



Information Commissioner's Office

Annual Track 2013

Practitioners

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4th Floor, Holborn Gate,
26 Southampton Buildings,
London, WC2A 1AH
T: + 44 (0) 207 861 3080
W: www.opinionleader.co.uk
E: enquiries@opinionleader.co.uk

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1. Introduction

This report presents the findings from the ICO's Annual Track 2013, which measures the awareness and understanding of the Data Protection Act (DPA) amongst practitioners (private and public sector organisations) and Freedom of Information Act (FOIA) amongst public sector organisations only. This work represents a continuation of tracking research undertaken by the ICO on this subject since 1997.

Opinion Leader also conducted interviews with the general public to measure understanding and awareness of the acts among this group and also has undertaken further work to explore how the ICO might better communicate with businesses more effectively. The findings from these interviews are reported under separate covers.

For the most part, the questionnaire used during the practitioners' survey was consistent with previous years. This allows for comparisons between findings from different survey years to be made in the report. Any changes in question wording over time, or new questions which have been included in this year's survey, are indicated in the text.

2. Research aims and objectives

The overall aims of the study reflect the aims of the ICO as a whole and therefore are to:

- Reinforce the ICO's positioning as the authoritative arbiter of information rights
- Raise organisations' awareness of their obligations
- Maintain individuals' awareness of their information rights
- Educate young people about their information rights

Further and more specific aims of the research are indicated below.

2.1 DPA Objectives

DPA objectives of the research were to measure and to track:

- the awareness of rights of individuals about whom information is stored;
- the awareness of organisations' obligations under the Act; and
- the perceived benefits of the DPA.

2.1 FOIA Objectives

FOIA objectives of the research were to measure and to track:

- the awareness of rights of individuals with regards to freedom of information;
- the awareness of public authorities' obligations under the Act; and
- the perceived benefits of the FOIA.

2.3 Corporate Awareness Objectives

The research aimed to support the ICO objectives in terms of corporate awareness. Specifically the research aimed to identify awareness of the ICO as being responsible for the DPA and FOIA.

3. Executive Summary

3.0 Executive Summary

The findings from 2012 on organisations' perceptions of DPA and FOIA issues and responsibilities show these issues continue to hold considerable presence in public and private organisations, with one in five private organisations reporting that their DPA responsibilities have increased over the past 12 months and over one third of public authorities reporting that their FOIA and DPA responsibilities have increased over the past 12 months (33% and 36% respectively).

Despite this, awareness of DPA obligations has decreased since 2011, with awareness of the obligation to keep personal information secure decreasing by 9 percentage points from 2011. Awareness of all DPA issues saw a drop compared to previous years; this drop in awareness was spread across public and private sector organisations.

The ICO continues to be the main source of information for both public and private organisations to gain advice on DPA and FOIA (public sector only) responsibilities, though identification of the ICO as the enforcer of both acts has declined since 2011. There is also a decrease in levels of understanding and awareness of notification.

3.1 Data Protection

Obligations

Spontaneous awareness of all obligations has decreased since 2011 and awareness of the obligation to keep personal information secure decreased from 72% to 63%. 72% was the highest recorded level of awareness of the obligation to keep personal information secure and the reported level of 63% in 2012 is considerably higher than 2010, when awareness was reported as 54%.

Rights

Unprompted awareness of individuals' right to see information has decreased to its lowest level since tracking began, with 71% spontaneously mentioning the right. There was a drop of 14% point in small organisations spontaneously mentioning the right compared to 2011.

Enforcing the DPA

Awareness of the ICO as enforcer of the DPA decreased (57%) and returned to levels of awareness seen in 2010 (54%) and in 2009 (59%). This decrease was more pronounced in the public sector than in the private sector.

Notification

Overall, there has been a decrease in levels of understanding concerning notification; excepting awareness of notification as a legal requirement as part of the DPA, which remained consistent with 2011.

Public sector awareness of notification continues to be generally higher than in the private sector; however in the private sector, awareness of the obligation for organisations that do not have to notify to comply with the principles of DPA rose from 2011 (85%) with 93% agreeing with the statement.

Implications of the DPA

The perceived value and benefits of the DPA remain positive. Almost all, (97%) of organisations agree that the Act is needed. Perceptions that it is a burden on one's organisation and that it is a waste of resources declined slightly from 2011. Private sector organisations remained positive towards the act.

Personal Information Requests

Across both sectors, requests for information saw a slight decline in 2012 compared to 2011; however those reporting that they had received no requests for information numbered 28%, the lowest figure recorded since tracking began.

3.2 Freedom of Information

Obligations

Spontaneous awareness of all obligations regarding the FOIA decreased in 2012. There was a decrease of 23% in spontaneous awareness of the obligation: public authorities must provide help and advice to people asking for information, with reported awareness at 17%.

Rights

Spontaneous awareness of the public's right to request information decreased by 11% points compared to 2011, reaching the lowest levels of awareness since tracking began. Awareness of all other rights decreased somewhat when compared to 2011.

Enforcing the FOIA

Awareness of the ICO as enforcer of the FOIA decreased by 18% points compared to 2011, with 68% identifying it as the main enforcer of the FOIA. This is a lowest recorded level of awareness since tracking began.

Implications of the FOIA

While over seven in ten of respondents agreed that the FOIA is needed (74%), this is a decreased number from 2011 (84%). Compared to last year, 18% fewer respondents agreed that it improves records management and 10% fewer agreed that it increases trust.

Information Requests

The percentage of respondents reporting no requests for information in 2012 increased from 9% in 2011 to 21% in 2012. This year also saw a decline in requests for information among small authorities. The number of large authorities reporting 500+ requests for information increased from 32% in 2011 to 39% this year.

3.3 Information Commissioner's Office

Awareness of the ICO when prompted was 84%; this represents a six percentage point decrease since 2011, returning to the levels of awareness seen in previous years of tracking.

Awareness of the ICO in the private sector (74%) was lower than in 2011 (81%) yet retained overall high levels of awareness when compared to 2010 (58%) and 2009 (66%). Public sector awareness remained high at 94%.

The ICO remains the main source of advice for both the DPA (51%) and the FOIA (58%).

4. Methodology and sample profile

Opinion leader interviewed 971 practitioners by telephone. This methodology was chosen in order to maintain consistency with previous waves of the research and therefore to ensure that findings were directly comparable. Sample for this survey was acquired from an approved supplier of business contact details. Interviews were undertaken with those responsible for deciding how information about individuals is stored and kept secure within the organisation as per the Data Protection Act. On contacting public authorities, interviewers also asked to speak to the person responsible for making information about the organisation available to the public as per the FOIA. Interviewing for the survey was undertaken between the 21st February and the 10th April 2013.

Prior to the start of fieldwork quotas were set reflecting the split between ‘large’ organisations (those with 200 or more employees) and ‘small’ organisations (those with 1-199 employees) and public and private sector companies. Setting quotas in this way allowed for variations between organisations of different sizes to be identified. In the event, quotas were exceeded (particularly for small private sector organisations). During analysis, weights by organisations type and size were applied so that the final sample profile matches that of the sample achieved at the 2011 practitioners survey. A full breakdown of the sample profile is provided as an appendix to this report.

Size of organisation	Private		Public	
	Quota	Achieved	Quota	Achieved
Small	200	369	200	202
Large	200	192	200	208
	400	561	400	410

6. Main Findings

6.1 Data Protection Act

6.1.1 Awareness of DPA obligations (Unprompted)

Q14. What obligations are you aware of that organisations have to comply with when processing personal information?							
Obligations (Unprompted)	Public			Private			Overall
	Total	Large	Small	Total	Large	Small	
Personal information is kept secure.	61%	60%	63%	65%	66%	64%	63%
Personal information is processed for limited purposes	18%	22%	5%	10%	16%	5%	14%
Personal information is not kept for longer than necessary	17%	31%	10%	25%	20%	15%	21%

The ICO has identified the same three key indicator obligations that organisations have to comply with when processing personal information as last year. Though awareness of the obligation to keep personal information secure is high at 63%, this is a drop of 9% points from last year, Awareness around processing personal information for limited purposes and not keeping for longer than necessary have decreased by 19% and 11% respectively.

