a detailed log of the amount of time staff spent dealing with each request (for each stage of the process). The request was tracked from its initial receipt, through to the issuing of the first substantive response. Overall, the fieldwork period lasted from the 28 November 2011 to 27 January 2012 with most participants tracking requests received during the week of the 5 December 2011 up until 20 January 2012.¹⁰

⁷ This sample included two organisations subject to FOI operating in a commercial environment.

⁸ For example, if an organisation received 25 FOI/EIR and 5 Internal Review requests during the survey week then they would record the information for 20 FOI/EIR and 5 Internal Review requests.

⁹ Allowing for a one week break over the Christmas period.

¹⁰ Two organisations logged requests during the week commencing 28 November, 28 during the week commencing 5 December and 10 during the week of the 12 December 2011.

To assist in the completion of the pro forma, it was agreed, in consultation with the participating departments, that one point of contact be identified to have responsibility for gathering the required information. A representative from each organisation was briefed on the research by a member of the Ipsos MORI project team. This “coordinator” liaised with all officials who worked on the request to collate the required information for each stage and complete the pro forma. Having one point of contact helped to ensure that data collection was a clear and consistent process within each organisation. A copy of the pro forma is appended to this report in Annex 2.

For every request tracked, participants were asked to record the following information:

- **The case reference number:** as allocated by the organisation.
- **A brief description of the request:** the type of requestor and the information sought.
- **Case type:** whether the request was an FOI or EIR request, a mixture or both or an Internal Review.
- **Date received:** the date the request was received by the organisation.
- **Date of response:** the date of the first substantive response. If a request had not been answered by the fieldwork deadline then this field was left blank.
- **Outcome:** whether the request was granted in full, withheld in full or part, not yet answered, etc.
- **Exemptions used:** any exemptions that were applied in withholding some or all of the requested information, e.g. S(40) personal information or S(34) parliamentary privilege.

Participants were also asked to record whether the request included the consideration of the balance of public interest in disclosure or non-disclosure of the information under a qualified exemption category, or whether any submissions were made to, or meetings held with, senior officials or Ministers.

The main element of the pro forma was a costing grid, with one row to be completed for each official who spent time dealing with the request. The information collected in the grid related to the estimated annual salary band of each official,¹¹ their work area (e.g. the FOI central

¹¹ In order to prevent errors arising (for officials estimating on behalf of others) and to maintain confidentiality, a number of bands were created to capture officials' annual salary, e.g. £20,000–£30,000.

team, legal or policy) and the number of minutes spent on each of the applicable work stages:¹²

1. Allocation, logging and case administration

This refers to the time taken to log the request on to a central monitoring system and allocate the request to the relevant member of staff within the organisation.

2. Searching for/obtaining Information

This refers to the time taken by the organisation to determine whether it holds the information and to locate the relevant information to answer a request. This includes searching records or archives for a document, searching for relevant information within documents, and identifying whether information held meets the specification of the request. It also includes the time taken to obtain information from other departments or organisations.

3. Reading time

This refers to the time taken to read any material which is relevant to the request. It does not refer to the time taken to read the request itself.

4. Considering response under the FOI Act/EIRs within the organisation

This refers to the amount of time spent on considering the response to the request within the organisation. This also includes the time taken to consider and apply any exemptions to the request (where relevant).

5. Discussions with other departments in central government

This refers to time spent on consultation or discussing the request with other departments in central government (including the Ministry of Justice's FOI Central Clearing House).¹³ Any time allocated to this activity was doubled to account for other officials who may have provided input (i.e. in the discussions). This assumption was made because the majority of time recorded in this column did not appear to account for the time spent on the request by officials in other departments.

6. Consultation with other bodies outside of central government

This refers to any time spent on consultation or discussing the request with organisations, public bodies or individuals who are not a central government

¹² A total of 12 rows were included for officials' details to be logged. If more than 12 people had worked on the request then participants were asked to aggregate time for officials that fall into the same salary band and work area. A further row was also included to allow time spent by officials in other public bodies to be recorded. Although no salary category was included for such officials, a band of £40,000–£49,999 was chosen to reflect the salary range of those involved in consultation with other organisations, and assumes a similar salary of those involved in those discussions.

¹³ Central Clearing House was established in 2004. The unit provides expert guidance on complex, sensitive or high profile requests for information and ensures consistency across central government in the handling of these types of request.

department. As for the previous work stage, time recorded in this column was doubled for the same reason.

7. Drafting submissions or consultation with board-level officials/Ministers

This includes any time taken to draft submissions, consult with senior officials within the organisation (e.g. senior directors, Chief Executives), or consult with Ministers. As for the previous work stage and again for the same reason, time recorded in this column was doubled.

8. Drafting of response (including redaction), and internal sign-off

This refers to the time taken to draft the response to the request. It also includes the time taken to redact any text from the requested information, and the time taken to achieve internal sign-off for the response.

The completed forms were returned to Ipsos MORI by email. The project team checked each pro forma received, resolved any apparent discrepancies and prepared the documents for analysis.

2.1 Costing assumptions

In order to convert the staff time into costs a number of steps were taken:

- A mid-point was calculated for each salary band, for example, the “£20,000–£29,999” category was calculated to be £25,000. In order to calculate the mid-point for the “Up to £19,999” category, the mid-point between the annual minimum wage salary (£9,849.60)¹⁴ and £19,999 was used. This gives a mid-point of £14,925.00. The upper mid-point for the “£100,000 and over” category was set at £120,000.¹⁵ Although a salary band was not included for the final row (time spent by officials in other public bodies), a salary band of £40,000–£49,000 was used for these officials.¹⁶
- Following this, employers’ pension and National Insurance contributions were added to each of the mid-points. Pension contributions were estimated as follows:

¹⁴ Based upon the current minimum wage hourly rate of £6.08 per hour x an assumed total of 1,620 hours worked per year by a full-time official. This latter figure was derived by assuming that on average, an official works a total of 225 days per year (5 days per week for 52 weeks, less 35 days for leave and bank holidays), and an average of 7.2 hours per day (equivalent to 36 hours per week): $225 \times 7.2 = 1,620$.

¹⁵ This was set as an approximate mid-point between £100,000 and the Prime Minister’s annual salary of £142,500.

¹⁶ See footnote 12.

Table 2.1: Pension contributions

Revised Salary Band (£)		ASLC ¹⁷ rate from 1 April 2009
Band 1	20,500 and under	16.7%
Band 2	20,501 to 42,000	18.8%
Band 3	42,001 to 72,000	21.8%
Band 4	72,001 and over	24.3%

- Employers' National Insurance contributions were calculated using HM Revenue & Customs' contributions calculator (<http://nicecalculator.hmrc.gov.uk/Class1NICs1.aspx>) giving the following totals:

Table 2.2: Additional National Insurance and pension contributions to be added to the salary mid-point

Salary mid-point	National Insurance contribution	Pension contribution	Total annual staff cost
£14,925.00	£2,492.48	£728.28	£18,145.76
£25,000	£4,700.00	£1,745.76	£31,445.76
£35,000	£6,580.00	£2,755.80	£44,335.80
£45,000	£9,810.00	£3,949.08	£58,759.08
£55,000	£11,990.00	£5,329.08	£72,319.08
£70,000	£15,260.00	£7,399.08	£92,659.08
£90,000	£21,870.00	£10,159.08	£122,029.08
£120,000	£29,160.00	£14,299.08	£163,459.08

- These totals were then divided by the number of hours worked by an official in a year (1,620),¹⁸ divided by 60 to find a cost per minute and then multiplied by the number of minutes stated on the completed pro forma. Costs were calculated for all officials across all stages of work and subsequently prepared for analysis.

2.2 Allowance for requests not answered by the fieldwork deadline

Some requests had yet to be completed by the fieldwork deadline, and these will therefore have required additional time spent by officials, on top of what had been recorded, in order to provide a substantive response. Additional time/costs were applied to each of these requests to account for the unrecorded time. In order to calculate a realistic factor to apply, the project team attempted to contact all participants who had sent back requests that had not been completed. Each participant was then asked to estimate the approximate

¹⁷ Accruing Superannuation Liability Charge.

percentage completion of each request. Of the 38 incomplete requests, the team were able to obtain estimates for 33 requests and calculated that, on average, each request was 68% complete. With this in mind, an extra 32% of time was added on to the time spent on each activity for each of the 38 incomplete requests.

