

Report on the Findings of the Information Commissioner's Office Annual Track 2011

Organisations



SMSR House 51-52 Market Place Hull HU1 1RQ Tel: 01482 211 200
Fax: 01482 211 201 info@smsr.co.uk www.smsr.co.uk



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Foreword

The Information Commissioner's Office (ICO) has tracked awareness and understanding of the Data Protection Act 1998 (DPA) since 1997 and the Freedom of Information Act 2005 (FOIA) since 2004.

The research was reviewed in 2007 to form a more focussed and respondent-friendly consultation, whilst still meeting the needs of the ICO's core research objectives.

1.0. Introduction

Since the revised DPA came into force in 1998, the ICO has monitored awareness and understanding of this legislation amongst practitioners (private and public sector).

The FOIA was passed in 2000 and was fully enforced at the start of 2005. This Act governs public authorities only. Research is undertaken to monitor awareness and understanding of the Act amongst public authorities.

SMSR Ltd has conducted this research – which takes the form of an annual track survey - on behalf of the ICO since 2004.

Research is also undertaken amongst individuals to measure awareness and understanding of each of the Acts. Findings are detailed in a separate report.

2.0 Research Aims and Objectives

Where applicable this report contains and compares the results from 2007 to 2010.

The research objectives of the consultation were as follows;

2.1. DPA Objectives:

To identify:

- Awareness of rights of individuals about whom information is stored.
- Awareness of organisations' obligations under the Act.
- Perceived benefits of the DPA.

2.2. FOIA Objectives:

To identify:

- Awareness of rights of individuals with regards to freedom of information.
- Awareness of public authorities' obligations under the Act.
- Perceived benefits of the FOIA.

2.3 Corporate Awareness Objectives:

- To identify awareness of the ICO as being responsible for the DPA and FOIA.

2.4 ICO Communications Objectives:

It is helpful to read this report in the context of the ICO's communications objectives for organisations, which are detailed as follows:

- Raise organisations' awareness of their obligations; and
- Reinforce the ICO's positioning as the authoritative arbiter of information rights.

3.0 Executive Summary

The findings from both the DPA and FOIA perspective are extremely positive and despite organisations trading and operating in times of austerity. There is still great value placed upon both Acts, and the majority agreed that the Acts are beneficial and very much needed.

Awareness of key DPA obligations have increased significantly, with awareness to keep personal information secure increasing by 18%. Awareness of all DPA obligations has increased and now almost mirrors the highs of 2007. Encouragingly this has been driven by the private sector, where historically awareness has been low.

Awareness of the right to see information under the DPA was again very high both prompted and unprompted and overall awareness of all rights unprompted has increased.

The ICO still dominate as the source of information for both the DPA and the FOIA and is still identified the most frequently as the enforcer of both Acts (the highest levels of awareness since tracking began). There is also an increase in levels of understanding and awareness of notification.

Like data protection, there has been an increase in unprompted awareness of obligations under the FOIA and although prompted awareness had marginally decreased it is still extremely high. Unprompted awareness of all rights has increased significantly.

3.1 Data Protection

Obligations

Spontaneous awareness of all obligations has increased significantly since 2010 and awareness of the obligation to keep personal information secure has increased by 54% to 72% - the highest recorded level of awareness.

In contrast to last year these increases have been driven by greater awareness among private sector organisations, whereas public sector awareness remains high but static.

As with previous years, the number one principle cited spontaneously is security, although almost half mentioned the responsibility to keep information accurate and up to date (46%) and to process information in a fair and lawful manner (45%).

Prompted awareness of all obligations is still very high across both sectors.

Rights

Unprompted awareness of individuals' right to see information has slightly decreased to 85% (-4%), yet this still represents the second highest recorded awareness levels since the tracking began. In addition awareness of all other rights has increased with awareness of the individual's right to correct inaccurate information increasing from 14% in 2010 to 25% in 2011.

Prompted awareness of individuals' rights continues to be very high and has largely remained stable year on year. The vast majority of organisations (95%+) correctly identified that individuals have the right to see information held about them, have the right to have the breach of the Act investigated and assessed, and have the right to correct inaccurate information.

Enforcing the DPA

Awareness of the ICO as being the enforcer of the DPA has never been as high, as 70% mentioned the ICO; a 16% increase from 2010. The private sector has been the catalyst for the significant increase, although the gap between the private and public sector still remains large at 35%. Awareness amongst the public sector remains consistently high at 88% compared to 53% in the private sector.

Notification

Overall, there has been an increase in levels of understanding concerning notification as most agreed it is a legal requirement (87%) and agreed that even if an organisation does not need to notify they must still comply with the DPA principles (86%)

The public sector continues to show higher levels of awareness; however the private sector's awareness levels have increased significantly since 2010.

Implications of the DPA

The perceived value and benefits of the DPA remain very positive as 95% of all organisations agree that the Act is needed. In addition, over 90% believe the DPA improves customer trust and improves information management.

Public sector organisations were more likely than private organisations to be more positive about the Act; however the private sector were much more positive about the Act than they were 12 months ago.

Personal information requests

Across both sectors there has been an increase in the amount of requests that organisations have received, with just 29% of respondents suggesting

they had received no requests. This is a 10% decrease from last year and is the lowest figure recorded since tracking began.

3.2 Freedom of Information

Obligations

Spontaneous awareness of all obligations regarding the FOIA have increased for the second consecutive year; there has been an increase of 9% in spontaneous awareness of the obligation: public authorities must provide information through a publication scheme; with awareness now at 58%. Unprompted awareness of the obligation to respond to requests within 20 working days is once again the statement with the highest level of agreement (68%); this has increased significantly by 10% since 2010.

Prompted levels of awareness were once again very high (94%+).

Rights

More than nine out of ten respondents (91%) mentioned the public's right to request information held by the Government and other public authorities, this is a further 2% increase from 89% in 2010. Unprompted awareness of all other rights has also increased.

Prompted awareness of individuals' rights remains extremely high in 2011 and awareness is consistent with the previous four years.

Enforcing the FOIA

The majority (86%) of public authorities were aware of the ICO's responsibility for enforcing the FOIA; a 2% increase since 2010. Awareness was once again lower amongst small/medium sized organisations.

Implications of the FOIA

More than eight of every ten respondents believe the FOIA is needed (84%), improves record management (84%) and increases trust (81%). Compared to last year 11% more respondent said that the FOIA improves customers trust. Authorities have remained positive with regards to how the FOIA has benefited their organisation, with agreement on the positive statement generally increasing and levels of agreement decreasing on all negative statements.

Information requests

The volume of information requests under the FOIA have increased, however it is perhaps not as significant as in previous years, with just marginal increases in 200+ requests. Less than a tenth (9%) said they had received no requests in

the last 12 months and it is the small/medium sized organisations that seem to have experienced the more significant increases in information requests.