The decreased awareness of the obligation to keep personal information secure has not been driven by any particular sector, instead seeing a drop across both private and public sectors. The decreased awareness of the obligation to process information for limited purposes saw just under a drop of 20% point among public and private sector organisations when compared to last year. Low awareness of this particular obligation appears to be predominantly driven by small organisations in both the public and private sector, with just 5% in both sectors identifying it.

Awareness of the obligation not to keep personal information for longer than necessary saw a drop by 20% points among public sector organisations, however there was no drop in awareness among private sector organisations (25%) when compared to last year.

Q14. What obligations are you aware of that organisations have to comply with when processing personal information?						
Obligations (Unprompted)	2007	2008	2009	2010	2011	2012
Personal information is kept secure	69%	55%	46%	54%	72%	63%
Personal information is processed for limited purposes	40%	24%	22%	28%	33%	14%
Personal information is not kept longer than necessary	39%	25%	22%	24%	32%	21%
Personal information is kept accurate and up to date	53%	36%	28%	30%	46%	24%
Personal information is processed in a fair and lawful manner	53%	40%	30%	28%	45%	33%
Personal information held is adequate, relevant and not excessive	32%	19%	18%	15%	25%	11%
Personal information is processed in line with individual rights	31%	16%	15%	17%	24%	9%
Personal information is not transferred to other countries without adequate protection	29%	21%	19%	17%	23%	11%

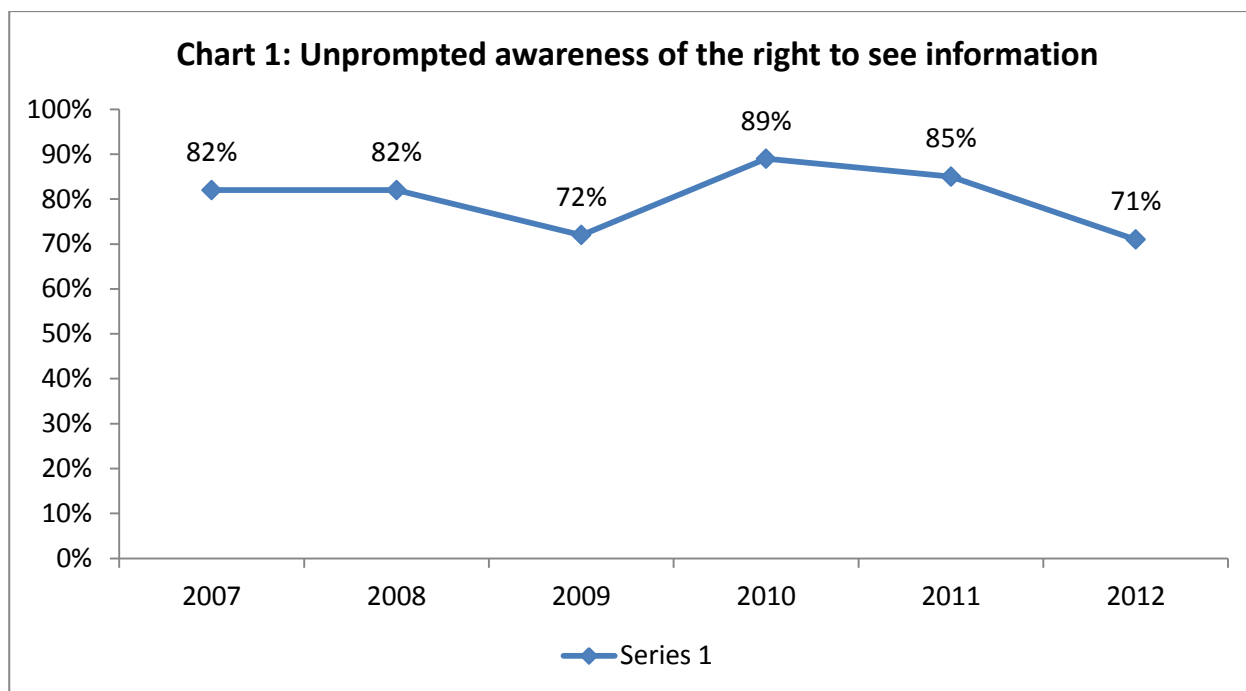
Awareness of all obligations has decreased since 2011. The proportion of respondents aware that personal information is kept accurate and up to date dropped by 22% points, and numbers aware that that it is processed for limited purposes dropped by 19% points. Awareness of the most-mentioned obligation, to keep personal information secure decreased by 9% when compared to last year (72%)

The obligations to ensure that personal information is processed in a fair and lawful manner (33%) and to keep personal information accurate and up to date (24%) are mentioned the second and third most often.

Q14. What obligations are you aware of that organisations have to comply with when processing personal information?												
Obligations (Unprompted)	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
Personal information is kept secure	64%	61%	49%	48%	74%	65%	74%	48%	42%	60%	71%	61%
Personal information is processed for limited purposes	31%	14%	12%	12%	29%	10%	50%	34%	32%	44%	37%	18%
Personal information is not kept longer than necessary	27%	16%	10%	8%	25%	17%	52%	34%	32%	40%	38%	25%
Personal information is kept accurate and up to date	40%	25%	18%	11%	37%	19%	66%	47%	38%	49%	54%	30%
Personal information is processed in a fair and lawful manner	44%	24%	18%	7%	26%	19%	62%	56%	42%	50%	63%	47%
Personal information held is adequate, relevant and not excessive	23%	13%	8%	6%	19%	8%	42%	26%	27%	24%	31%	15%
Personal information is processed in line with individual rights	23%	9%	5%	6%	21%	6%	39%	23%	25%	28%	28%	12%
Personal information is not transferred to other countries without adequate protection	17%	11%	7%	5%	20%	5%	41%	31%	30%	30%	27%	18%

While there are some sharper drops in awareness of certain obligations among private sector organisations, there is no clear driver or catalyst behind the overall decrease in awareness of all obligations.

6.1.2 Awareness of individuals' rights (unprompted)



Spontaneous awareness of individuals' right to see information has decreased by 14% since 2011, dropping to the lowest level of awareness seen since 2007.

Public sector awareness (78%) was higher than the private sector (63%). Roughly 8 out of every ten public sector organisations identifying the right spontaneously. Large public sector organisations were the most knowledgeable (82%) with a 14% drop in awareness of the right among small public organisations (68%).

Just under three quarters of large private organisations (74) mentioned the individuals' right to see information, whereas 52% of small organisations mentioned this unprompted.