2.3 Presentation and interpretation of the data

Only a small number of central government departments were not included in the fieldwork. Therefore, the results for this group as a whole are believed to be a fair and representative reflection of the amount of time spent dealing with the request and the associated staff costs for this specific category of public authority.

However, only a small number of non-central bodies participated in the research (19 bodies; by comparison there are some 100,000 or so public authorities in total). The specific bodies which participated in the research were intended cover a range of sizes, sectors, functions, structures and geographical locations of public authorities, but are not a random selection nor intended in any way to be “representative” of the public sector outside of central government departments. Although, for brevity and convenience, this report presents results for this category of sampled bodies as a single group, readers should be clear that the findings reported are based purely upon this specific sample of bodies, and that no generalisation should be made to requests received by all non-central public authorities as a whole. We cannot be certain that the resulting figures are those that would have been obtained if all requests to all such bodies had been tracked and submitted in this research (the “true” values).

Furthermore, the requests only represent those received by the organisations during the survey week in November/December 2011.

This study only collected data on the staff time and costs required to answer FOI requests. It did not include other associated costs (for example operating budgets, accommodation, overheads, etc.) and therefore has not calculated the total cost of the operation of the FOIA.

¹⁸ See footnote 14 for how this figure is derived. The same figure was used in the Frontier Economics analysis in 2006.

3. Findings

This chapter is split into sections based on the costs of responding to central government requests, internal reviews, requests to non-central public authorities and EIR requests. The final section compares the findings to previous research. Data are based on staff time collected during the period 28 November 2011 – 27 January 2012.

3.1 Central government departments – FOI requests

Average cost and time per FOI request

As outlined in the previous chapter, the average cost of staff time in responding to an FOI request was based upon the salary of each official who worked on the request and the time that they devoted to each of the eight stages of work. Findings are based on 225 requests made to central government departments. Overall, the average cost of responding to an FOI request made to central government departments was £184, or £30 per hour. The average time taken to complete a request was 6 hours and 10 minutes.

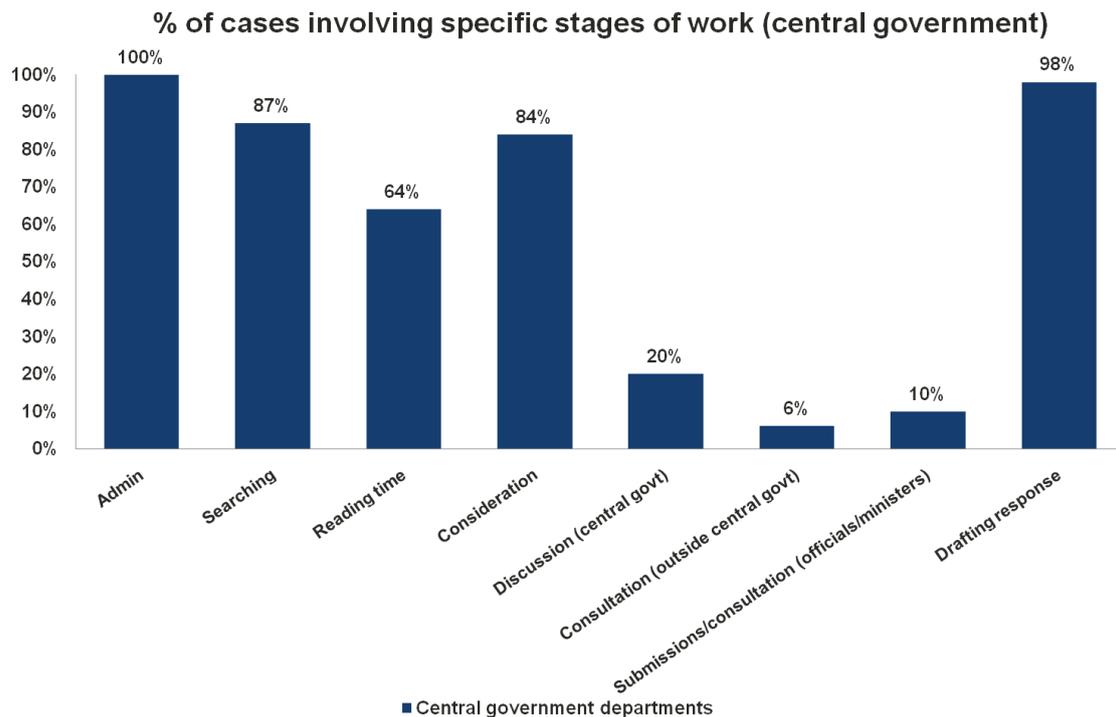
By comparison, the median cost of staff time in responding to an FOI request submitted to central government departments was £116; a difference of £68 in comparison to the average. This can be attributed to a small minority of expensive requests that have increased the average. This is further demonstrated later in this report (in Figure 3.7), which shows that a small number of requests (costing in excess of £500), made up around one third of the total costs of requests to central government departments.

As explained in the methodology section, these figures include doubling the time spent in consulting other departments in central government, bodies outside of central government and senior officials/Ministers (work stages 5–7). This is because the majority of time recorded in these columns did not appear to account for the time spent on the request by officials in these other departments. If, however, it is assumed the pro formas have indeed accounted for all officials' time (meaning that work stages 5–7 are not doubled) then the average request cost would decrease only slightly, to £177. The average cost per hour of staff time would remain at £30 per hour, with the average time taken to complete a request being 5 hours and 53 minutes. It is felt that the figures which included the doubling of work stages 5–7 are the most accurate reflection of actual staff time and cost, and are therefore used in the rest of this report.

Stages of work

Figure 3.1 below outlines the percentage of central government requests involving each stage of work. The vast majority of requests involve administration, drafting the response, searching and consideration time. Around one in five requests (20%) involved discussion with other departments in central government, with one in ten requests (10%) requiring input from senior officials or Ministers, in the form of drafting submissions or consultation.

Figure 3.1: Percentage of central government requests involving each stage of work (225)



Average time per stage of work

Figure 3.2 presents the average time spent per work stage for the central government requests. These averages are based on taking *all* tracked requests as the denominator. The average time in total is the sum of these averages: 6 hours and 10 minutes. The activities taking the most time on average were searching for the information (an average of 1 hour 30 minutes per request), drafting the response (1 hour 24 minutes) and considering how to answer the request under the FOIA (1 hour 17 minutes).

Some stages of work only took up a small amount of time when the average was calculated across all requests. However, if only averaging across requests where this work stage did occur, then some stages were very time consuming. For example, consulting with bodies outside of central government took an average of 2 hours and 2 minutes where this activity

occurred. However, this happened in only 13 out of the 225 tracked central government requests (6%), hence this work stage only taking an average of 7 minutes per request overall.

