

Scottish Civil Society and FOI: licence, leverage, and lessons

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New Developments in FOI
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Overview

Research focuses on how FOI is being used (or not) by various groups across Scottish civil society

2 key phases to the research:

- Quantitative survey of experience of FOI uptake in Scottish voluntary sector (2009-10) – 705 responses
- Qualitative follow up, development of cases studies (2010-11) – 50+ interviews



Imperfect Information:
Experiences and Perceptions of the use of Freedom of Information
in the Scottish Voluntary Sector

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Background

- Anticipated that Scottish civil society would be 'early adopters' and enthusiasts of FOI
- SIC data suggested low level of appeals from voluntary sector
- One of the aims of the research is to analyse whether the level of appeal statistics accurately reflects the use of FOI by the third sector

APPLICANTS BY TYPE 2008-2009 AND 2010



	2008-09	2010
1 Adult	73%	74%
2 Elected representative	5%	3%
3 Media	10%	11%
4 Private/commercial enterprise	4%	8%
5 Solicitor	2%	1%
6 Voluntary/campaign organisation	5%	3%

source: SIC annual report 2010

Testing assumptions

- FOI as potentially powerful campaigning tool
- FOI as a means of gathering policy relevant information
- FOI enabling scrutiny & accountability

...voluntary sector (with interest & expertise)
would be keen to pursue all of the above??

Phase 1

- **Methods**

- Online survey, distributed to 6783 voluntary organisations in Scotland
- 705 responses
- The sample was representative in terms of types of organisation, geographical location, organisation size, income etc.

- **Key findings**

- 43.7% indicated that they were confident they would receive the information they asked for if they made an FOI request.
- 13.2% of all respondents are making regular information requests to public authorities.
- 49.6% stated that they would be discouraged from making a request because of a fear that it might harm working relations or funding relations or both.

Phase 1 findings & context

- Almost all the organisations which responded were funded either wholly or in part by public authorities [83.5%].
- The higher the level of funding an organisation receives from a public authority, the more likely they are to believe that using FOI could harm relations between their organisation and the public authority.
- 27.5% disagreed that public authorities treat all FOI requests equally, regardless of who is requesting the information.

Phase 2

- *Licence*: examining the conditions under which organisations feel enabled and empowered to use FOI
- *Leverage*: How FOI fits into the dynamics of information management and political communication in Scotland
- *Lessons* to date

Licence

- Funding and working relationships remain key, and highly sensitive, issues in terms of FOI uptake across the Scottish voluntary sector
- Third parties often act as intermediaries, or as sources of expertise, in facilitating the use for FOI on behalf of civil society groups.
- FOI is seen as an aggressive information gathering strategy

FOI Awareness & Activism

- Knowledge, awareness and expertise in using FOI have been developing since the legislation has come into force.
- Distribution of FOI activism uneven across Scottish voluntary sector
- ...this may colour perceptions of FOI



Leverage

- Introduction of FOI is credited by some respondents as strengthening informal methods of gaining information
- FOI is part of a wider 'tool kit' of strategies for accessing information
- FOI not necessarily the first option voluntary sector groups exercise when seeking information from public bodies.

Insiders and Outsiders

- FOI located in matrix of pre-existing professional, personal and political relations
- Information exchange and networks: scale (Scotland as political village?)
- Outsider groups often have less opportunity to secure information and tend to have to rely on official communication channels

Views from inside:

- 'I've worked in this area for many years. I know a lot of key people in local authorities and in Scottish Government personally, and to whom I can go to directly for something. I've never found a difficulty.'
- 'There is a risk that public bodies react against people who use it a lot, and one of the things we do - because we are at the responsible end of the market - is try and develop good working relationships within public bodies.'

Views from outside:

- ‘there are lots of connections that give people the ear of politicians and mean they don't have to take the approach we take’
- FOI ‘as a good way of accessing information without having to cultivate relationships’.
- ‘If we do put local authorities’ noses out of joint we don’t really have to worry about them, we have to be a wee bit more circumspect with the Scottish Government.’

Lessons to date?



- Some voluntary sector organisations would take comfort from their identity as FOI requesters not being disclosed
- Quicker method of dealing with disputes around refusals and the issue of non-response would be welcomed - sanction for late responses might help address this issue.

Lessons & Issues

- Perceptions of FOI efficacy and outcomes vary
- Timing, delays and bargaining
- Coalitions & Networks



Looking forward...

- 'Outside' groups are less likely to view FOI as aggressive or confrontational: effective method of obtaining information.
- Culture change since 2005?
- Retrenchment: more confrontation??