Almost two thirds (63%) of respondents said the number of requests given represented an increase for their organisation. Only 4% of organisations had received fewer requests than the 2010.

3.3 Information Commissioner's Office

Awareness of the ICO, when prompted is 90%; this represents a 12% increase since 2010 and is the highest recorded level of awareness since tracking began. .

Last year awareness in the private sector (58%) was the lowest recorded since 2007 but has now increased to 81% and is the main reason for the overall increase. Public sector awareness remains consistently high at 99%

The ICO is the main source of advice for both the DPA and the FOIA. The ICO's website was the favoured source of information for advice on both the DPA (55%) and FOIA (71%), with contact with the ICO via telephone the second favoured source for both DPA (27%) and FOIA (32%).

4.0 Methodology

The consultation was undertaken by telephone to retain consistency with previous years.

Quotas were placed on organisation by size, thus allowing variations between larger and smaller organisations to be identified. Quotas were also set on industry to ensure all types of organisations were interviewed.

Amongst public authorities, a separate interview was required for the FOI section in 11% of instances (i.e. the person interviewed was not responsible for the FOIA but was responsible for the DPA). This has decreased by 10% since 2010 and 20% since 2009.

All of the interviews were conducted in house by SMSR's telephone team. The majority of interviewers had previously worked on ICO projects. All were regularly monitored by the call centre's quality manager and supervisors as part of SMSR's ISO accredited Quality Management System.

It should be noted that when the results are discussed within the report, often percentages will be rounded up or down to the nearest one per cent. Therefore, occasionally figures may add up to 101% or 99%.

Explanation of the use of R^2 in graphs throughout the report:

R^2 tells us what fraction of the variance of the data is explained by the fitted trend line. R^2 ranges from 0 to 1; with a value closer to 1, data is better explained by the trend line, or the trend line is more fitted to the data. In our charts, the bigger the value, the stronger trend the data has across time, therefore the more confident we can be in predicting next year's figures.

Fieldwork was carried out between 8th August and 3rd September 2011.

5.0 Sample / Profile

The required sample size for organisations was 800 (400 private and 400 public sector based). The achieved sample was 806.

Size of Organisation	Private		Public	
	Quota	Achieved	Quota	Achieved
Total	400	400	400	406
Large	200	197	200	229
Small	200	203	200	177

The sample structure allowed analysis to be undertaken by the following groups (in addition to overall):

DPA

- Large public authorities
- Small public authorities
- Large private organisations
- Small private organisations

FOIA

- Large public authorities
- Small public authorities

A precise definition of large/small, public and private can be found in the appendix as well as the breakdown of the two samples by type.

6.0 Results

6.1 Data Protection Act

6.1.1 Awareness of DPA obligations (Unprompted)

Q18: What obligations are you aware of that organisations have to comply with when processing personal information?							
Obligations (Unprompted)	Public			Private			Overall
	Large	Small	Total	Large	Small	Total	
Personal information is kept secure	75%	66%	71%	75%	73%	74%	72%
Personal information is processed for limited purposes	42%	31%	37%	35%	24%	29%	33%
Personal information is not kept for longer than necessary	46%	28%	38%	29%	21%	25%	32%

The ICO has identified the same three key indicator obligations that organisations have to comply with when processing personal information as last year and awareness of all three obligations has increased since 2010. Awareness of these obligations has now risen to the levels that were achieved in 2007.

Almost three quarters (72%) of all organisations spontaneously mentioned their obligation to keep personal information secure; a significant increase of 18% from last year. Awareness around processing personal information for limited purposes and not keeping for is longer than necessary have increased by 5% and 8% respectively.

This heightened awareness of the obligation to keep personal information secure has been driven by the private sector as 75% (52% in 2010) of large companies and 73% (46% in 2010) of small companies all mentioned this responsibility.

The increased awareness of the obligations to process information for limited purposes and to keep for no longer than is necessary is mainly driven by a significant increase within private sector organisations (both large and small).

Around a fifth (21%) of respondents identified the three key principles shown in the table above, an increase of 9% since 2010.

Q18: What obligations are you aware of that organisations have to comply with when processing personal information?¹					
Obligations (Unprompted)	Overall				
	2007	2008	2009	2010	2011
Personal information is kept secure	69%	55%	46%	54%	72%
Personal information is processed for limited purposes	40%	24%	22%	28%	33%
Personal information is not kept longer than necessary	39%	25%	22%	24%	32%
Personal information is kept accurate and up to date	53%	36%	28%	30%	46%
Personal information is processed in a fair and lawful manner	53%	40%	30%	28%	45%
Personal information held is adequate, relevant and not excessive	32%	19%	18%	15%	25%
Personal information is processed in line with the individual rights	31%	16%	15%	17%	24%
Personal information is not transferred to other countries without adequate protection	29%	21%	19%	17%	23%

Awareness of all obligations has increased since 2010, most significantly that personal information must be kept secure (+18%) and must be processed in a fair and lawful manner (+17%).

The three key indicators have again featured in the top five most frequently mentioned obligations, although following a similar pattern the obligations to keep personal information accurate and up to date (46%) and ensuring it is processed in a fair a lawful manner (45%) are mentioned the second and third most often.

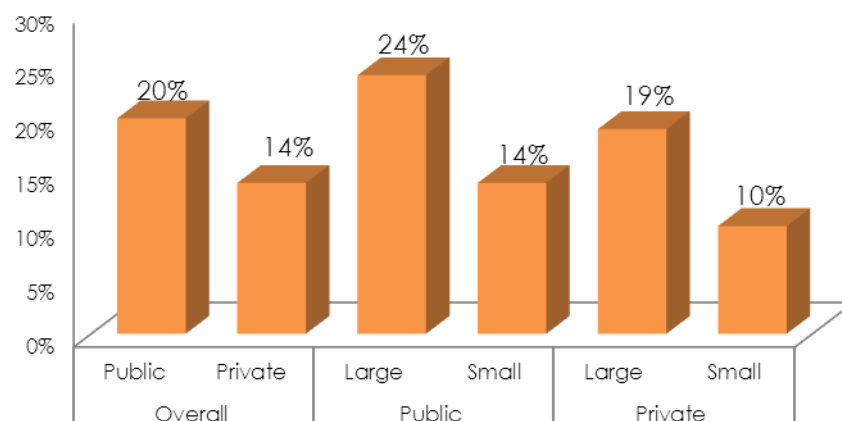
¹ Following qualitative consultation with organisations in both the public and private sector, the wording of this question were changed in 2010. The word 'principles' was replaced by 'obligations' to ensure a better understanding of the question by the respondent.