Figure 3.2: Average amount of time spent on each stage of work within central government departments (225)

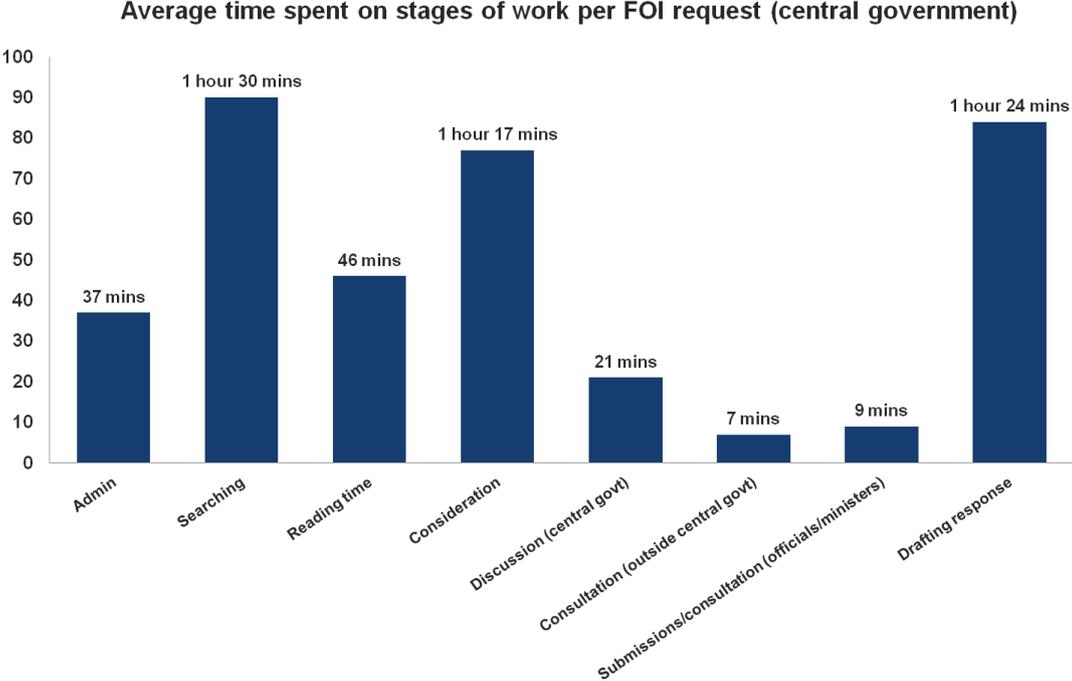
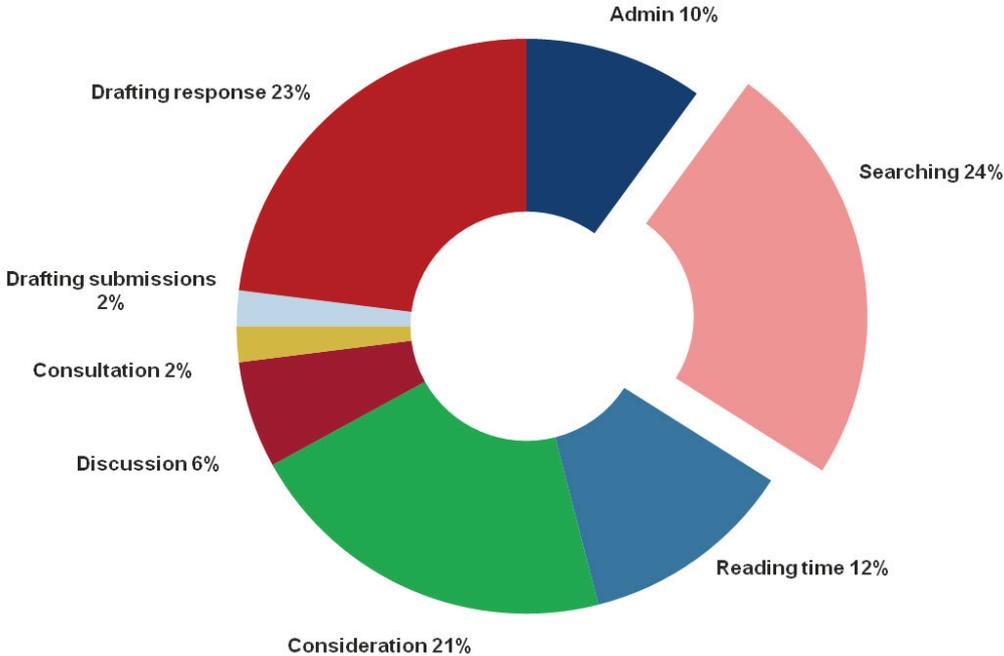


Figure 3.3 below presents these figures as percentages. It shows that around a quarter of all time spent on responding to the FOI requests in the sample (24%) involved ‘searching’ for information. This is the only work activity which can be considered when an organisation decides whether a request falls within the “appropriate limit”. The drafting response stage, which includes redaction time, accounted for the second largest proportion of time for central government departments (23%). Consideration time accounted for around one-fifth of the time (21%).

Figure 3.3: Average amount of time spent on each stage of work within central government departments (as a proportion of the total time) (225)

Central government departments: % of time per stage of work

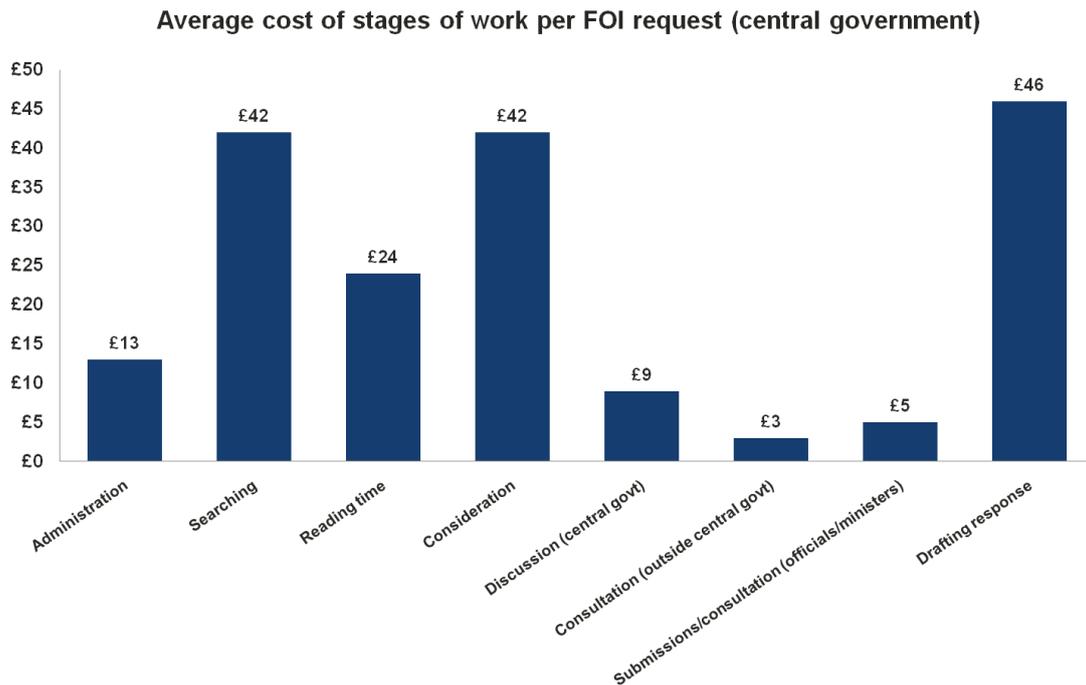


Average costs per stages of work

Figure 3.4 presents the average cost per stage of work, again with the denominator comprising all requests. Reflecting a similar finding in terms of staff time, the average cost was greatest for the searching, consideration and drafting stages, and least for consultation with senior officials/Ministers and with other bodies. The average cost in total is the sum of these averages: £184.

As with staff time, some stages of work were relatively inexpensive when the average was calculated across all requests. However, if only averaging across requests where this work stage did occur, then the costs could be substantial. For example, ‘submission/consultation with senior officials/Ministers’ cost an average of £53 per request where this activity occurred; however this happened in only 23 out of the 225 tracked central government requests (10%), hence this work stage cost an average of £5 per request overall.