Q13. What rights are you aware of that are given to individuals about whom your organisation processes personal information?						
Individuals' Rights (Unprompted)	Overall					
	2007	2008	2009	2010	2011	2012
The right to see information	82%	82%	72%	89%	85%	71%
The right to correct inaccurate information	33%	18%	19%	14%	25%	21%
The right to prevent the processing of information if it would cause damage or distress	24%	9%	12%	10%	13%	9%
The right to object to decisions made only by automatic means	15%	8%	6%	3%	7%	3%
The right to stop unsolicited mail	17%	5%	4%	3%	7%	3%
The right to claim compensation for damage or distress cause by a breach of the act	13%	6%	5%	5%	6%	3%
The right to have the breach of the act investigated and assessed	12%	3%	5%	2%	4%	1%
Individuals have no rights	0.4%	0.2%	0%	0%	0.1%	1%
<i>Don't know</i>	14%	7%	13%	4%	8%	9%

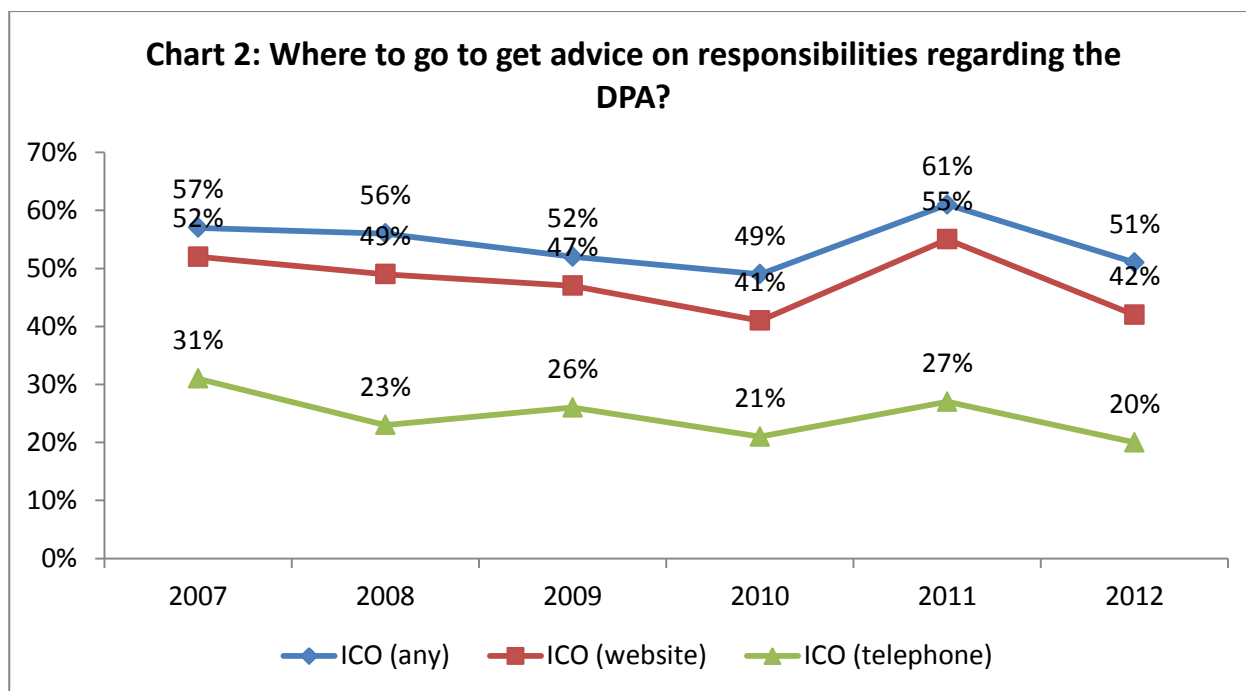
In general, awareness of all other rights has decreased this year, with awareness of the right to see information (71%) dropping to the lowest it has been since 2007. This depicts a slight downward trend in awareness from 2010, when awareness was at its highest.. There has been a modest rise in numbers (1%) claiming that they do not know about rights that are given to individuals about whom their organisation processes information.

Q13. What rights are you aware of that are given to individuals about whom your organisation processes personal information?

Individuals' Rights (Unprompted)	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
The right to see information	72%	77%	62%	93%	76%	63%	92%	87%	76%	84%	94%	78%
The right to correct inaccurate information	18%	9%	7%	2%	17%	21%	48%	27%	30%	27%	33%	28%
The right to prevent the processing of information if it would cause damage or distress	14%	5%	3%	1%	7%	9%	33%	14%	20%	19%	18%	14%
The right to object to decisions made only by automatic means	10%	4%	2%	1%	5%	3%	20%	11%	10%	6%	9%	5%
The right to stop unsolicited mail	10%	3%	1%	1%	6%	3%	24%	7%	6%	6%	8%	5%
The right to claim compensation for damage or distress cause by a breach of the act	6%	2%	1%	1%	4%	3%	20%	10%	9%	9%	8%	5%
The right to have the breach of the act investigated and assessed	7%	3%	4%	1%	3%	1%	17%	3%	6%	4%	6%	1%
Individuals have no rights	-%	1%	1%	0%	0%	1%	1%	0%	0%	0%	0%	1%
<i>Don't know</i>	23%	12%	19%	5%	14%	8%	4%	3%	7%	3%	3%	5%

Public sector practitioners had a higher wareness of all rights. This was most notable in awareness that individuals have the right to see information (15% greater than the private sector). Correspondingly, those from the public sector were less likely to answer 'don't know' than those in the private sector.

6.1.3 Sources of advice on the DPA



The overall percentage of respondents who mention ICO as the place they go to get advice on responsibilities regarding the DPA has decreased from 61% in 2011 to 51% in 2012; just over half of respondents report using any source provided by ICO (51%).

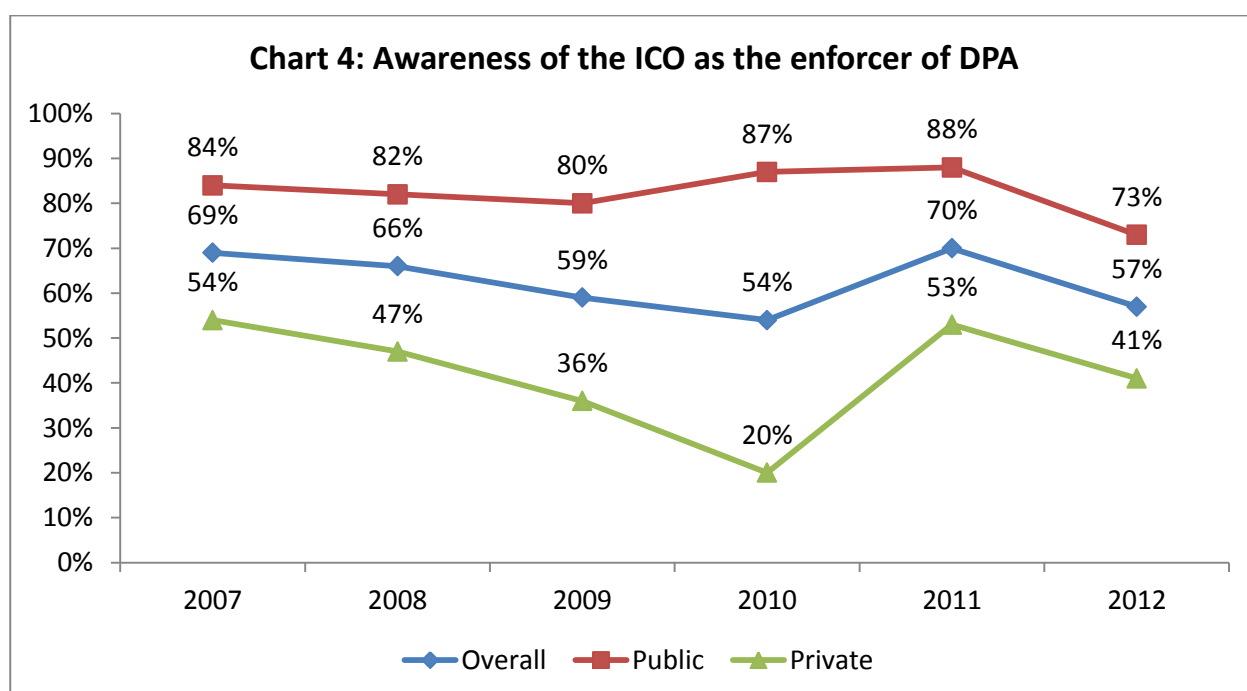
Q15. Where would you go to get advice on your responsibilities regarding the DPA? (Unprompted)						
Individuals' Rights (Unprompted)	Overall					
	2007	2008	2009	2010	2011	2012
ICO Any	57%	56%	52%	49%	61%	51%
ICO Website	52%	49%	47%	41%	55%	42%
ICO Phone	31%	23%	26%	21%	27%	20%
Head Office	11%	5%	6%	6%	8%	4%
Government Department	2%	2%	3%	3%	5%	6%
CAB	2%	2%	3%	3%	1%	2%

The overall percentage decrease of those who mention using ICO is likely to be attributable to a decrease in mentions for the ICO Website and ICO Phone. Whilst the ICO Website is still the preferred source of advice, this source has seen the biggest percentage decrease since 2011 (-13%).