Q18: 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	2007	2008	2009	2010	2011
Personal information is kept secure	64%	61%	49%	48%	74%	74%	48%	42%	60%	71%
Personal information is processed for limited purposes	31%	14%	12%	12%	29%	50%	34%	32%	44%	37%
Personal information is not kept longer than necessary	27%	16%	10%	8%	25%	52%	34%	32%	40%	38%
Personal information is kept accurate and up to date	40%	25%	18%	11%	37%	66%	47%	38%	49%	54%
Personal information is processed in a fair and lawful manner	44%	24%	18%	7%	26%	62%	56%	42%	50%	63%
Personal information held is adequate, relevant and not excessive	23%	13%	8%	6%	19%	42%	26%	27%	24%	31%
Personal information is processed in line with the individual rights	23%	9%	5%	6%	21%	39%	23%	25%	28%	28%
Personal information is not transferred to other countries without adequate protection	17%	11%	7%	5%	20%	41%	31%	30%	30%	27%

The private sector has been the catalyst for the overall increases in awareness of all obligations; whereas on average, the public sector awareness levels have remained fairly static.

Chart 1: Awareness of all obligations, by sector and size of organisation



In total 17% of all organisations mentioned all eight obligations spontaneously, compared with 14% in 2010. As with previous years there were lower levels of awareness of all obligations in the private sector (14%) when compared with the public sector (20%).

Within both the public and private sector, there was higher awareness within large organisations, as 24% of large public sector organisations and 19% of large private sector organisations were able to identify all eight obligations.

Number of obligations organisations are aware of					
Obligations (Unprompted)	2007	2008	2009	2010	2011
1	19%	33%	40%	41%	28%
2	15%	18%	21%	21%	24%
3	13%	10%	10%	10%	14%
4	8%	5%	5%	6%	8%
5	6%	4%	5%	5%	5%
6	2%	2%	4%	2%	3%
7	2%	2%	3%	1%	1%
8	22%	9%	13%	14%	17%

Since 2010 there has been a 13% decrease in the number of organisations which were able to identify one obligation.

6.1.2 Awareness of DPA obligations (Prompted)

Q19: Which of the following obligations do you think organisations have to comply with when processing personal information? Please state which you believe to be true and which you believe to be false.							
Obligations (Prompted)	Private			Public			Overall
	Large	Small	Total	Large	Small	Total	
Personal information is kept secure	100%	100%	100%	100%	100%	100%	100%
Personal information is processed for limited purposes	97%	95%	96%	97%	97%	97%	97%
Personal information is not kept for longer than necessary	98%	94%	96%	100%	97%	99%	97%

Once again there was high awareness for the three key indicator obligations in both the public and private sector; with all organisations acknowledging the fact that they have an obligation to keep personal information secure, this has been at 100% for the last five years now.

Prompted awareness of the obligation to ensure personal information is not kept for longer than is necessary has decreased by 1% since last year to 97% and awareness of the requirement to only process data for a limited purpose has remained static at 97%.

Q19: Which of the following obligations do you think organisations have to comply with when processing personal information? Please state which you believe to be true and which you believe to be false.²

Obligations (Prompted)	Overall				
	2007	2008	2009	2010	2011
Personal information is kept secure	100%	100%	100%	100%	100%
Personal information is processed for limited purposes	98%	96%	95%	98%	97%
Personal information is not kept longer than necessary	97%	95%	95%	97%	97%
Personal information is processed in a fair and lawful manner	100%	100%	100%	99%	100%
Personal information is kept accurate and up to date	100%	99%	98%	99%	99%
Personal information held is adequate, relevant and not excessive	97%	98%	98%	99%	99%
Personal information is processed in line with individual rights	99%	98%	96%	98%	97%
Personal information is not transferred to other countries without adequate protection	98%	97%	95%	97%	96%

Awareness of all obligations is very high and it is obvious that when prompted organisations are familiar with their obligations with regards to individuals' personal information. This positive message has remained consistent since this question was first asked in 2007.

² Following qualitative consultation with organisations in both the public and private sector, the wording of this question was changed in 2010. The word 'principles' was replaced by 'obligations' to ensure a better understanding of the question by the respondent.

Q19: Which of the following obligations do you think organisations have to comply with when processing personal information? Please state which you believe to be true and which you believe to be false.³

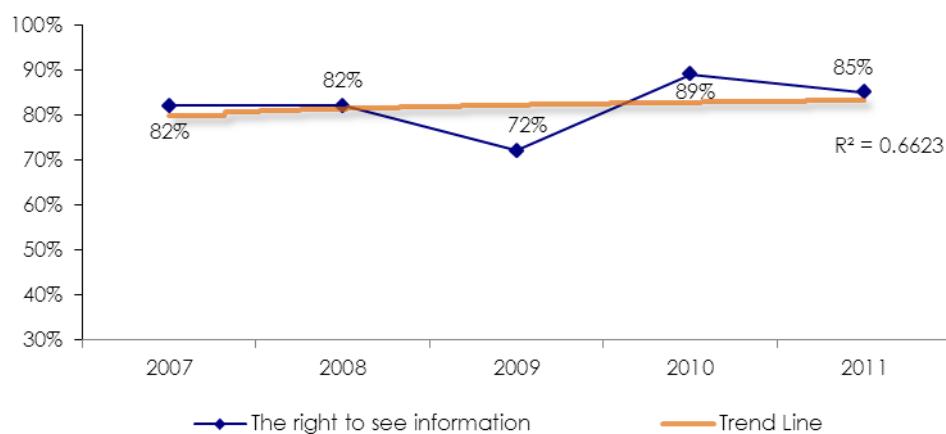
Obligations (Prompted)	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
Personal information is kept secure	100%	100%	99%	100%	100%	100%	100%	100%	100%	100%
Personal information is processed for limited purposes	97%	93%	93%	98%	96%	99%	98%	98%	99%	97%
Personal information is not kept longer than necessary	95%	92%	93%	95%	96%	99%	98%	97%	99%	99%
Personal information is processed in a fair and lawful manner	100%	99%	100%	99%	100%	100%	100%	100%	100%	100%
Personal information is kept accurate and up to date	100%	98%	97%	99%	100%	100%	100%	100%	100%	99%
Personal information held is adequate, relevant and not excessive	98%	98%	97%	99%	100%	96%	98%	99%	100%	98%
Personal information is processed in line with individual rights	98%	97%	96%	98%	98%	99%	97%	96%	97%	97%
Personal information is not transferred to other countries without adequate protection	98%	96%	94%	96%	97%	99%	98%	97%	98%	96%

There is little variance with awareness levels when comparing the public and private sector when prompted.

³ Following qualitative consultation with organisations in both the public and private sector, the wording of this question was changed in 2010. The word 'principles' was replaced by 'obligations' to ensure a better understanding of the question by the respondent.

6.1.3 Awareness of individuals' rights (Unprompted)

Chart 2: Unprompted awareness of the right to see information



Spontaneous awareness of individuals' rights has decreased slightly since 2010 (-4%), however it is the second highest level of awareness (85%) since 2007.