Figure 3.4: Average cost per stage of work within central government (225)



Outcomes

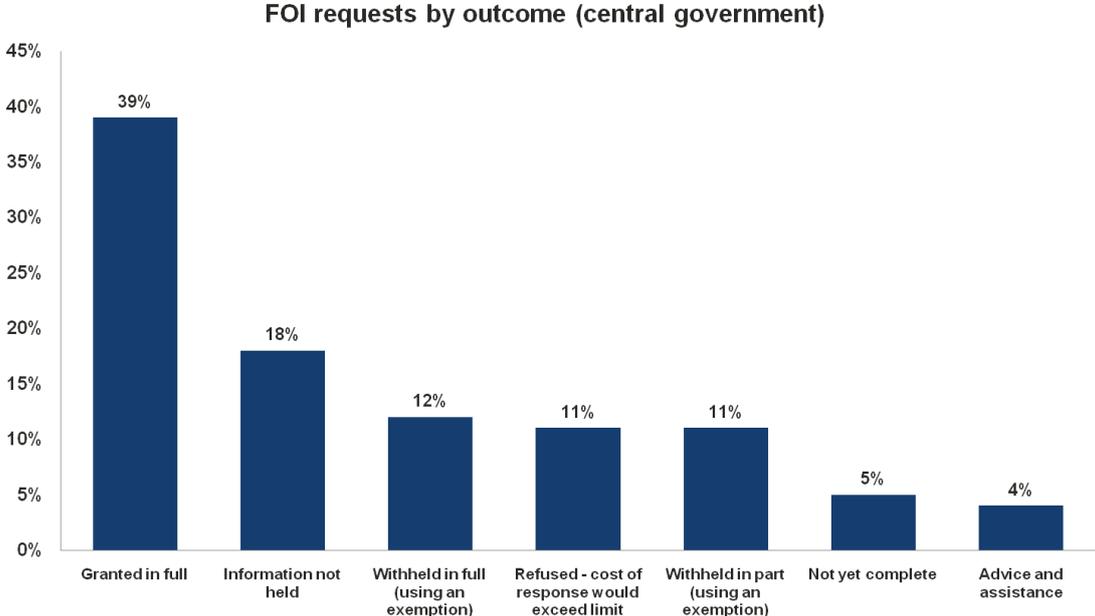
Figure 3.5 reveals that two-fifths of requests submitted to central government were granted in full (39%), with information not being held for around one-fifth (18%). A quarter of requests (24%) were subject to an exemption, meaning that information was withheld in full or part. The most commonly applied exemption was Section 40 (personal information), which accounted for one-third (38%) of all exemptions applied within central government. One in ten requests (11%) were refused on the basis of the cost limit being exceeded. The least common outcome was advice and assistance with 4% of requests assigned to this category. Some 5% of the tracked requests had not had a substantive reply by the time the costings exercise concluded.

These figures only represent the requests tracked for this exercise; detailed statistics on the outcomes of all FOI requests received by central government are published by the Ministry of Justice every quarter.¹⁹ The outcomes of requests tracked by the exercise were very similar to the outcomes of requests across central government overall as indicated by the Ministry of Justice figures. For example, overall in central government during the quarter July to September 2011, 42% of all requests received were granted in full (compared to 39% in this

¹⁹ See <http://www.justice.gov.uk/statistics/foi/implementation>.

exercise) while 18% of requests were for information not held by the department (the same as in the exercise).

Figure 3.5: Outcomes by central government departments (225)

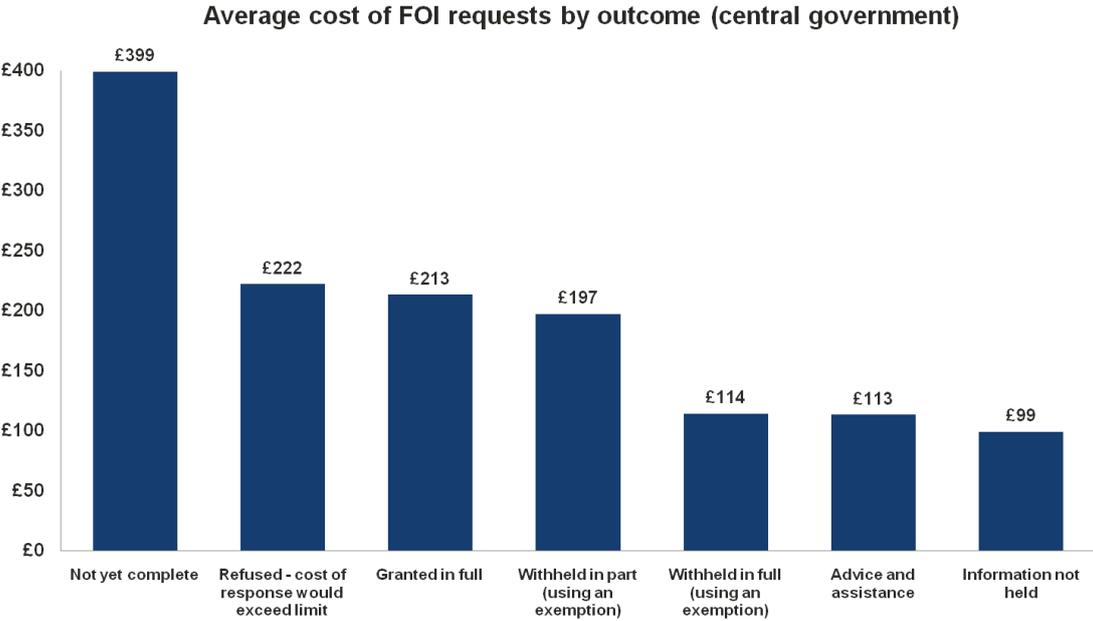


As an average, the most expensive requests were those which had not been completed by the time the costings exercise drew to a close. See figure 3.6. An additional 32% of time was added on to the information recorded for such requests, to account for the missing time not recorded by the costings exercise (see methodology chapter for further details). Such requests, for example, may be more complex in nature and time consuming, meaning they were the most costly.²⁰ Surprisingly, requests that were refused on the basis of cost were the second most expensive for central government departments. Closer analysis of these requests reveals that an average of £71 was spent on “consideration”, which is likely to be time spent on activities such as calculating whether the request was likely to exceed the cost limit and deliberating the decision, while an average of £53 was spent on “searching”.²¹ The relatively high cost of this outcome shows that departments clearly give due regard to requests before deciding to refuse on cost grounds.

The least expensive request outcome for central government was those for which information was not held by the department, at an average of £99.

²⁰ Caution should also be exercised here given the small base size (11 requests).
²¹ Again, caution should also be exercised here given the small base size (24 requests).

Figure 3.6: Average cost by outcome for central government departments (225)



A public body may turn down a request if it estimates that complying would cost more than a set limit (currently 24 hours of staff time at £25 per hour for central government departments). In calculating its cost estimate, the organisation can only take into account the time needed to:

- determine whether the organisation holds the information;
- locate the information, or a document which may contain it;
- retrieve the information, or a document which may contain it; and
- extract the information from a document containing it.

It may not include time it would take to:

- consider whether the information is exempt;
- redact (remove) exempt information; or
- copy and send information.

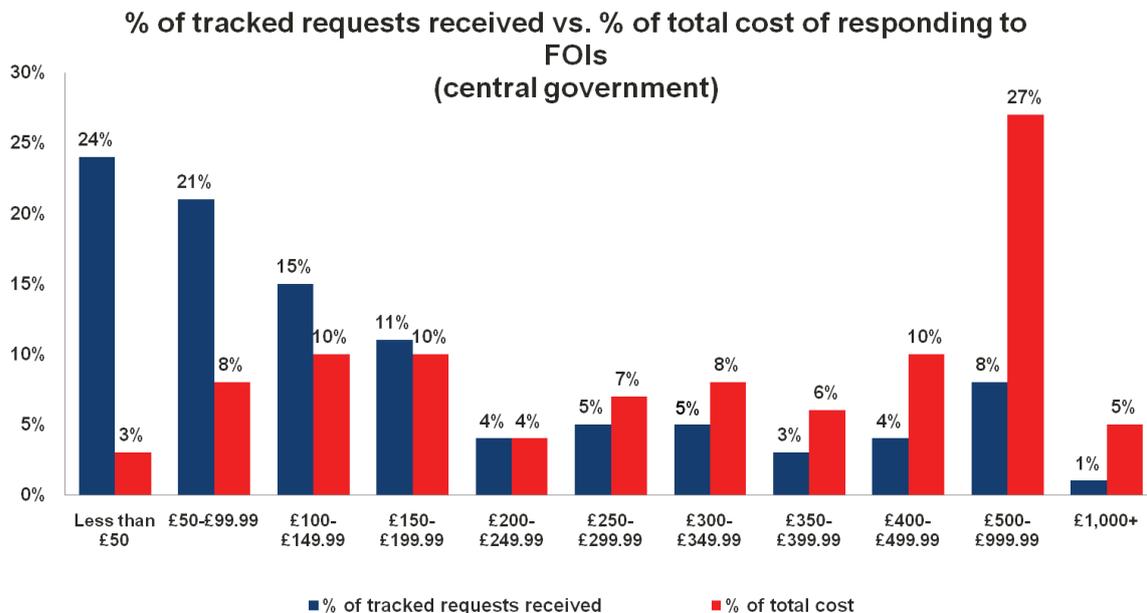
When only taking into account the staff costs associated with the above criteria, no request worked on by central government departments in the exercise exceeded the limit of £600. When all activities are included (for example, administration, redacting and drafting) as has been done throughout this report, 4% of the requests exceeded £600 to answer. Note that 11% were refused on the grounds of cost (see Figure 3.5) because to answer the request in full *would* have exceeded the limit.