Q15. Where would you go to get advice on your responsibilities regarding the DPA? (Unprompted)												
	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
ICO Any	40%	41%	30%	19%	42%	35%	74%	70%	73%	80%	81%	67%
ICO Website	36%	37%	25%	15%	38%	29%	69%	60%	67%	67%	73%	57%
ICO Phone	17%	13%	11%	5%	14%	9%	46%	33%	41%	37%	39%	33%
Head Office	14%	6%	8%	8%	9%	5%	8%	4%	4%	5%	8%	2%
Government Department	2%	2%	3%	4%	8%	8%	“5	2%	2%	3%	3%	4%
CAB	4%	2%	6%	4%	2%	4%	1%	2%	1%	1%	0%	0%

Both Private and Public sector organisations have shown a decrease in mentions of the ICO as a source of information. Overall, the ICO Website has seen the biggest decrease in mentions for both sectors.

6.1.4 Knowledge of organisations responsible for enforcing the DPA



There has been a significant decrease in awareness of the ICO as the enforcer of DPA since 2011 (-13%). This is true across both sectors. Despite this decrease, awareness in the Private sector and Overall still remains higher than in 2010, but for the Public sector awareness of ICO as the enforcer of DPA is the lowest on record.

Q16. Which organisations are you aware of that are responsible for enforcing the DPA?						
Response (Unprompted)	Overall					
	2007	2008	2009	2010	2011	2012
ICO	69%	66%	59%	54%	70%	57%
Government	4%	9%	7%	7%	7%	9%
Ministry of Justice	2%	3%	3%	3%	6%	5%
Data Protection Agency	2%	4%	5%	5%	4%	1%
Data Protection Registrar/Commissioner	3%	2%	2%	1%	2%	1%
Office for Scottish Information Commissioner	1%	1%	0%	1%	1%	1%
Department for Constitutional Affairs	1%	1%	0%	0%	0%	0%
None	1%	2%	3%	2%	1%	5%
<i>Don't Know</i>	33%	30%	36%	46%	29%	22%

Unprompted awareness of the ICO as an organisation responsible for enforcing the DPA has decreased since 2011 by 13% points. Awareness of other organisations has remained fairly consistent since 2011, with only small percentage of respondents selecting organisations other than ICO as responsible for enforcing the DPA.

Q16. Which organisations are you aware of that are responsible for enforcing the DPA?												
Response (Unprompted)	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
ICO	54%	48%	36%	20%	53%	41%	84%	83%	80%	87%	88%	73%
Government	6%	12%	12%	12%	12%	13%	2%	5%	3%	3%	3%	5%
Ministry of Justice	1%	1%	2%	0.2%	1%	3%	2%	5%	5%	5%	10%	8%
Data Protection Agency	2%	5%	7%	7%	6%	1%	2%	2%	2%	3%	1%	1%
Data Protection Registrar/Commissioner	3%	3%	1%	0%	2%	2%	3%	1%	2%	2%	1%	1%
Office for Scottish Information Commissioner	1%	1%	0%	0%	0%	0%	2%	1%	1%	1%	1%	2%
None	3%	3%	5%	0%	1%	7%	0%	0%	1%	4%	1%	2%
<i>Don't Know</i>	33%	30%	36%	46%	29%	31%	10%	8%	8%	7%	5%	13%

Across both the Private and Public sector ICO continues to be the organisation most associated with enforcing the DPA. Despite this, both sectors show a decrease since 2011 in percentage of mentions for ICO, and this decrease is more pronounced in the Public sector (15%) than then Private sector (12%). The Private sector is more than twice as likely than the Public sector to mention the Government as an organisation responsible for enforcing DPA (13% compared with 5%) and this trend is consistent with previous years. The Private sector is also more likely than the Public sector to say they 'Don't Know', with nearly a third (31%) unsure which organisations are responsible for enforcing the DPA.

6.1.5 Notification

Q17. I am now going to read out four statements about notification. Please tell me which you believe to be true and which you believe to be false.

Statements(Prompted)	Overall					
	2007	2008	2009	2010	2011	2012
Notification is usually a legal requirement as part of the DPA	89%	87%	85%	76%	87%	86%
Those organisation that do not have to notify still have to comply with the principles of the DPA	85%	89%	87%	79%	86%	59%
Organisations can notify voluntarily	68%	67%	66%	65%	68%	59%
Some organisations may be exempt from having to notify	66%	61%	58%	52%	58%	55%

Levels of awareness concerning notification have decreased slightly since 2011, but still remain considerably higher than 2010, with over four-fifths (86%) of respondents in 2013 aware of this. Awareness has significantly decreased for all other items. Most pronounced was awareness that organisations must still comply with the principles of the DPA, with a decrease of 27% overall. Just over half of respondents (55%) believe that some organisations may be exempt from having to notify, and although this is only a slight decrease since last year (-3%), this is the area where awareness is the lowest amongst respondents.

Q17. I am now going to read out four statements about notification. Please tell me which you believe to be true and which you believe to be false.

Statements(Prompted)	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
Notification is usually a legal requirement as part of the DPA	85%	82%	80%	60%	81%	81%	92%	91%	90%	92%	93%	91%
Those organisation that do not have to notify still have to comply with the principles of the DPA	86%	86%	83%	70%	85%	93%	84%	92%	91%	88%	87%	94%
Organisations can notify voluntarily	69%	62%	60%	55%	66%	56%	67%	72%	71%	75%	70%	62%
Some organisations may be exempt from having to notify	65%	49%	49%	36%	46%	48%	66%	73%	67%	68%	70%	62%

Levels of awareness for notification as a legal requirement and the obligation for organisations who do not have to notify to comply with principles of the DPA have risen or stayed broadly static among public and private organisations.

Among private organisations, awareness of the second and fourth statements rose from last year by 8% and 2% respectively. Among public sector organisations, awareness that organisations who do not have to notify still have to comply with the principles of DPA rose by 7%.

6.1.6 Implications of the DPA

Q18. To what extent would you agree or disagree with the following statements about the Data Protection Act?						
Data Protection Act Statement (Prompted)	Overall					
	2007	2008	2009	2010	2011	2012
It is needed	94%	95%	94%	93%	95%	97%
It improves customers' trust	84%	87%	85%	83%	90%	88%
It improves information management	85%	88%	86%	86%	90%	87%
It helps improve risk management	85%	87%	85%	85%	89%	88%
It adds value to the business	63%	69%	66%	68%	70%	66%
It means extra work	66%	60%	62%	66%	62%	57%
It is a burden on my organisation	13%	13%	16%	17%	18%	17%
It is a waste of resources	7%	4%	6%	9%	5%	3%

The Overall perception that the DPA 'is needed' has reached an all-time high, with almost all respondents in agreement with this statement (97%). Levels of agreement with all other statements remain fairly consistent since 2011, with a high proportion on respondents still in agreement that the DPA improves customers' trust (88%), improves information management (87%), and helps improve risk management (88%).

Overall, appraisal of the DPA remained consistent with previous years, and was positive, with 66% of organisations agreeing with the statement 'it adds value to the business'.

Q18. To what extent would you agree or disagree with the following statements about the Data Protection Act?