Unlike last year, awareness within the public sector (94%) was higher than the private sector (76%). Large public sector organisations proved to be the most knowledgeable (97%), and additionally almost nine out of every ten small/medium public sector organisations identified this right spontaneously (89%).

Just over four-fifths of large private organisations (82%) mentioned the individual's right to see information, whereas 70% of small organisations mentioned this unprompted.

Q16: 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
The right to see information	82%	82%	72%	89%	85%
The right to correct inaccurate information	33%	18%	19%	14%	25%
The right to prevent the processing of information if it would cause damage or distress	24%	9%	12%	10%	13%
The right to object to decisions made only by automatic means	15%	8%	6%	3%	7%
The right to stop unsolicited mail	17%	5%	4%	3%	7%
The right to claim compensation for damage or distress caused by a breach of the Act	13%	6%	5%	5%	6%
The right to have the breach of the Act investigated and assessed	12%	3%	5%	2%	4%
Individuals have no rights	0.4%	0.2%	0%	0%	0.1%
<i>Don't know</i>	14%	7%	13%	4%	8%

Encouragingly, with the exception of the right to see information, awareness of all other rights has increased, with awareness of the individual's right to correct inaccurate information increasing by 11% since 2010, moreover, this is the highest this right has been since 2007.

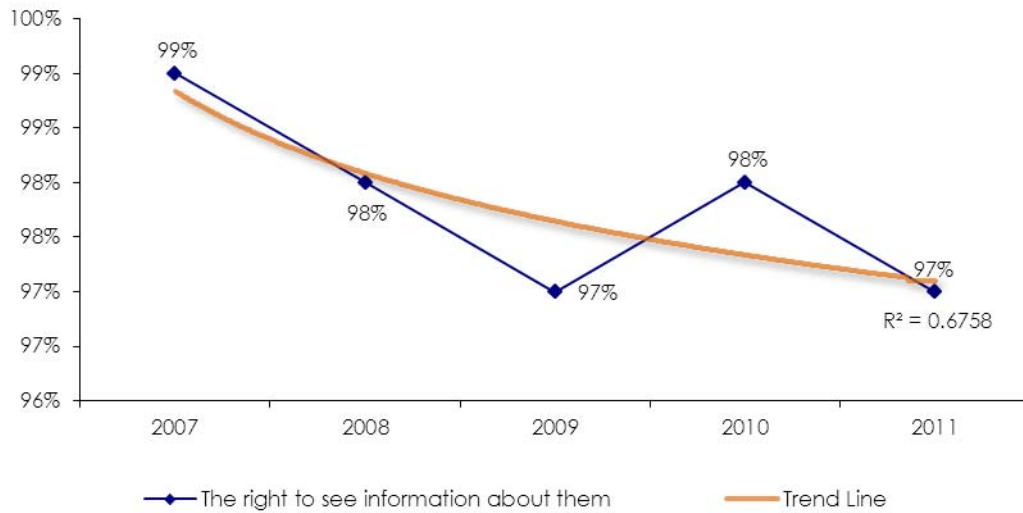
Q16: What rights are you aware of that are given to individuals about whom your organisation processes personal information?

Individuals' Rights (Unprompted)	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
The right to see information	72%	77%	67%	93%	76%	92%	87%	76%	84%	94%
The right to correct inaccurate information	18%	9%	7%	2%	17%	48%	27%	30%	27%	33%
The right to prevent the processing of information if it would cause damage or distress	14%	5%	3%	1%	7%	33%	14%	20%	19%	18%
The right to object to decisions made only by automatic means	10%	4%	2%	1%	5%	20%	11%	10%	6%	9%
The right to stop unsolicited mail	10%	3%	1%	1%	6%	24%	7%	6%	6%	8%
The right to claim compensation for damage or distress caused by a breach of the Act	6%	2%	1%	1%	4%	20%	10%	9%	9%	8%
The right to have the breach of the Act investigated and assessed	7%	3%	4%	1%	3%	17%	3%	6%	4%	6%
Individuals have no rights	-	1%	1%	0%	0%	1%	0%	0%	0%	0%
<i>Don't know</i>	<i>23%</i>	<i>12%</i>	<i>19%</i>	<i>5%</i>	<i>14%</i>	<i>4%</i>	<i>3%</i>	<i>7%</i>	<i>3%</i>	<i>3%</i>

Awareness of all rights was higher among respondents from the public sector, with significant differences in awareness that individuals have the right to see information (18% greater than the private sector), the right to correct inaccurate information (16% greater than the private sector) and the right to prevent processing if it would cause damage or distress (11% greater than the private sector).

6.1.4 Awareness of individuals' rights (Prompted)

Chart 3: Prompted awareness of the right to see information



On a prompted level, 97% of all organisations were aware that individuals have the right to see information held about them. Between 2007 and 2011 awareness has been consistently high, with variances between 97% and 99% during this period.

Q17: I am now going to read out a list of rights which may or may not be given to individuals about whom your organisation processes personal information. Please tell me which you believe to be true and which you believe to be false.

Individuals' Rights (Prompted)	Overall				
	2007	2008	2009	2010	2011
The right to see information	99%	98%	97%	98%	97%
The right to correct inaccurate information	95%	94%	94%	95%	96%
The right to have the breach of the Act investigated and assessed	95%	95%	94%	95%	95%
The right to stop unsolicited mail	92%	88%	89%	91%	87%
The right to claim compensation for damage or distress caused by a breach of the Act	89%	87%	87%	88%	87%
The right to prevent the processing of information if it would cause damage or distress	85%	79%	78%	80%	80%
The right to object to decisions made only by automatic means	76%	68%	69%	74%	71%
Individuals have no rights	1%	2%	2%	4%	1%

Prompted awareness of all rights is still very high and all have remained fairly consistent since 2007. There is still a lower level of awareness around the individual's right to object to decisions made only by automatic means and this has decreased slightly (-3%) since 2010; however seven out of every ten organisations recognised this as a right when prompted (71%).