Distribution of request costs

Figure 3.7 below reveals that almost half of all requests (46%) submitted to central government departments cost less than £100 in staff time to resolve, with only 1% costing in excess of £1,000. One in ten requests cost over £500 (8%).

When focusing on the distribution of volume and costs, it does appear that a small minority of expensive requests account for a notable proportion of the total costs involved. The requests that cost less than £100 to resolve (comprising 46% of the total number of central government requests tracked in the exercise), made up around one tenth of total staff costs (12%). Conversely, those requests costing in excess of £500 (8% of total volume), made up around one third of total costs (32%).

Figure 3.7: Distribution of total volume and cost of requests submitted to central government departments (225 requests)



Calculating the cost of FOI requests made to central government

Statistics produced by the Ministry of Justice over the period 1 October 2010 – 30 September 2011 indicate that Departments of State and other monitored bodies covered by these statistics received a total of 45,958 FOI requests.²² In order to produce an estimate of the total annual cost in staff time of processing and responding to central government requests, it is possible to multiply £184 (the average cost of the 225 FOI requests submitted to central government) by the total number of requests received. This gives an estimated staff cost of £8,456,272 per year.

This study only collected data on the staff time and costs required to answer FOI requests. It did not include other associated costs (for example operating budgets, accommodation, overheads etc.) and therefore this figure does not represent the total cost of the operation of the FOIA.

3.2 Internal Review requests

In the event that an individual is unhappy with the handling or the result of their FOI request, they can ask the responding organisation for an internal review. These must be “impartial, thorough and swift” and must normally be carried out within 20 days.²³ The present exercise tracked internal reviews that were launched during the fieldwork period in order to obtain a breakdown of the costs of handling the reviews, in the same way as was done for initial requests. These will have been in relation to initial requests which were received by the organisations sometime prior to the exercise being undertaken.

During the fieldwork period, a total of 24 internal review requests were received by central government departments.²⁴ No such requests were received by non-central public authorities. Overall, the average cost in staff time to central government departments of conducting an internal review was £179, a figure comparable with the average cost of an initial request to central government (£184). The average hourly cost of conducting an internal review was £29 compared with £30 for initial FOI requests. The largest difference in

²² Volume estimates are taken from Quarter 4 2010 to Quarter 3 2011 Statistical Tables, available from the “Freedom of Information: Statistics on implementation in central government” page of the Ministry of Justice website <http://www.justice.gov.uk/statistics/foi/implementation>. Figures are compiled for all Departments of State and other monitored bodies and based upon the number of non-routine requests and their status at the time of monitoring.

²³ Information Commissioner's Office, “Freedom of Information Act Environmental Information Regulations Internal reviews”, http://www.ico.gov.uk/for_organisations/freedom_of_information/~/_media/documents/library/Freedom_of_Information/Practical_application/INTERNAL%20REVIEWSV1.ashx.

²⁴ 23 reviews regarding an original release decision and one relating to another procedural issue.

average cost per stage of work was the 'searching' stage, which cost £42 per initial FOI request compared with £26 for internal reviews.

Figure 3.8: Average cost of initial FOI requests (225) vs. internal reviews (24)

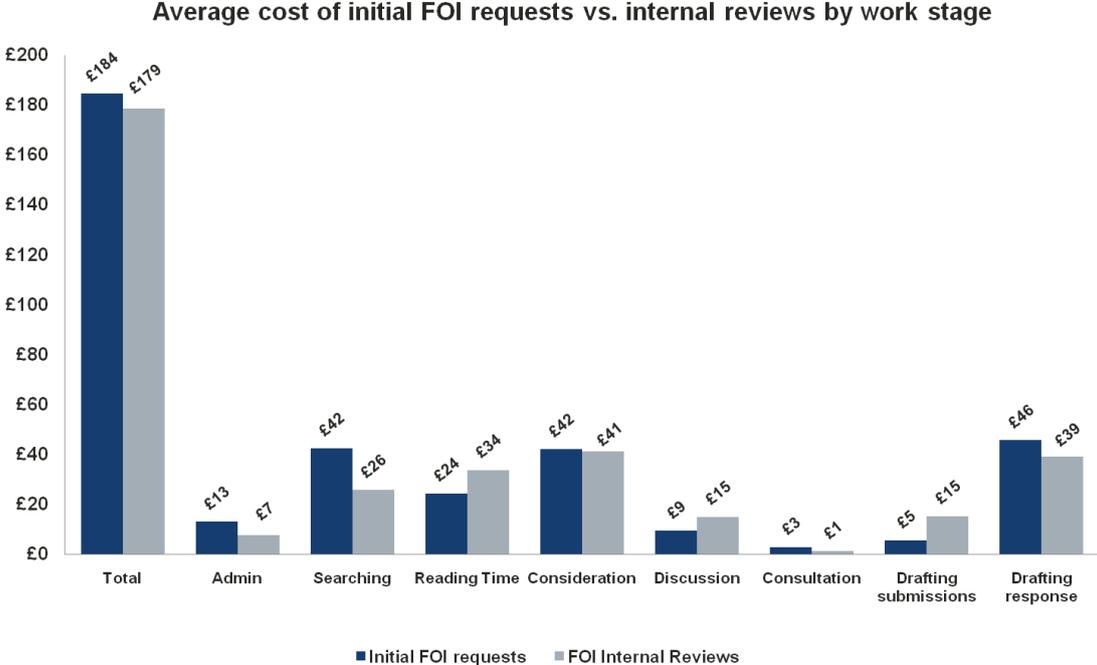
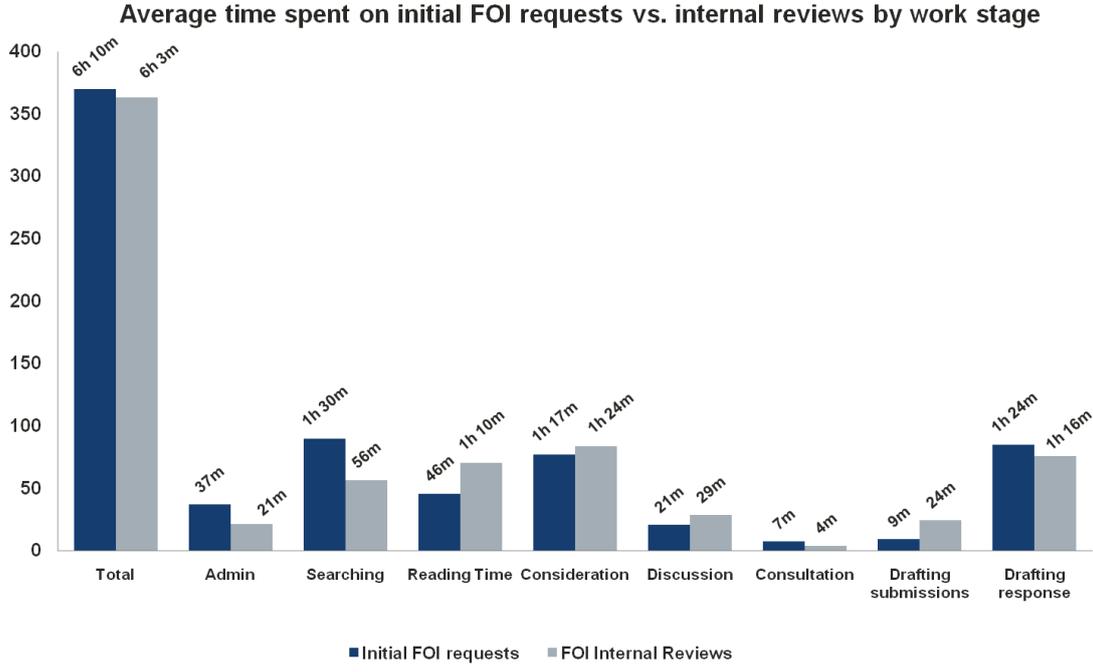


Figure 3.9 below reveals that time allocation across the stages of work was relatively consistent between internal reviews and initial requests. The only notable differences are

- Searching time was higher for initial FOI requests in central government (1 hour 30 minutes) when compared with internal reviews (56 minutes).
- Reading time in central government was higher for internal reviews (1 hour and 10 minutes) compared with for initial FOI requests (46 minutes).