Data Protection Act Statement (Prompted)	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
It is needed	90%	93%	92%	90%	94%	96%	97%	97%	96%	97%	97%	96%
It improves customers' trust	79%	83%	81%	79%	89%	86%	90%	92%	89%	87%	92%	90%
It improves information management	80%	85%	82%	81%	88%	86%	90%	92%	90%	92%	92%	86%
It helps improve risk management	80%	83%	81%	80%	87%	85%	90%	92%	89%	89%	91%	89%
It adds value to the business	52%	61%	59%	58%	64%	59%	75%	77%	73%	79%	77%	72%
It means extra work	64%	53%	57%	60%	59%	53%	69%	66%	67%	73%	66%	61%
It is a burden on my organisation	16%	14%	16%	17%	15%	13%	11%	12%	16%	18%	18%	20%
It is a waste of resources	10%	3%	7%	12%	4%	3%	7%	4%	4%	6%	5%	4%

Public sector organisations were more likely than private sector organisations to agree with the positive statements with the notable exceptions of the statements 'it is needed' and 'it improves information management', where both sectors were equally likely to agree.

Public sector organisations were more likely to suggest that the Act means extra work (public: 61%, private: 53%) and that it is a burden on the organisation (public: 20%, private: 13%). As stated in previous reports, organisations stating that the DPA 'means extra work' is not necessarily a negative statement, and may be a simple factual reality. Among private organisations, the tendency to consider it a burden on their organisation declined slightly when compared to 2011 (2%) and agreement with some positive statements increased.

6.1.7 Requests for personal information (subject access requests)

Q19. Approximately how many requests for personal information has your organisation received in the past 12 months?

Number of Requests	Overall					
	2007	2008	2009	2010	2011	2012
None	41%	34%	35%	39%	29%	28%
1-2	11%	15%	13%	13%	12%	15%
3-10	15%	22%	17%	16%	20%	18%
10-50	13%	12%	14%	12%	15%	14%
50-100	4%	6%	6%	5%	7%	5%
100-200	5%	3%	5%	4%	5%	3%
200-500	4%	4%	2%	4%	4%	3%
500+	6%	7%	7%	5%	7%	6%

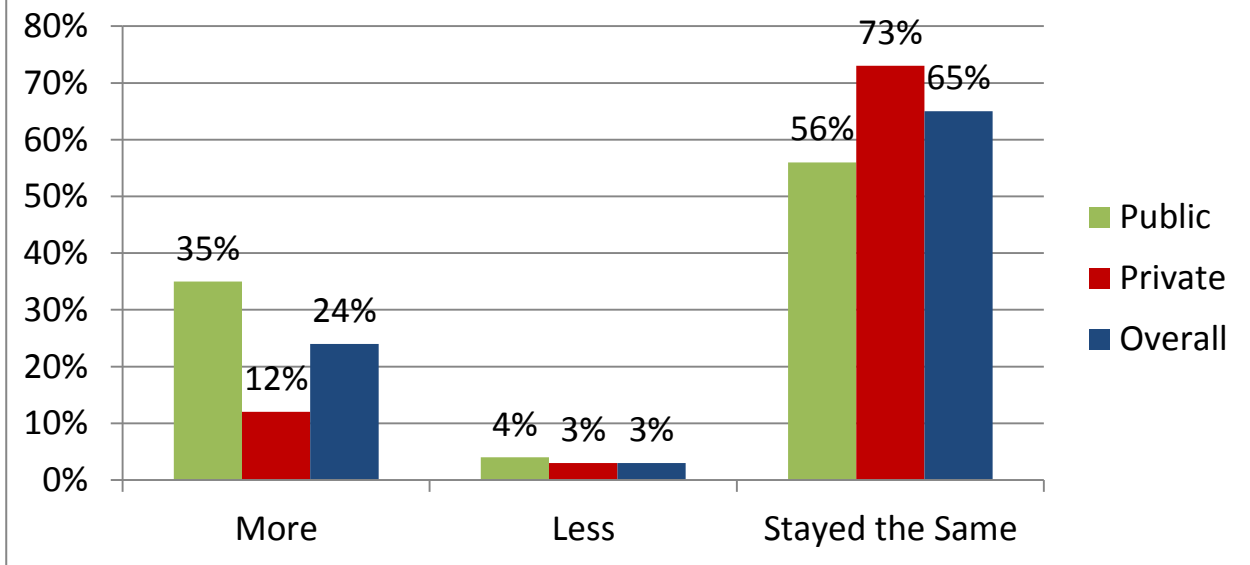
There has been no significant change to the volume of requests organisations have dealt with in the past 12 months. Just over a quarter received 'none' (28%). One in six (17%) of respondents received more than 50 requests, which is a significant decrease since 2011, when nearly a quarter had received more than 50 requests (23%).

Q19. Approximately how many requests for personal information has your organisation received in the past 12 months?

Number of requests	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
None	57%	47%	52%	63%	45%	43%	24%	21%	20%	16%	14%	20%
1-2	11%	15%	14%	14%	15%	18%	11%	15%	12%	13%	9%	10%
3-10	14%	19%	16%	11%	17%	16%	17%	24%	18%	21%	23%	18%
10-50	10%	7%	7%	6%	8%	9%	17%	16%	20%	18%	21%	19%
50-100	3%	5%	4%	3%	4%	2%	6%	6%	8%	8%	10%	8%
100-200	2%	2%	2%	2%	3%	1%	8%	4%	7%	6%	8%	5%
200-500	3%	2%	2%	1%	3%	1%	5%	5%	3%	8%	4%	5%
500+	2%	4%	3%	1%	3%	1%	11%	10%	11%	10%	10%	10%

Respondents working in Public sector organisations are more than twice as likely to have received a request for personal information as those working in the Private sector. Only 20% of Public sector respondents said they have received no requests, compared with 43% of Private sector workers. Public sector organisations have experienced a significant increase in the number of requests since 2011(+6%), whereas Private sector organisations have experienced a slight decrease (-2%). The Public sector is four-times more likely to have received 50+ requests (28%) than the Private sector (7%).

Chart 4: The number of requests for information under the DPA compared with previous year, by sector



Organisations in the Private sector (73%) were significantly more likely than those in the Public sector (56%) to say that the number of requests for information has stayed the same compared with the previous year. In line with this, organisations from the Public sector (35%) were nearly three-times more likely than those in the Private sector (12%) to indicate that they have seen an increase in the number of requests for information since last year.

Q20. The amount of requests for personal information under the DPA compared to 2007

Number of requests	Private						Public						Overall					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
More	18%	10%	8%	8%	13%	12%	8%	21%	27%	31%	29%	35%	13%	16%	18%	19%	21%	24%
Less	4%	3%	4%	3%	4%	3%	4%	9%	6%	7%	5%	4%	4%	6%	5%	5%	5%	3%
About the same	78%	86%	88%	88%	80%	73%	88%	70%	65%	60%	65%	56%	83%	78%	76%	74%	72%	65%

The overall level of requests received rose by 3% when compared to last year. This was driven by the public sector which saw a 6% rise in organisations’ reporting that they had received more requests for personal information under the DPA than the previous year. The private sector remains broadly consistent with the year previous, seeing a drop of 1%.

6.2 Freedom of Information Act

6.2.1 Knowledge of FOIA obligations

Q22. What obligations are you aware of that apply to public authorities under the Freedom of Information act?			
Obligations (Unprompted)	Small/Medium	Large	Overall- Public Sector
Public authorities must provide help and advice to people asking for information.	12%	19%	17%
Public authorities must disclose information unless there is a legal reason not to	5%	23%	18%

2012 saw a sharp decline in awareness of the obligation to provide help and advice to people asking for information compared to last year (40%) with a drop of 23%. Similarly, awareness of the obligation to disclose information dropped from three in ten people last year to less than two in ten people mentioning this obligation in 2012.