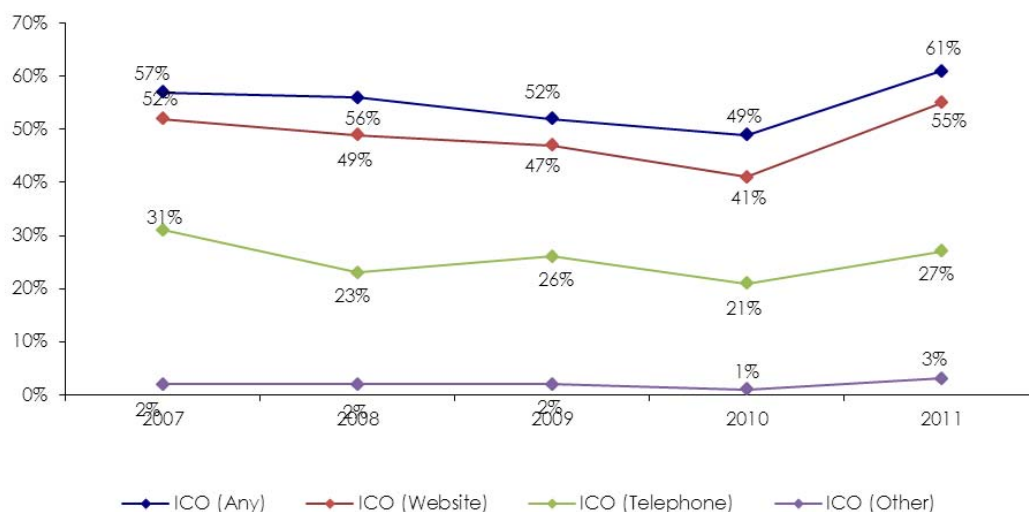
Q17: I am now going to read out a list of rights which may or may not be given to individuals about whom your organisation processes personal information. Please tell me which you believe to be true and which you believe to be false.

Individuals' Rights (Prompted)	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
The right to see information	99%	98%	97%	98%	97%	99%	99%	97%	98%	98%
The right to correct inaccurate information	94%	94%	94%	95%	95%	96%	95%	94%	96%	97%
The right to have the breach of the Act investigated and assessed	94%	95%	94%	91%	94%	97%	95%	95%	99%	97%
The right to stop unsolicited mail	91%	89%	88%	90%	88%	92%	87%	89%	92%	86%
The right to claim compensation for damage or distress caused by a breach of the Act	92%	88%	88%	84%	86%	87%	87%	86%	93%	88%
The right to prevent the processing of information if it would cause damage or distress	84%	72%	72%	78%	74%	86%	85%	83%	82%	86%
The right to object to decisions made only by automatic means	75%	62%	64%	72%	67%	77%	74%	74%	77%	75%
Individuals have no rights	2%	2%	2%	7%	1%	1%	2%	2%	1%	1%

With the exception of awareness around preventing the processing of information if it were to cause damage or distress and the right to object to automated decisions, there is little variance between the knowledge levels of the public and private sector. Both sectors continue to have high levels of prompted awareness of data protection rights for the individual.

6.1.5 Source of advice on the DPA

Chart 4: Where to go to get advice on responsibilities regarding the DPA?



The overall percentage of respondents mentioning the ICO as their main source of advice on the DPA has increased by more than a tenth (12%) since 2010.

Q20: Where would you go to get advice on your responsibilities regarding the DPA? (Unprompted)

	Overall				
	2007	2008	2009	2010	2011
ICO Any	57%	56%	52%	49%	61%
ICO Website	52%	49%	47%	41%	55%
ICO Phone	31%	23%	26%	21%	27%
Solicitor	23%	15%	15%	17%	17%
Head office	11%	5%	6%	6%	8%
Government Department	2%	2%	3%	3%	5%
ICO (other means)	2%	2%	2%	1%	3%
CAB	2%	2%	3%	3%	1%

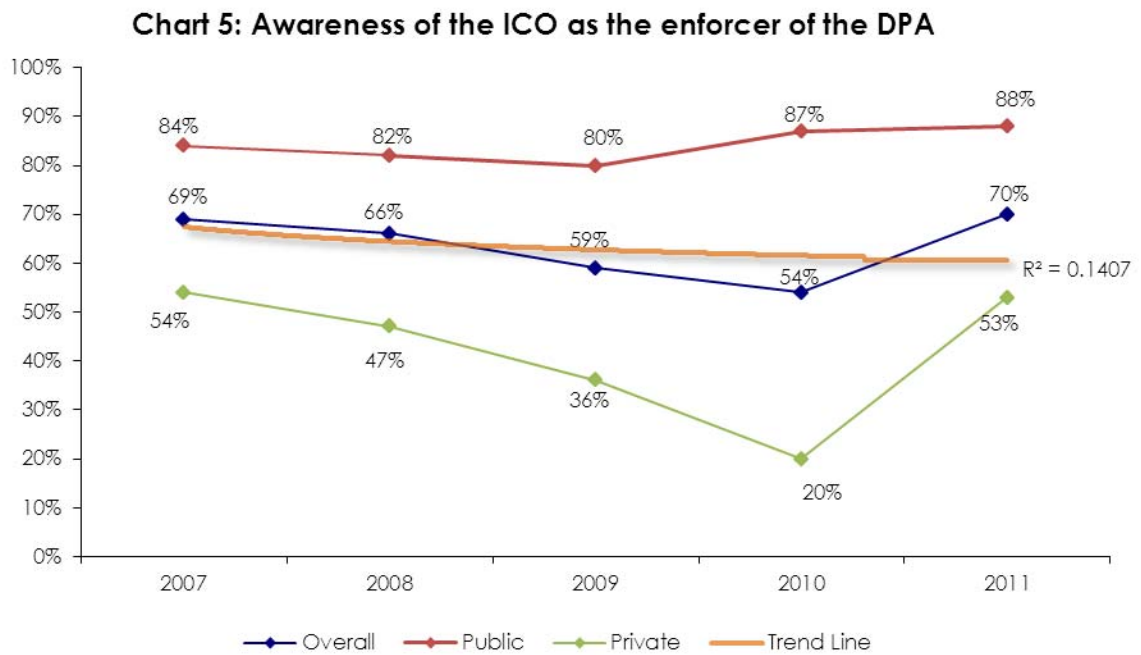
The increase in the ICO has been largely influenced by the frequency which the ICO's website was mentioned. The ICO website has consistently emerged as the most preferred source for advice over the last five years. In 2011 there has been a 14% increase in mentioning the website, consequently, the difference between this and other sources is larger than it ever has been.

Q20: Where would you go to get advice on your responsibilities regarding the DPA? (Unprompted)

	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
ICO Any	40%	41%	30%	19%	42%	74%	70%	73%	80%	81%
ICO Website	36%	37%	25%	15%	38%	69%	60%	67%	67%	73%
ICO Phone	17%	13%	11%	5%	14%	46%	33%	41%	37%	39%
Solicitor	28%	20%	17%	14%	17%	19%	9%	13%	19%	17%
Head office	14%	6%	8%	8%	9%	8%	4%	4%	5%	8%
Government Dept.	2%	2%	3%	4%	8%	2%	2%	2%	3%	3%
ICO (other means)	1%	0%	0%	1%	1%	2%	3%	3%	1%	6%
CAB	4%	2%	6%	4%	2%	1%	2%	1%	1%	0%

The frequency in which private sector organisations mentioned the ICO, whether it be by website, telephone or other means, has increased by almost a quarter (23%) since 2010. In the public sector the level which the ICO was mentioned has remained consistent with 2010 (although there has been an increase of 6% for those mentioning the ICO website).

