

Freedom of Information: a year on



On the 1st January 2005, the Freedom of Information Act 2000 came into force. For the first time, the general public were given the right to request information from public authorities that had previously been refused under the Official Secrets Act or the Public Records Acts. The FOI Act sought to change the civil service culture from “need to know” to a “right to know”.

The FOI team in the Agency spent October and November 2004 with Bray Leino, a training consultancy firm, educating staff in the Access to Information Regime. This covered FOI, Data Protection and Environmental Information Regulations. By Christmas 2004, the team had trained nearly all staff across the Agency and the remaining staff were trained by February 2005.

The first two FOI requests arrived on the 4th January 2005, the first working day of the Act. One was refused in full under Exemption 43, while the other was released in full.

For 2005, the breakdown by directorate of FOI requests is as follows:

Directorate	Number of requests	Directorate	Number of requests
Corporate	8	Human Resource Services	6
Financial Services	8	Information Directorate	1
Major Projects	53	Procurement	11
Network Strategy	25	Safety, Standards & Research	5
Traffic Operations	107		

In the first year, the Agency answered 224 requests. Of these, 166 (74%) were answered in full; 7 were transferred out to another authority; 6 were closed as the requestor failed to supply further details to clarify the request and in 16 cases, the Agency either no longer held the information, or it was available elsewhere already.

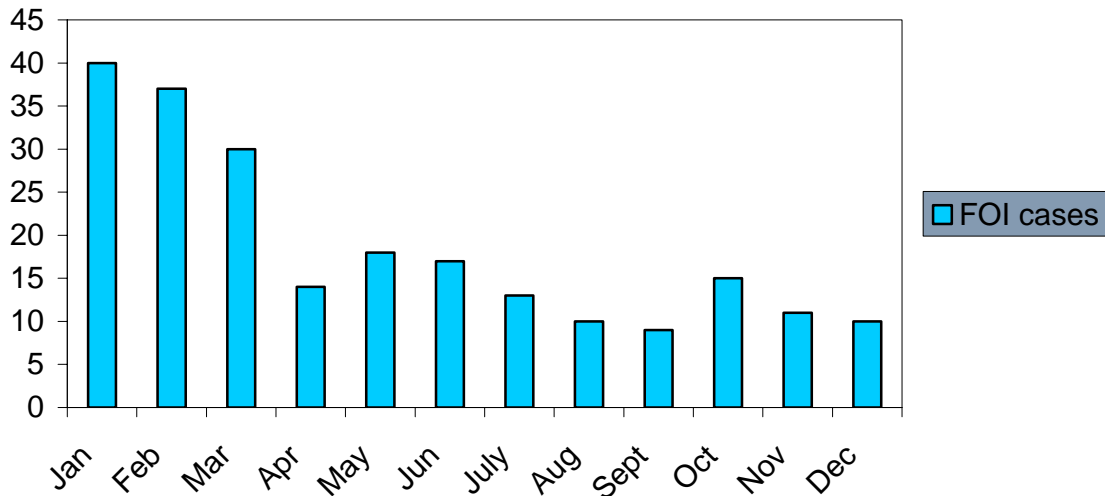
Refusals

The Agency refused to supply information in 27 cases (12%). Three cases were refused as too costly, 16 were refused in full, and 8 were refused in part. A wide selection of exemptions has been used. The cases refused in full are detailed below:

Topic	Exemption used
Refused in full:	
Request for board papers on Gershon review	Exemption 36, Effective conduct of public affairs – the information was later released
CAT – Capability Assessment Toolkit scores	Exemption 43 – Commercial interests – this information was requested and refused twice
Report sent to the Secretary of State on the A21 Flimwell - Robertsbridge	Exemption 22 – Future publication. The information was later released
A request for local streets receiving Part 1 compensation from the HA	Exemption 41 – Confidential Information
M6 toll payback of lease formula	Exemption 43 – Commercial interests
Request for Past Performance Data for A66 Temple Sowerby bypass contract	Exemption 43 – Commercial interests
Information on HA contracts	Exemption 21 – Published on the website
Location of the M25 Controlled Motorways Enforcement Cameras	Exemption 31 – Law enforcement
Request for documents between the HA and a homeowner concerning the A417 Brockworth Bypass	Exemption 32 – court records. Information related to an eviction
Construction of the A69 bypass at Greenhead	Exemptions 41 – Confidential information and 42 – Legal professional privilege
Claims for compensation for the A12 Brentwood By-pass Lighting Scheme	Exemption 40 – Data Protection
A57/A628 Mottram Tintwistle Bypass traffic modelling	Exemption 22 – Future publication
Staffing structure of the Agency's legal department	Exemption 21 – Information available in the Civil Service Year book
Treasury Solicitor's advice about the sale of land on which, travellers' caravans were sited.	Exemption 40 – Data Protection and Exemption 42 – Legal Professional Privilege
Request for Halcrow scheme costs	Exemption 43 – Commercial Information

There were 8 cases refused in part, which used the same exemptions. Experience of the exemptions is growing, and they are generating fewer queries for the FOI team. Applying the Public Interest Test, generates more queries than the exemption itself.

Overall trends



As the year progressed, the number of cases recorded as FOI decreased. As everyone became more familiar with the new process, more cases were treated as business-as-usual, even when FOI was quoted. The cases that continue to be recorded as FOI, are cases where the information requested has never been released before, or where it's felt the support of the legislation is required, as the case is proving complex to deal with.

For 2005, there has been an average 95.5% compliance rate with the 20-day response target. This is 5.5% above the DfT target of 90%. (The four quarters for 2005 have been as follows: Qtr 1: 95%, Qtr2: 100%, Qtr 3: 90%, Qtr 4: 97%)

Complaints

The Agency has had four complaints about the way requests were handled. All four of these were reviewed internally, and the decision to withhold the information was upheld in each case. Of the four complaints, one has now been referred to the Information Commissioner for a decision notice. This case is still pending. For the DfT family of Agencies, only the DVLA has received a decision notice to date.