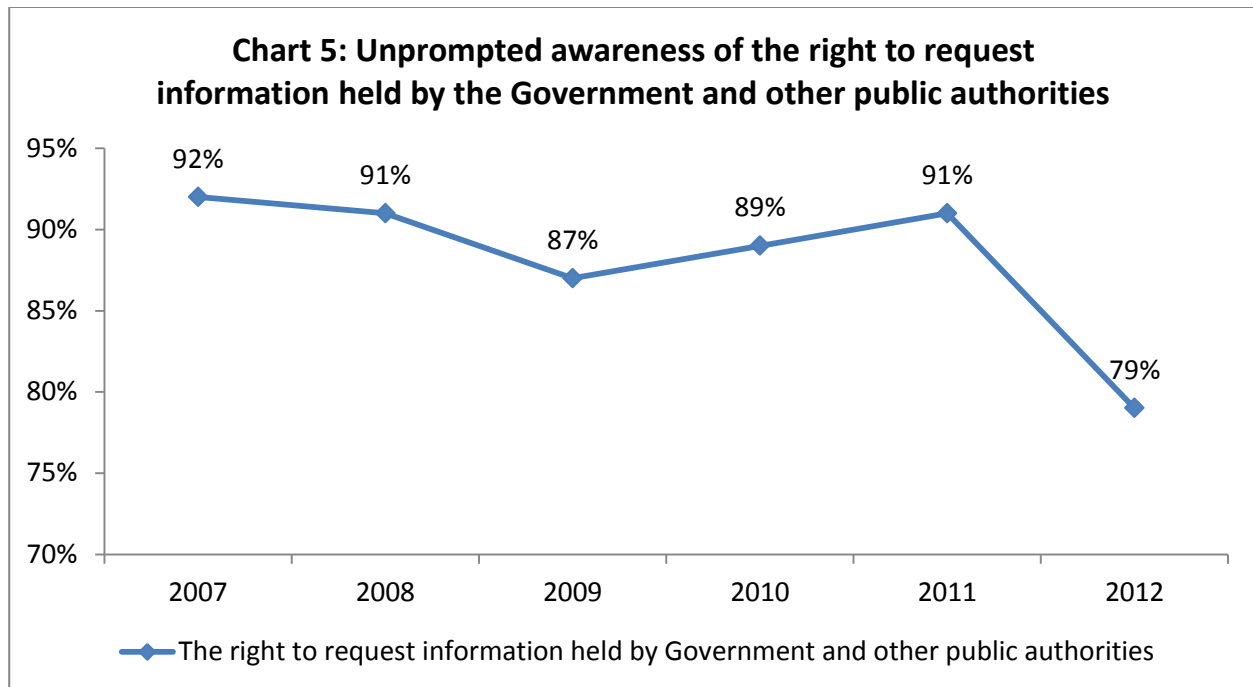
Q22. What obligations are you aware of that apply to public authorities under the Freedom of Information act?						
Obligations (Unprompted)	2007	2008	2009	2010	2011	2012
Public authorities must provide help and advice to people asking for information	50%	32%	31%	29%	40%	17%
Public authorities must disclose information unless there is a legal reason not to	52%	30%	31%	24%	30%	18%
Public authorities must respond to requests made under the general rights of access within 20 working days	67%	55%	56%	58%	68%	53%
Public authorities must provide information through a publication scheme	63%	49%	39%	49%	58%	35%

Overall awareness of FOIA obligations dropped in 2012, to their lowest levels seen since 2007 in all cases.

Q22. What obligations are you aware of that apply to public authorities under the Freedom of Information act?			
Obligations (Unprompted)	Small/Medium	Large	Overall- Public Sector
Public authorities must provide help and advice to people asking for information	12%	19%	17%
Public authorities must disclose information unless there is a legal reason not to	5%	23%	18%
Public authorities must respond to requests made under the general rights of access within 20 working days	30%	63%	53%
Public authorities must provide information through a publication scheme	17%	43%	35%

Awareness of all obligations was higher within large public authorities when compared with small/medium authorities; particularly on the obligation to respond to requests made under the general rights of access within 20 working days where large organisations were more than twice as likely to identify this obligation (+33%).

6.2.2 Awareness of public's rights (unprompted)



Spontaneous awareness of the public's right to request information has significantly decreased since 2011 (-12%). Currently levels of awareness (79%) are currently the lowest on record, and are in fact 8% points lower than in 2009, which was the lowest recorded before 2012.

Q21. What rights are you aware of that the Freedom of Information Act gives to the public?						
Public Rights (Unprompted)	2007	2008	2009	2010	2011	2012
The right to request information held by the Government and other public authorities	92%	91%	87%	89%	91%	79%
The right to know what type of information is available from the Government and other public authorities	40%	13%	20%	10%	17%	12%
The right to see official information from Government and other public authorities such as minutes and planning documents	21%	5%	11%	3%	11%	6%
The right to see what public money is being spent on	16%	5%	4%	3%	10%	2%
The right to request information about the environment	14%	10%	6%	4%	6%	4%
The public don't have any rights	1%	0.2%	0%	0%	0.2%	0%
<i>Don't know</i>	4%	1%	4%	4%	5%	7%

Overall, levels of awareness of FOIA rights dropped in 2012. Awareness of the right to request information dropped by 12% points, to lowest levels since tracking began. Awareness of other rights declined with awareness of the right to know what type of information is available from the government and other public authorities and the right to see official information, both dropping by 5% points. Those answering 'don't know' saw an increase of 2% points, to 7% and the highest level since tracking began.

6.2.3 Sources of advice on the FOIA

Q23. Where do you turn to for advice on the Freedom of Information Act?						
Public Rights (Unprompted)	2007	2008	2009	2010	2011	2012
ICO Overall	76%	66%	70%	77%	79%	58%
ICO website	72%	58%	64%	69%	71%	52%
ICO (by telephone)	45%	27%	36%	30%	32%	19%
In-house expert	16%	16%	12%	25%	18%	10%
Solicitor/legal department	20%	10%	13%	13%	16%	16%
Ministry of Justice	4%	7%	9%	8%	6%	1%
ICO (not website or telephone)	2%	2%	5%	3%	5%	1%
Person responsible for freedom of information overall	3%	7%	4%	2%	1%	4%
Office of the Scottish Information Commissioner	2%	5%	5%	2%	4%	7%
Campaign for Freedom of Information	1%	1%	1%	.3%	0%	0%
Other	22%	17%	23%	25%	16%	3%

The percentage of respondents who indicated that they would turn to ICO for advice on the FOIA has significantly decreased since 2011 (-21%), now with only 58% of people listing ICO as a source. Respondents are also significantly less likely to turn to the ICO website (-19%), or to contact ICO by telephone (-13%). Since 2011, the only sources that respondents are slightly more likely to use for advice on the Freedom of Information Act is the person responsible for freedom of information overall (+3%) and the Office of the Scottish Information Commissioner (+3%).

Q23. Where do you turn to for advice on the Freedom of Information Act?		
Source of Advice (Unprompted)	Large	Small
ICO Overall	73%	22%
ICO website	65%	20%
ICO (by telephone)	25%	5%
In-house expert	12%	7%
Solicitor/legal department	20%	9%
Ministry of Justice	1%	0%
ICO (not website or telephone)	1%	0%
Person responsible for freedom of information overall	5%	1%
Office of the Scottish Information Commissioner	10%	0%
Campaign for Freedom of Information	0%	0%
Other	5%	3%

Large companies (73%) are significantly more likely to turn to the ICO for advice on the Freedom of Information Act than Small organisations (22%). This includes using the ICO website and contacting ICO by telephone. Large companies are also more likely than their Small counterparts to contact an in-house expert (12% compared with 7%) or a solicitor (20% compared with 9%), regarding the FOIA.

6.2.4 Organisations responsible for enforcing the FOIA

Q24. Which organisations are you aware of that are responsible for enforcing the Freedom of Information Act?						
Public Rights (Unprompted)	2007	2008	2009	2010	2011	2012
ICO	84%	80%	81%	84%	86%	68%
Ministry of Justice	1%	3%	5%	3%	10%	5%
Office of the Scottish Information Commissioner	5%	5%	5%	4%	6%	9%
Government	4%	6%	3%	3%	5%	8%
Data Protection Agency	-	1%	1%	1%	1%	0%
Department of Constitutional Affairs	2%	2%	1%	0.3%	0%	0%
Data Protection Registrar/Commissioner	-	-	0.2%	0.3%	0%	0%
None	-	0.2%	0.2%	0.3%	0.2%	2%

68% of organisations were aware of the ICO’s responsibility for enforcing the FOIA; a decrease of 18% compared to 2011 and the lowest level of awareness since 2007. Identification of the office of the Scottish Information Commissioner increased to 9%, the highest level of awareness since 2007.