6.1.6 Knowledge of organisations responsible for enforcing the DPA



Seven out of ten organisations (70%) said they were aware of the ICO and its responsibilities for DPA and although this is just 1% higher than awareness levels in 2007, it represents an increase of 16% since 2010.

Q21: Which organisations are you aware of that are responsible for enforcing the DPA?					
Response (Unprompted)	Overall				
	2007	2008	2009	2010	2011
ICO ⁴	69%	66%	59%	54%	70%
Government	4%	9%	7%	7%	7%
Ministry of Justice	2%	3%	3%	3%	6%
Data Protection Agency	2%	4%	5%	5%	4%
Data Protection Registrar / Commissioner	3%	2%	2%	1%	2%
Office for the Scottish Information Commissioner	1%	1%	0%	1%	1%
Department for Constitutional Affairs	1%	1%	0%	0%	0%
None	1%	2%	3%	2%	1%
Don't know	21%	19%	22%	27%	17%

The ICO continues to be the organisation that is most recognised as having responsibility for the DPA. Less than 10% mentioned the Government (7%) which remains consistent with the previous two years.

Q21: Which organisations are you aware of that are responsible for enforcing the DPA?										
Response (Unprompted)	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
ICO ⁵	54%	48%	36%	20%	53%	84%	83%	80%	87%	88%
Government	6%	12%	12%	12%	12%	2%	5%	3%	3%	3%
Ministry of Justice	1%	1%	2%	0.2%	1%	2%	5%	5%	5%	10%
Data Protection Agency	2%	5%	7%	7%	6%	2%	2%	2%	3%	1%
Data Protection Registrar / Commissioner	3%	3%	1%	0%	2%	3%	1%	2%	2%	1%
Office for the Scottish Information Commissioner	1%	1%	0%	0%	0%	2%	1%	1%	1%	1%
None	3%	3%	5%	0%	1%	0%	0%	1%	4%	1%
Don't know	33%	30%	36%	46%	29%	10%	8%	8%	7%	5%

Public sector awareness has remained fairly consistent over the last five years, with a 1% increase since 2010, and awareness regarding the responsibility of enforcing the DPA amongst public sector organisations (88%) is still much higher than those organisations in the private sector (53%). Despite this

⁴ Combined Information Commissioner's Office, Information Commissioner and ICO responses

⁵ Combined Information Commissioner's Office, Information Commissioner and ICO responses

awareness among private sector organisations has increased by 33% since its lowest point in 2010 meaning awareness in this sector is similar to what was found in 2007.

The private sector are more likely to suggest it is the Government that are responsible for the DPA (12% compared to 3% of the public sector) and were far more likely to answer don't know to this question (29% compared to 5% in the public sector).

Q21: Which organisations are you aware of that are responsible for enforcing the DPA?												
Response (Unprompted)	Private						Public					
	Large			Small			Large			Small		
	2009	2010	2011	2009	2010	2011	2009	2010	2011	2009	2010	2011
ICO ⁶	53%	24%	67%	25%	17%	38%	88%	94%	96%	68%	79%	78%
Government	15%	16%	7%	10%	9%	16%	2%	2%	3%	4%	3%	2%
Data protection Registrar / Commissioner	1%	1%	2%	1%	3%	3%	1%	0%	0%	3%	1%	2%
Data Protection Agency	5%	4%	3%	8%	10%	8%	1%	2%	0.4%	4%	3%	2%
Ministry of Justice	4%	1%	3%	0%	0%	0%	6%	8%	12%	3%	2%	7%
Office for the Scottish Information Commissioner	0%	1%	0%	0%	0%	0%	0.4%	1%	1%	1%	1%	1%
None	2%	4%	1%	7%	3%	1%	0%	0%	0%	1%	0%	1%
Don't know	19%	42%	22%	49%	50%	35%	2%	3%	1%	16%	12%	10%

The impact of the organisational size on awareness of the ICO as enforcer is highlighted in the table above and it is perhaps no surprise that it is the small private sector organisations in particular which have the lowest levels of awareness (38%). Large public sector organisations are much more likely to be aware of the ICO as the enforcer of the DPA than large private sector and small public organisations. However, large and small private sector awareness of the ICO as the enforcing organisation have significantly increased in 2011 (+43% large private: +21% small private).

⁶ Combined Information Commissioner's Office, Information Commissioner and ICO responses

6.1.7 Notification

Q22: 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
Notification is usually a legal requirement as part of the DPA	89%	87%	85%	76%	87%
Those organisations that do not have to notify still have to comply with the principles of the DPA	85%	89%	87%	79%	86%
Organisations can notify voluntarily	68%	67%	66%	65%	68%
Some organisations may be exempt from having to notify	66%	61%	58%	52%	58%

After the drop in awareness concerning notification in 2010, understanding in this area has now reverted back to what was a fairly consistent and positive level of knowledge. Almost nine out of ten organisations (87%) agreed that notification is usually a legal requirement as part of the DPA and just less than this (86%) believe that those that do not have to notify do still have to comply with the DPA principles.

Q22: 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	2007	2008	2009	2010	2011
Notification is usually a legal requirement as part of the DPA	85%	82%	80%	60%	81%	92%	91%	90%	92%	93%
Those organisations that do not have to notify still have to comply with the principles of the DPA	86%	86%	83%	70%	85%	84%	92%	91%	88%	87%
Organisations can notify voluntarily	69%	62%	60%	55%	66%	67%	72%	71%	75%	70%
Some organisations may be exempt from having to notify	65%	49%	49%	36%	46%	66%	73%	67%	68%	70%

Levels of awareness for all four statements have increased within the private sector, however levels of agreement from public sector organisations has either remained relatively static or decreased slightly, although they are still very positive findings.

6.1.8 Implications of the DPA

Q23: To what extent would you agree or disagree with the following statements about the DPA? ⁷					
Data Protection Act Statement (Prompted)	Overall				
	2007	2008	2009	2010	2011
It is needed	94%	95%	94%	93%	95%
It improves customers' trust	84%	87%	85%	83%	90%
It improves information management	85%	88%	86%	86%	90%
It helps improve risk management	85%	87%	85%	85%	89%
It adds value to the business	63%	69%	66%	68%	70%
It means extra work	66%	60%	62%	66%	62%
It is a burden on my organisation	13%	13%	16%	17%	18%
It is a waste of resources	7%	4%	6%	9%	5%

Appreciation and perceived value of the DPA in an organisational context is still very high and continues to grow as time passes. The vast majority of all organisations (95%) are in agreement that the DPA is needed, 90% believe it improves customer's trust and 90% agree that it has a positive effect on an organisation's information management. All of these opinions have increased since 2010, including a +8% shift on the positive impact the Act has on customer's trust.

Fewer organisations now believe the Act means extra work (62% compared to 66% in 2010) and just 5% consider the DPA to be a waste of resources (a 4% decrease from last year).