Figure 3.9: Average time spent on initial FOI requests (225) vs. internal reviews (24)



Overall, five requests from the 24 involved consideration of public interest issues, with only one requiring consultation time with Ministers. Focusing upon outcomes, 13 requests of the 24 were upheld in full, meaning that the original decision was deemed to be correct; three requests were upheld in part and no requests were overturned.²⁵

3.3 Non-central public authorities

As explained in the methodology section, only a small number of non-central public authorities participated in the research (19 bodies; by comparison there are some 100,000 or so public authorities in total). The specific bodies which participated in the research were intended cover a range of sizes, sectors, functions, structures and geographical locations of public authorities, but are not a random selection nor intended in any way to be “representative” of the public sector outside of central government departments. Although, for brevity and convenience, the results for this category of sampled bodies are presented here in aggregate, readers should be clear that the findings are based purely upon this specific sample of bodies, and that no generalisation should be made to requests received by all non-central public authorities as a whole. Findings are based on 156 requests made to non-central public authorities.

²⁵ Eight requests had not been resolved by the time of the fieldwork deadline.

Average cost and time per FOI request²⁶

Overall, the average cost of responding to an FOI request made to non-central public authorities was £164, or £31 per hour. This cost is slightly lower when compared with requests to central government departments at £184, but the cost per hour is virtually the same (£30). The average time taken to resolve a request was 5 hours 21 minutes, lower than the central government average of 6 hours 10 minutes.

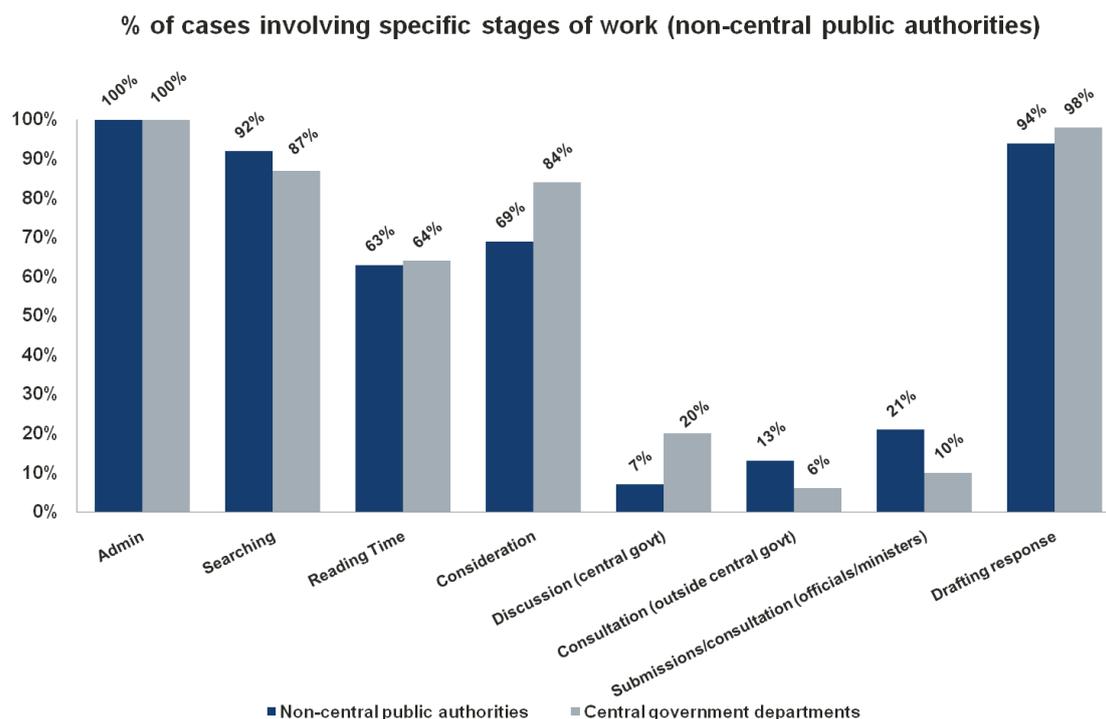
The median cost of staff time in responding to an FOI request submitted to non-central public authorities was £63, a difference of £101 in comparison to the average. Similarly to central government departments, it is clear that a small number of expensive requests have had a large effect in increasing the average. This is further demonstrated in Figure 3.13, which shows that a small number of requests costing in excess of £500 made up half (50%) of the total costs.

Stages of work

Figure 3.10 below outlines the percentage of requests involving each stage of work. Every request involved some form of administration, with the vast majority also involving drafting of response/redaction time (94%) and searching time (92%). Around one in five of the requests (21%) to non-central public authorities involved consultation with senior officials (the authorities in this category are not headed by government ministers).

²⁶ As for the central government analysis (see earlier), these figures have included an assumption of doubling the time recorded in consulting on the request with departments in central government, bodies outside of central government and senior officials/Ministers (work stages 5–7). This is because the majority of time recorded in these columns did not appear to account for the time spent on the request by officials in these other departments. If, however, it is assumed that the pro formas have indeed accounted for all officials' time (meaning that work stages 5–7 are not doubled) then the average request cost would decrease slightly to £145. The average cost per hour of staff time would remain consistent at £30 per hour, with the average time taken to complete a request slightly lower at 4 hours and 51 minutes.

Figure 3.10: Percentage of requests involving each stage of work, split by central government departments (225) and non-central public authorities (156)



Average time per stage of work

Table 3.1 presents the average time spent per work stage for the non-central public authorities. These averages are based on taking *all* tracked requests as the denominator.

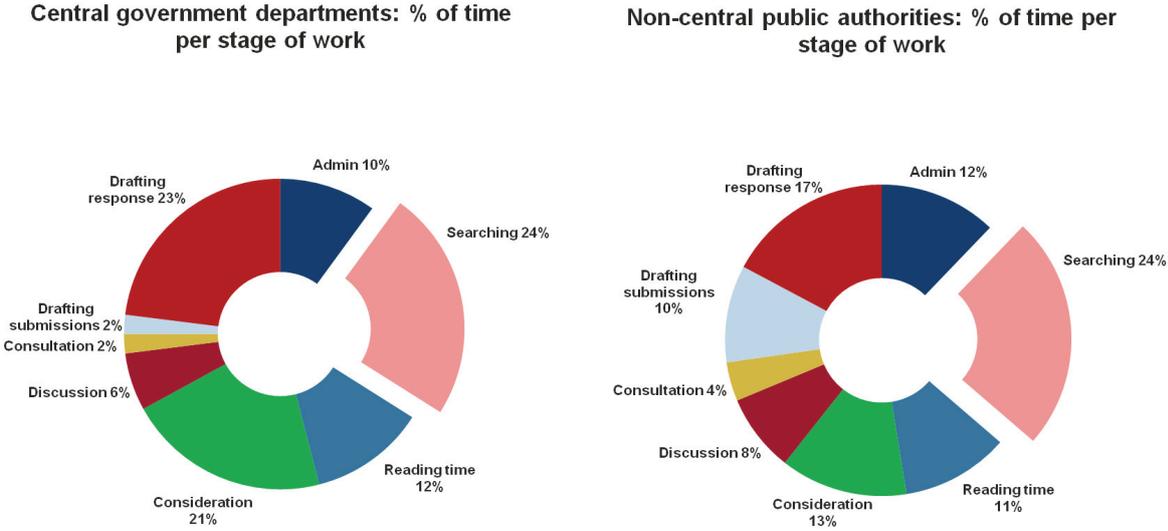
Table 3.1: Average time spent on each stage of work within non-central public authorities (155 requests)²⁷

Stage of work	Average time
Administration	39 mins
Searching	1 hour 18 mins
Reading time	34 mins
Consideration	41 mins
Discussion with central government	10 mins
Consultation outside central government	12 mins
Drafting submissions/consultation with board officials/Ministers	34 mins
Drafting response/redaction	56 mins
Total	5 hours

²⁷ One request tracked in this exercise required a very large amount of discussion time with central government. For the specific analysis of the time and costs of different stages of work, this request has been treated as an outlier and disregarded. The request has been included as usual in the remainder of the analysis in this report. See the “Expensive requests” section for more information.