Incorrect identification of the Ministry of Justice as being responsible for enforcing the FOIA was halved in 2012 when compared to 2011, with only 7% of large public authorities making this assumption and a fraction of a percentage of small public authorities mentioning the institution.

38% of small public authorities did not know which organisation enforced the FOIA, an increase of 24% from 2011.

6.2.5 Implications of the FOIA

Q25. To what extent would you agree or disagree with the following statements about the Freedom of Information Act?						
Implication (Prompted)	Overall					
	2007	2008	2009	2010	2011	2012
It is needed	88%	91%	87%	88%	84%	74%
It improves records management	83%	86%	85%	83%	84%	66%
It increases trust	81%	81%	81%	70%	81%	61%
It means extra work	80%	78%	74%	82%	80%	77%
It improves organisational knowledge externally	77%	83%	83%	78%	80%	59%
It improves organisational knowledge internally	72%	75%	73%	74%	73%	53%
It increases participation	76%	79%	81%	69%	73%	50%
It puts strain on resources	58%	61%	65%	68%	64%	65%
It has increased expenditure	51%	58%	57%	66%	59%	58%
It is a burden on my organisation	34%	31%	37%	49%	45%	53%

The overall perception that the FOIA ‘is needed’ has decreased since 2011, now with less than three-quarters of respondents (74%) in agreement with this statement. Respondents are also less likely than in 2011 to agree that the FOIA improves records management (-18%), increases trust (-20%), or improves internal (-20%) or external (-21%) organisational knowledge. IN 2012, respondents are more inclined to agree that the FOIA is a burden on their organisation (12%). These results go against the increasing trend of positive perceptions of the FOIA evident in 2011.

Fewer respondents (74%) consider the FOIA ‘needed’ than consider the DPA to be needed (97%). This is consistent with results from previous years.

6.2.6 Information requests

Q26. Approximately how many requests for information has your organisation received in the past 12 months under the Freedom of Information Act?						
Implication (Prompted)	Overall					
	2007	2008	2009	2010	2011	2012
None	19%	12%	13%	11%	9%	21%
Just 1-2	6%	10%	5%	7%	5%	11%
3-10	9%	10%	9%	9%	7%	5%
10-50	20%	17%	13%	13%	12%	6%
50-100	13%	15%	9%	10%	14%	5%
100-200	14%	15%	12%	13%	12%	7%
200-500	12%	11%	24%	18%	20%	18%
500+	7%	9%	14%	19%	21%	28%

In a reversal of previous years, the number of respondents saying that their organisation had received no requests for information more-than-doubled (+12%) compared to 2011. This has been driven by small organisations; 56% claimed to have received no requests for information in 2012.

Since 2010, organisations receiving between 200-500 requests for information has remained broadly static however the number of organisations receiving 500+ requests rose in 2012 (+7%), a trend that was driven by large organisations, 39% of whom reported receiving 500+ requests for information in 2012.

Only 3% of small public authorities compared to 75% of large public authorities received 100+ requests for information in 2012.

Q27. Compared to this time last year is the number of requests made under the FOIA:						
Change in requests	2007	2008	2009	2010	2011	2012
More	26%	46%	58%	62%	63%	41%
Less	9%	7%	4%	4%	4%	6%
About the Same	65%	47%	37%	34%	33%	53%

When comparing the number of requests made under the FOIA, over half of respondents (53%) indicated that the number has stayed about the same. The percentage of respondents who have seen an increase in the number of requests has significantly decreased since 2011 (-22%).

6.3 Information Commissioners Office

6.3.1 Awareness of the ICO

Q28. Have you ever heard of the Information Commissioner's office?																		
Awareness (Prompted)	Private						Public						Overall					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
Yes	71%	75%	66%	58%	81%	74%	96%	96%	96%	97%	99%	94%	84%	85%	82%	78%	90%	84%
No	29%	23%	32%	42%	18%	26%	4%	4%	4%	3%	2%	6%	16%	14%	18%	22%	10%	16%

Overall, awareness of the ICO has decreased, now with 84% of respondents aware of the institution (-16%). This decrease in awareness is more pronounced in the Private sector organisations (-7%) than the public sector (-2%); the public sector has consistently high levels of awareness since 2007, whereas the Private sector has had more inconsistent awareness levels of the ICO.

6.3.2 Advice and guidance from the ICO

Q29. How would you prefer to receive advice and guidance on the Data Protection [IF CODE 2 AT Q3b and Freedom of Information Acts] from the Information Commissioner?						
Method (Unprompted)	Overall					
	2007	2008	2009	2010	2011	2012
Via an email bulletin I register to	26%	7%	15%	24%	23%	35%
Via standalone email request	47%	46%	36%	35%	37%	33%
Website	32%	29%	28%	22%	43%	23%
Via a letter	27%	21%	22%	21%	12%	12%
Phone	5%	7%	5%	8%	10%	8%
Email	/	/	/	/	/	5%
Through a leaflet	5%	2%	3%	4%	3%	5%

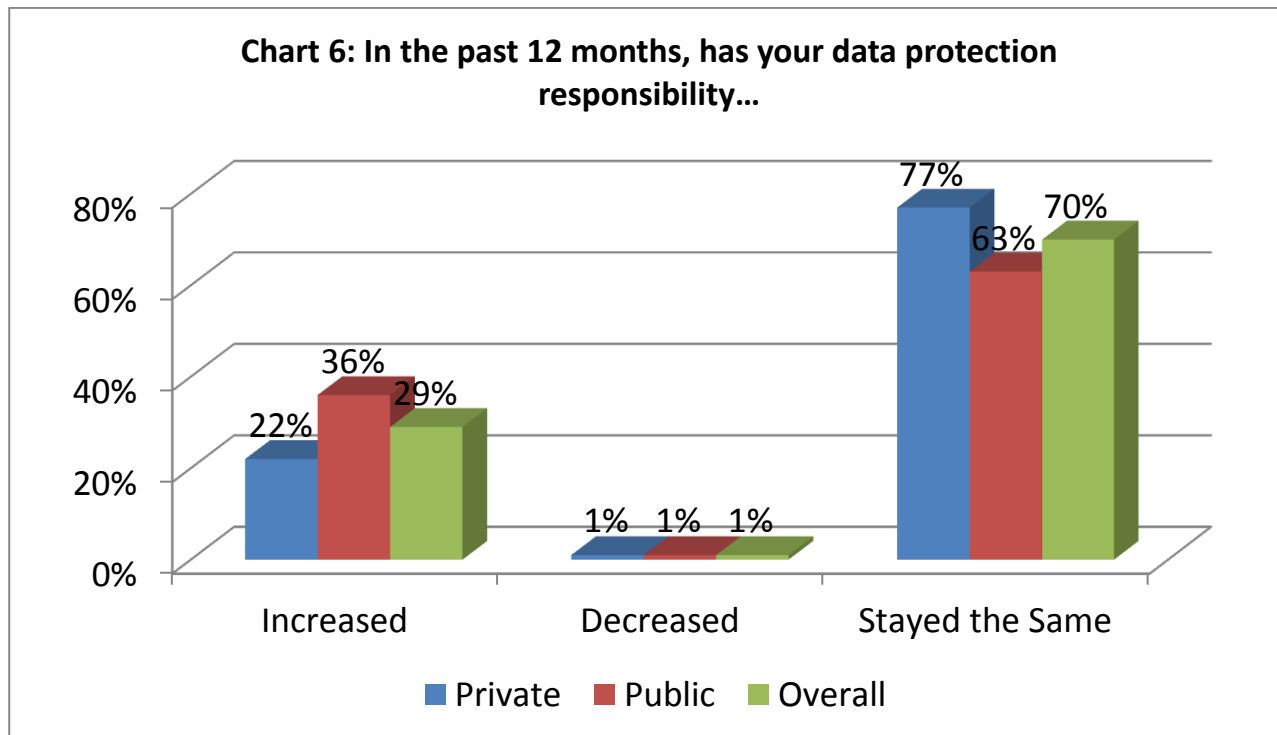
Preferences for the way in which respondents would like to receive information have changed since 2011. For the first time, in 2012 respondents indicate that they would most prefer to receive information via an email bulletin they register to (35%); previously the preferred method was via standalone email request. This year respondents are significantly less likely to select the website as the preferred method of receiving information from the Information Commissioner (-20%). Although popularity has decreased, it still remains within the top-three preferred methods of information communication.