⁷ This percentage of agreement refers to the respondents that stated 'agree' or 'strongly agree' to the statements.

Q23: To what extent would you agree or disagree with the following statements about the DPA? ⁸										
Data Protection Act Statement (Prompted)	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
It is needed	90%	93%	92%	90%	94%	97%	97%	96%	97%	97%
It improves customers' trust	79%	83%	81%	79%	89%	90%	92%	89%	87%	92%
It improves information management	80%	85%	82%	81%	88%	90%	92%	90%	92%	92%
It helps improve risk management	80%	83%	81%	80%	87%	90%	92%	89%	89%	91%
It adds value to the business	52%	61%	59%	58%	64%	75%	77%	73%	79%	77%
It means extra work	64%	53%	57%	60%	59%	69%	66%	67%	73%	66%
It is a burden on my organisation	16%	14%	16%	17%	15%	11%	12%	16%	18%	18%
It is a waste of resources	10%	3%	7%	12%	4%	7%	4%	4%	6%	5%

For the fifth consecutive year, public sector organisations were more likely than private sector organisations to agree with the positive statements; although it is this sector that are more likely to suggest the Act means extra work (private: 59%, public: 66%), and that it is a burden on the organisation (private: 15%, public: 18%).

As stated in previous reports it is worth noting that the measure of extra work is one of fact rather than emotional opinion, and not necessarily a "negative" measure. Instead, it may be a perception that the organisation is taking the matter of data protection seriously, especially as just 18% have suggested the DPA is a burden on the organisation.

⁸ This percentage of agreement refers to the respondents that stated 'agree' or 'strongly agree' to the statements.

6.1.9 Requests for personal information (subject access requests)

Q24: 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
None	41%	34%	35%	39%	29%
Just 1-2	11%	15%	13%	13%	12%
3-10	15%	22%	17%	16%	20%
10-50	13%	12%	14%	12%	15%
50-100	4%	6%	6%	5%	7%
100-200	5%	3%	5%	4%	5%
200-500	4%	4%	2%	4%	4%
500+	6%	7%	7%	5%	7%

Overall, there has been a general increase in the volume of requests that organisations have dealt with in the last 12 months. Far fewer private sector organisations (45%) say they have received no subject access requests over the past 12 months; this is the lowest recorded figure for this sector and an 18% decrease from 2010. Public sector organisations show an even higher level of nil activity with just 14% that said they had received no requests in the last 12 months which again is the lowest recorded figure for this sector and is a 2% decrease from last year.

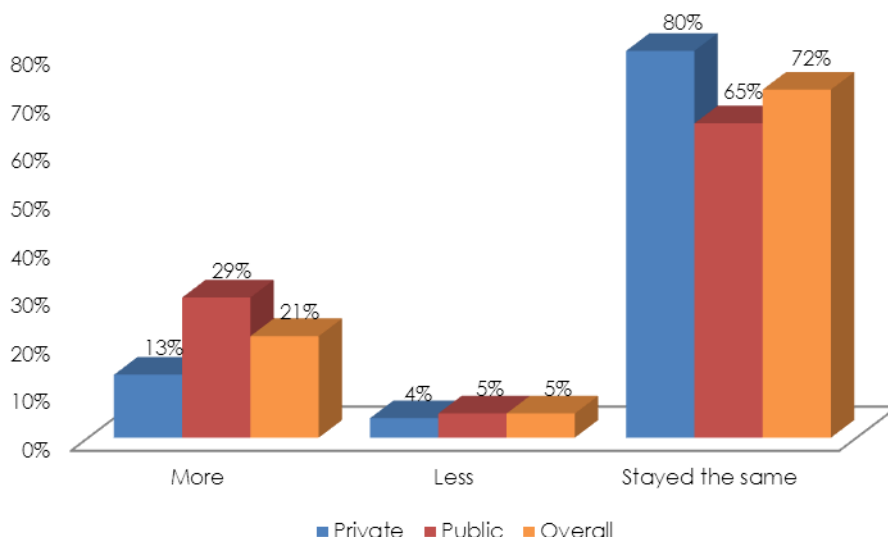
Q24: Approximately how many requests for personal information has your organisation received in the past 12 months?

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

Large public organisations remain the sector that is most likely to receive a high volume of requests; 38% say they have received more than 50 requests in the last year (although this is 3% less than last year); in addition 25% of small-medium organisations in the public sector had received more than 50 requests.

Smaller private organisations are perhaps unsurprisingly, more likely to have received no or few requests.

Chart 6: The number of requests for information under the DPA compared with the previous year, by sector



When asked how this compared to the previous year, over a fifth (21%) of all respondents said they had seen an increase in the number of requests (consistent with 2010); 5% said it was less and 72% felt it was about the same. This was a very similar picture to both 2009 and 2010, with just a 2% increase on those that said they had received more requests. Again it is the public sector that suggests the largest increase at 29% compared to 13% within the private sector.

Q25: The amount of requests for personal information under the DPA compared to 2007

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

The level of increased activity with regards to requests for personal information has become more consistent over the last three years both overall and in the public sector. However, the private sector, albeit a lower figure in comparison to the public sector has increased by 5% since 2010.

6.2 Freedom of Information Act

6.2.1 Knowledge of FOIA obligations

Q28: What obligations are you aware of that apply to public authorities under the FOIA? ⁷			
Obligations (Unprompted)	Small/Medium	Large	Overall – Public Sector
Public authorities must provide help and advice to people asking for information	32%	47%	40%
Public authorities must disclose information unless there is a legal reason not to	27%	33%	30%

Four in ten respondents (40%) were aware of their obligation to provide help and advice to people asking for information, while three in ten (30%) knew they must disclose information unless a legal reason did not permit them to do so. Awareness of the two key indicators, identified by the ICO, was low compared with awareness of other obligations, particularly among small/medium authorities.

Q28: What obligations are you aware of that apply to public authorities under the FOIA? ⁹					
Obligations (Unprompted)	2007	2008	2009	2010	2011
Public authorities must provide help and advice to people asking for information	50%	32%	31%	29%	40%
Public authorities must disclose information unless there is a legal reason not to	52%	30%	31%	24%	30%
Public authorities must respond to requests made under the general rights of access within 20 working days	67%	55%	56%	58%	68%
Public authorities must provide information through a publication scheme	63%	49%	39%	49%	58%

Almost seven tenths (68%) of respondents were aware of their obligation to respond to requests within 20 working days, and six tenths (58%) knew that information must be provided through a publication scheme.

Awareness of all obligations is higher than in 2010, with increases of around a tenth that public authorities are obliged to provide help and advice to people asking for information (+11%), must respond to information requests within 20 working days (+10%) and that information must be provided through a publication scheme (+9%).