As with central government, around a quarter of all time spent on responding to requests (24%) involved searching for information (Figure 3.11). Drafting of the response, which includes reaction time, accounted for the second largest proportion of time (17%). This is similar to the time spent by central government departments on tracked requests, although consideration time accounted for a lower proportion of time in comparison to the requests made to central government (13% versus 21%).

Figure 3.11: Average amount of time spent on each stage of work (as a proportion of the total time), split by central government departments (225) and non-central public authorities (156)



Average costs per stages of work

Table 3.2 presents the average cost per stage of work, again with the denominator comprising all requests.

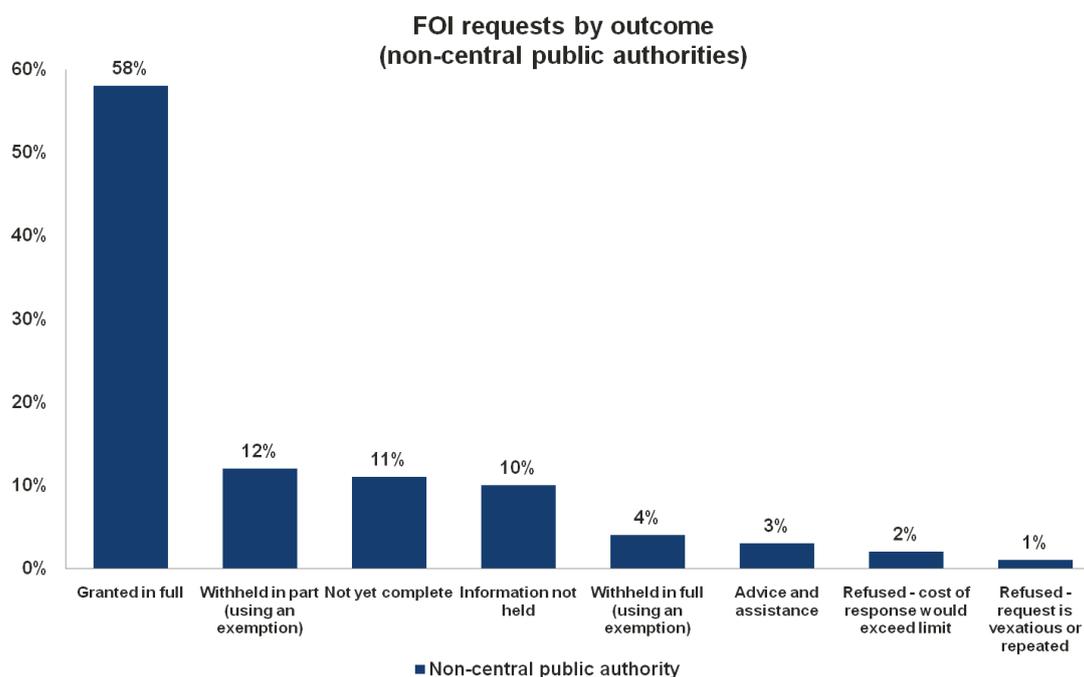
Table 3.2: Average cost per stage of work within non-central public authorities (155 requests)²⁸

Stage of work	Average cost
Administration	£12
Searching	£36
Reading time	£18
Consideration	£22
Discussion with central government	£5
Consultation outside central government	£7
Drafting submissions/consultation with board officials/Ministers	£18
Drafting response/redaction	£27
Total	£146

Outcomes

As detailed in Figure 3.12, 58% of requests received by non-central public authorities were granted in full. Information was not held for one in ten requests (10%) and just 2% were refused on the basis of the cost limit being exceeded.

Figure 3.12: Outcomes by non-central public authorities (156)



²⁸ Excluding one outlier – see previous footnote.

As with central government, requests that were not completed at the end of the costings exercise incurred the highest average cost (£347). An additional 32% of time was added on to the information recorded for such requests, to account for the missing time not recorded by the costings exercise (see methodology chapter for further details). Requests which were withheld in part cost an average of £314 in staff time.²⁹

Table 3.3: Average costs by outcome for non-central public authorities (156)

	Non-central public authorities (156)
Not yet complete (17)	£347
Withheld in part (using an exemption) (18)	£314
Granted in full (90)	£132
Advice and assistance (5)	£69
Information not held (15)	£66
Withheld in full (using an exemption) (7)	£56
Refused – cost of response would exceed limit (3)	£36

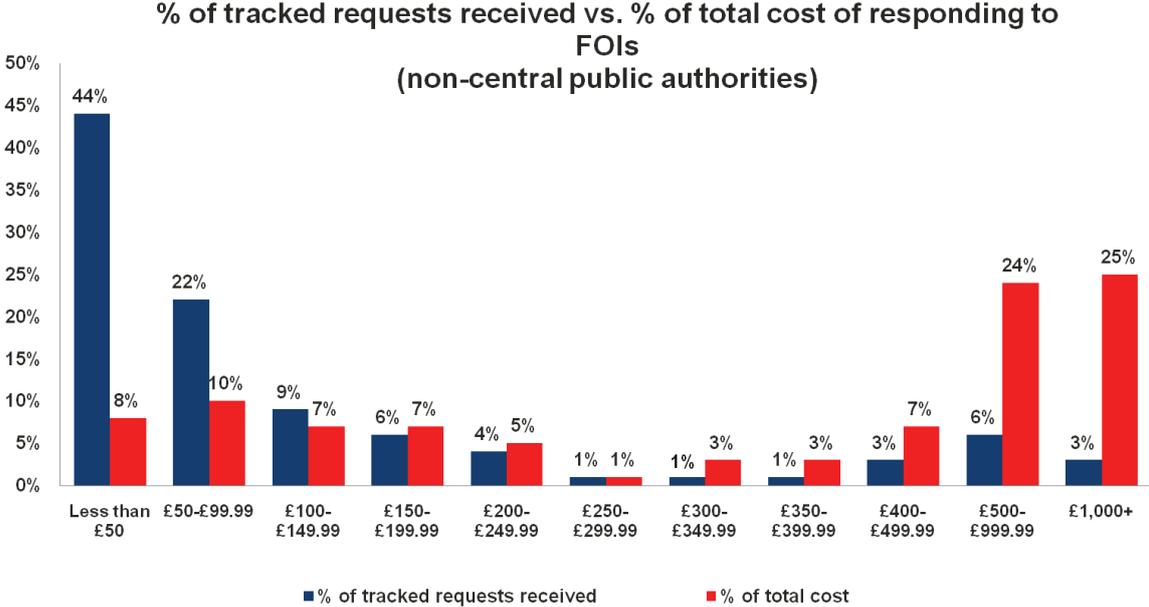
Request cost categories

Figure 3.13 below reveals that two-thirds of requests submitted to non-central public authorities cost less than £100 to resolve (67%), with only 3% costing in excess of £1,000. The distribution pattern is similar to central government requests, although these tended to be more expensive. For example, a quarter of requests in central government departments (24%) were placed in the “less than £50” cost category, whereas this figure was over four in ten for non-central public authorities (44%).

As with central government requests, a small minority of expensive requests accounted for a notable proportion of the total costs involved. Two-thirds of all requests (67%) cost less than £100, yet made up around one-fifth of total costs (18%). Conversely, around one in ten requests (8%) cost in excess of £500 yet these made up half of the total costs for non-central public authorities (50%).