Q29. How would you prefer to receive advice and guidance on the Data Protection [IF CODE 2 AT Q3b and Freedom of Information Acts] from the Information Commissioner?												
Implication (Prompted)	Private						Public					
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012
Via an email bulletin I register to	21%	2%	4%	17%	16%	36%	31%	12%	26%	31%	30%	34%
Via standalone email request	40%	41%	41%	35%	42%	38%	54%	52%	36%	36%	32%	29%
Website	22%	21%	21%	8%	26%	14%	43%	36%	35%	37%	60%	32%
Via a letter	38%	27%	30%	27%	18%	14%	16%	15%	14%	15%	6%	11%
Phone	6%	3%	2%	6%	5%	5%	7%	11%	8%	9%	15%	12%
Email	/	/	/	/	/	6%	/	/	/	/	/	5%
Through a leaflet	3%	1%	2%	2%	3%	7%	8%	2%	4%	6%	3%	4%
Newsletter	/	/	/	/	/	0%	/	/	/	/	/	3%

Online communication was the most popular form of communication among public and private sector organisations with 36% and 34% of private and public organisations respectively claiming to prefer email bulletins as the channel to receive guidance and advice on the DPA. The ICO website continued to be a preference for the public sector (32%).

6.4 Organisational structure and DPA / FOIA duties

6.4.1 Time dedicated to data protection duties

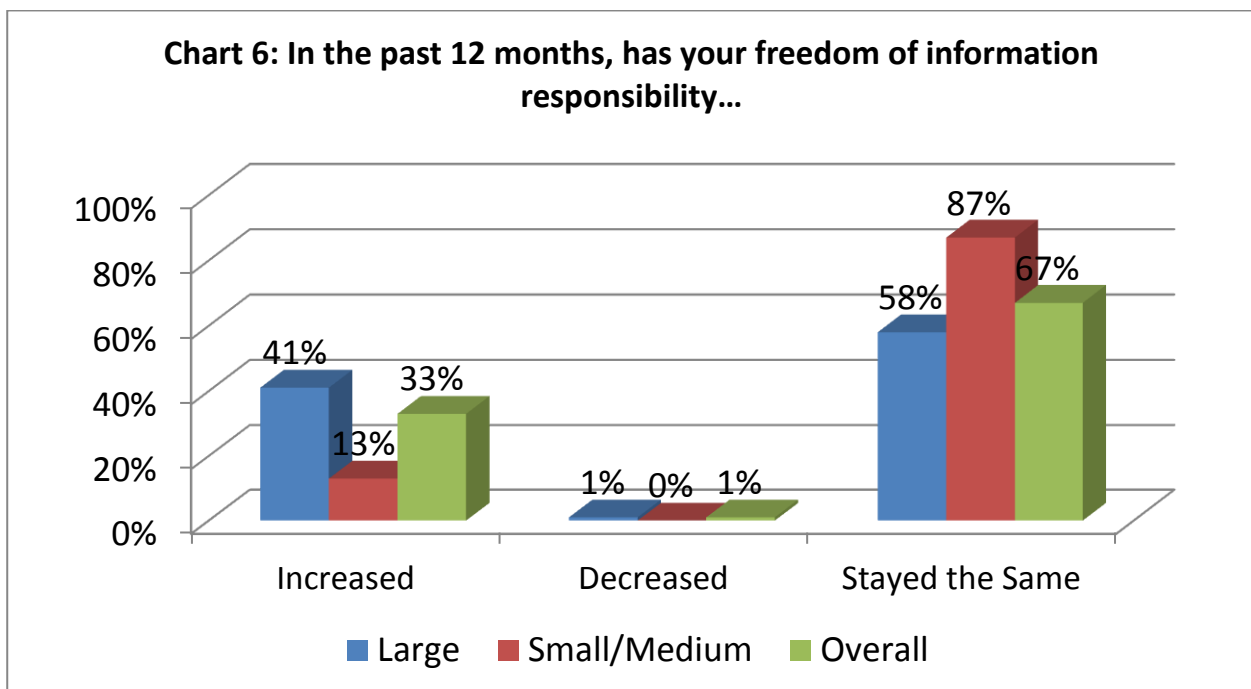


Whilst the majority of respondents indicated that their data protection responsibility had stayed the same (70% overall), approximately three in ten said that their responsibility had increased.

Q7. Please specify the reasons why your responsibility has increased.			
Reasons for Change	Overall (Base:274)	Public (Base: 168)	Private (Base: 105)
Increased workload / responsibility / enquires / requests	30%	36%	20%
Revision of our own procedures / infrastructure	22%	22%	21%
Greater public knowledge / awareness / media coverage	16%	19%	11%
Compliance with ever changing / complicated rules	14%	11%	18%
Change of responsibilities / new position / promotion	13%	11%	16%
Increased security	9%	11%	5%
Expansion - more employees / personnel / pupils	8%	4%	13%
Expansion - More customers / clients	6%	1%	15%
Have to hold more information	6%	5%	8%
Sharing data with other organisations	6%	9%	1%

One in ten overall claimed that their responsibilities had increased due to increased enquiries, requests, workload or responsibility. This was driven by the public sector, with 36% reporting this as the specific reason behind increased responsibility.

6.4.2 Time dedicated to freedom of information duties



Large companies (41%) are significantly more likely to have dedicated more time to the freedom of information responsibility over the past 12 months than Small/Medium organisations (13%).

6.4.3 Type of personal information held

Q2. Does your organisation hold any information about any of the following?															
(Prompted)	Public						Private						Overall		
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012	2007	2008	2009
Employees	97%	99%	98%	100%	100%	100%	94%	98%	99%	89%	98%	90%	96%	99%	93%
Suppliers	94%	92%	92%	95%	94%	90%	83%	89%	85%	87%	91%	90%	88%	90%	89%
Customers	88%	84%	89%	95%	86%	87%	84%	84%	87%	91%	88%	89%	86%	84%	88%

Consistent with previous years, the majority of organisations hold information about employees (95%), suppliers (90%) and customers (88%), although the percentage of organisations that hold information about employees (-4%) and suppliers (-3%) has slightly decreased since 2011.

7. Appendices

6.1 Organisation Tables

Private sector organisations:

Size of Organisation (number of employees)		Unweighted		Weighted	
		N	%	N	%
Small	1-49	341	61%	87	18%
	50-99	13	2%	88	18%
	100-199	15	3%	70	15%
Large	200-499	65	12%	101	21%
	500+	127	23%	136	28%
TOTAL		561	100%	482	100%

Public sector organisations:

Size of Organisation (number of employees)		Unweighted		Weighted	
		N	%	N	%
Small	1-49	96	23%	90	18%
	50-99	67	16%	28	6%
	100-199	39	10%	24	5%
Large	200-499	72	18%	82	17%
	500+	136	33%	265	54%
TOTAL		410	100%	489	100%