²⁹ Due to the low base sizes, it is not possible to make comparisons with the corresponding figures for central government requests.

Figure 3.13: Distribution of total volume and cost of requests submitted to non-central public authorities (156 requests)



Expensive requests

Two particularly expensive requests which were picked up in the costings exercise are highlighted below:

Request to a non-central public authority
 A request received by one non-central public authority involved an unusually high amount of discussion with other departments in central government, costing almost £2,500 for this stage of work alone. Not only was this a very time consuming request, but the majority of the discussion time can be attributed to two officials earning £100,000+ per annum. The request was still unresolved at the end of the costings exercise.

Request to a non-central public authority
 One authority received a request that required a senior official to draft a substantial response/redact information, which took over fourteen hours to complete at a cost of around £650. There were also considerable consultation costs involving board level officials/Ministers.

The costing limit

Similar to central government departments, a non-central public authority may turn down a request if it estimates that complying with it would cost more than a set limit (£450, calculated as 18 hours of staff time at £25 per hour). Based on the criteria explained previously regarding the activities a public authority can take into account when calculating whether to answer a request would exceed the limit, there were two requests answered by non-central public authorities picked up in the exercise where the cost in staff time was greater than £450. When all activities are included (for example, administration, redacting and drafting), 10% of the requests exceeded the cost limit. 2% were refused on the grounds of cost because to answer the request in full *would* have exceeded the limit.

3.4 Environmental Information Regulations (EIR) requests

European Directive 2003/4/CE, otherwise known as the Environmental Information Regulations 2004 (EIR) gives the public rights of access to environmental information held by public authorities. These include the right to know about the state of the elements of the environment (such as air, water, soil, etc.), about factors which may affect those elements (such as noise, waste, radiation, etc.) and about policies which will impact on the above. Although its provisions are slightly different to the FOIA, requests made to public bodies under EIR are usually handled by the same team of officials (a requester does not even have to specify whether they are making their request under the FOIA or the EIR). EIR requests were included within the scope of this exercise, with a total of 22 being submitted to central government departments and non-central public authorities. As with the requests for internal reviews, the small sample sizes mean that comparisons can only be indicative.

Overall, the average EIR cost £308, meaning that they are much more expensive than FOI requests to central government departments (£184) and non-central public authorities (£164), and internal reviews (£179). This is largely attributable to the staff time spent on each request, which averaged at 9 hours and 57 minutes per EIR. Closer analysis reveals that the average amount of time spent 'considering' the request was 2 hours and 40 minutes, in comparison to 1 hour and 17 minutes for an initial FOI request submitted to central government. Similarly, the average cost of this work stage was £80, compared to £42 for an initial request. In total, eight requests involved consideration of public interest issues, with three requiring consultation with Ministers.

3.5 Comparisons with previous research studies

Before making any comparisons with the previous research studies, it is important to consider the differences between the methodologies and sampling parameters. Such differences mean that any comparisons drawn can only be indicative.

Frontier Economics (2006)

This was a similar one-week costings exercise commissioned by the Department for Constitutional Affairs in 2006. The results can be found on the National Archives website at: <http://webarchive.nationalarchives.gov.uk/%2B/http://www.dca.gov.uk/foi/reference/foi-independent-review.pdf>.

The current study employed a similar methodological approach and utilised the same costing pro forma as the previous research. However, there were some methodological differences between the two studies which must be considered when comparing the results:

- The 2006 research focused primarily on central government departments in their research. This study included a small sample of non-central public authorities. Comparisons are only therefore applicable when looking at central government departments.
- In order to estimate the staffing costs of the officials involved in preparing responses to FOI requests, the 2006 research collected data on their civil service pay grades, with the analysis converting these into estimated staffing costs. Since the current study included some organisations not directly part of the civil service, data were instead collected in a series of salary bands (full time equivalent level).
- In line with the 2006 research, and as detailed above (see methodology section), the time for discussion with other departments in central government, consultation and drafting submissions (work stages 5–7) was doubled. The 2006 research also doubled consideration time (work stage 4). This category was not doubled in this study as officials may frequently consider a response with no input from other staff.
- The 2006 research calculated Ministers and private office time at a rate of £300 per hour. This was not applicable for this study as participants could select the appropriate salary band when inputting time for such officials. The staff costs of such senior officials' time was therefore calculated in the same way as all other staff.

- The 2006 research carried out further analysis of other costs incurred on top of staff costs, such as overheads, ICO appeal and tribunal casework. In contrast, this study focuses solely upon the staff costs.
- As detailed previously, an extra 32% of staff time was added on to the 38 requests which were unanswered at the conclusion of the fieldwork, as an estimate of the staff time required to provide a response that was not measured. This was then incorporated into the figure for staff time. The 2006 research adopted a different method by calculating a separate figure of £500,000 for “high burden cases”, which was not included in the overall cost for staff time.
- The 2006 analysis was based on 525 requests from central government departments, whereas this analysis is based upon 381 requests (225 from central government departments and 156 from non-central government departments).

The current study has estimated that the average cost in staff time of responding to a request made to central government departments is £184. The 2006 research gave a figure of £254. However, because of the methodological differences between the two studies described above, these figures are not directly comparable. In order to provide a more direct comparison, further analysis was carried out using a method similar to the 2006 study. Specifically:

- The extra 32% of staff time was removed from each incomplete request.
- Consideration time was doubled (work stage 4).
- Private office time (which was assumed to incorporate Ministers’ time) was calculated at a rate of £300 per hour (as opposed to the salary band selected by the official completing the request).

The results of this analysis suggest that the costs and time involved in dealing with requests have remained consistent compared to six years ago. When reprocessed to be consistent with the methodology for the earlier research, the current data produced an average request cost of £266 for central government departments in comparison to £254 in 2006. The average hourly cost also remained consistent at £37 versus £34 in 2006. In terms of time spent on the request, the average was calculated at 7 hours 13 minutes, similar to the 7 hours and 30 minutes in 2006.

In summary this further analysis suggests:

- The average cost to central government of dealing with FOIs is similar now to six years ago.
- Therefore, the total cost to central government from dealing with FOI requests (£8.5m) has increased compared to six years ago due to the greater volume of FOI requests received (46,000 FOI requests in the 12 months to September 2011, compared to 34,000 in 2006).

UCL Constitution Unit (2005–2010)

Since 2005, the UCL Constitution Unit has conducted online surveys of local government officials who work in Freedom of Information. Although UCL did not attempt to calculate the staff costs associated with dealing with FOI requests, they did include data on the number of requests received and the average number of hours spent on each request. It is worth noting however, that no meaningful comparisons can be made between the two for the following reasons:

- The UCL research included local government organisations, where this research included non-central public authorities across a variety of sectors.
- The two studies utilised differing methodologies (online versus a self completion pro forma)
- Samples sizes differ between the two studies. The 2010 wave of the research included a sample of 104 local authorities, whereas the current study included a sample of 156 cases across 19 non-central public authorities.
- The wording of the UCL questionnaire changed over the course of the six annual waves (for example, more open questions were asked on subsequent waves). Furthermore, there were also some changes to the methods of analysis.
- Although the UCL study calculated the average number of hours spent on each request, they did so by relating the number of full time equivalent (FTE) FOI staff to the hours available and the numbers of requests received. This currently study asked staff to estimate the total number of minutes spent on the request for each official.

Annex 1

Public authorities participating in the costings exercise

Organisation	Number taking part in the costings exercise
Central government departments	21
Local authorities	6
Health organisations	2
Police	2
Commercial organisations	2
Other public authorities	7

Ministry of Justice Research Series 7/12

Strand 3 – Investigative study to inform the FOIA (2000) post-legislative review

This research is the third strand of a study to inform the post-legislative review on the Freedom of Information Act (2000). The first two strands (evidence review and interviews with officials) can be found here – <http://www.justice.gov.uk/publications/research-and-analysis/moj/2011/investigative-study-to-inform-the-freedom-of-information-act-post-legislative-review>. The third strand was a costings exercise across central government departments and a range of other public authorities which aimed to provide an assessment of the staff time and costs required by these bodies to respond to FOI requests.

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