⁹ Following qualitative consultation with public authorities, the wording of this question was changed in 2010. The word 'legal' was removed so that it read "what obligations..." as opposed to "what legal obligations..." to ensure a better understanding of the question by the respondent.

Q28: What obligations are you aware of that apply to public authorities under the FOIA?⁷			
Obligations (Unprompted)	Small/Medium	Large	Overall – Public Sector
Public authorities must provide help and advice to people asking for information	32%	47%	40%
Public authorities must disclose information unless there is a legal reason not to	27%	33%	30%
Public authorities must respond to requests made under the general rights of access within 20 working days	61%	73%	68%
Public authorities must provide information through a publication scheme	48%	66%	58%

Awareness of all obligations was higher within large public authorities when compared with small/medium authorities; particularly having to provide information through a publication scheme (large 66%, small/medium 48%) and providing help and advice to people asking for information (large 47%, small/medium 32%).

Q29: Which of the following obligations under the FOIA do you believe to be true or false?¹⁰					
Obligations (Prompted)	2007	2008	2009	2010	2011
Public authorities must provide help and advice to people asking for information	99%	97%	98%	98%	97%
Public authorities must disclose information unless there is a legal reason not to	97%	98%	99%	99%	97%
Public authorities must respond to requests made under the general rights of access within 20 working days	96%	96%	97%	98%	97%
Public authorities must provide information through a publication scheme	95%	95%	97%	95%	94%

As in all previous years, with prompt there were extremely high levels of awareness of all obligations.

Similar to 2010, awareness was slightly lower that information must be provided through a publication scheme, however, the majority of respondents were aware of this obligation (94%).

¹⁰ Following qualitative consultation with public authorities, the wording of this question was changed in 2010. The word ' legal' was removed so that it read "what obligations..." as opposed to "what legal obligations..." to ensure a better understanding of the question by the respondent.

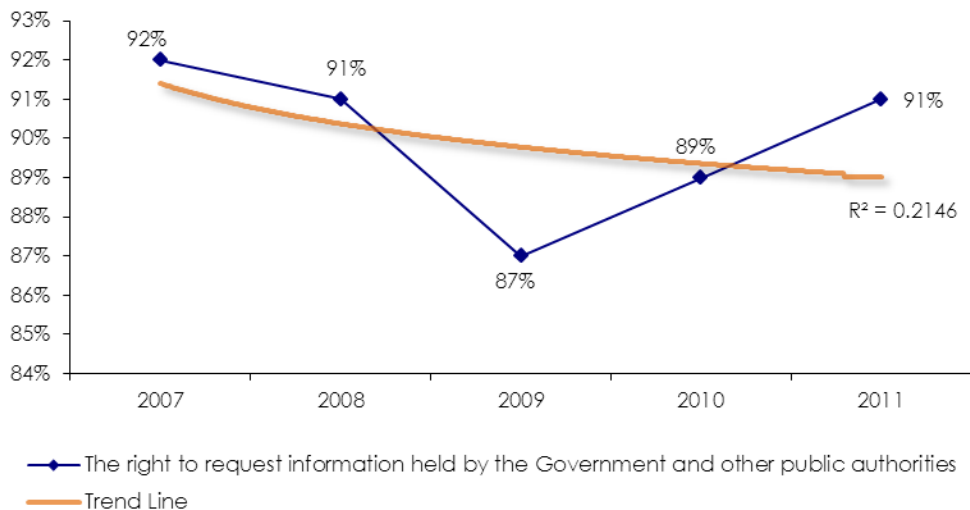
Q29: Which of the following obligations under the FOIA do you believe to be true or false?⁸

Obligations (Prompted)	Small/Medium	Large	Overall – Public Sector
Public authorities must provide help and advice to people asking for information	94%	99%	97%
Public authorities must disclose information unless there is a legal reason not to	95%	99%	97%
Public authorities must respond to requests made under the general rights of access within 20 working days	93%	100%	97%
Public authorities must provide information through a publication scheme	89%	97%	94%

As with unprompted awareness, for all obligations large public authorities demonstrated higher prompted awareness than small/medium organisations (with differences ranging from +4% to +8%). However, regardless of these comparisons, awareness among small/medium authorities was high (89% and above) for all obligations.

6.2.2 Awareness of public’s rights (Unprompted)

Chart 7: Unprompted awareness of the right to request information held by the Government and other public authorities



Spontaneous awareness of the public’s right to request information is now 91%, meaning there has been an increase of 2% since 2010.

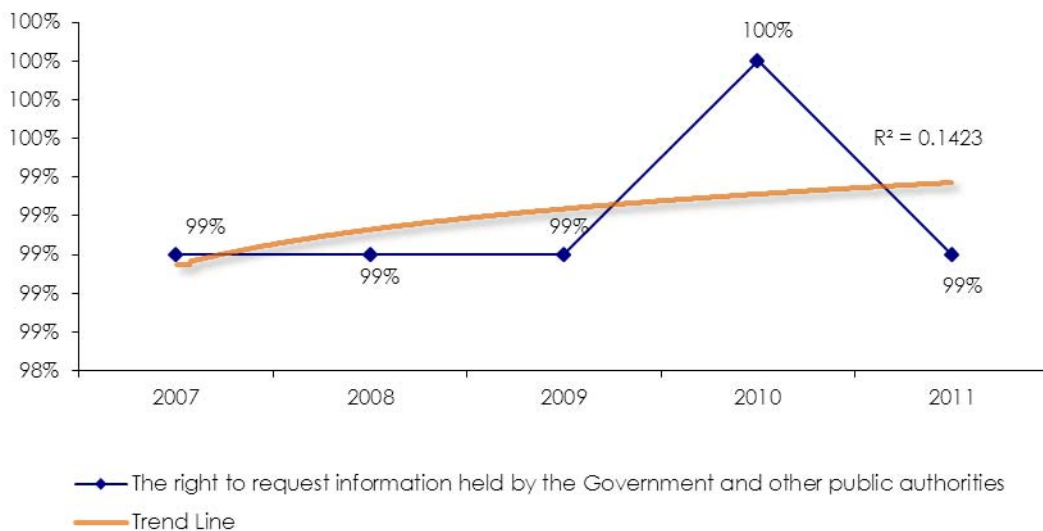
Although awareness was higher in large public authorities (96%), the overall increase in awareness has been driven by the small/medium authorities (85%) where there has been an increase of 6% since 2010.

Q26: What rights are you aware of that the FOIA gives to the public?

Public Rights (Unprompted)	2007	2008	2009	2010	2011
The right to request information held by the Government and other public authorities	92%	91%	87%	89%	91%
The right to know what type of information is available from the Government and other public authorities	40%	13%	20%	10%	17%
The right to see official information from the Government and other public authorities such as minutes and planning documents	21%	5%	11%	3%	11%
The right to see what public money is being spent on	16%	5%	4%	3%	10%
The right to request information about the environment	14%	10%	6%	4%	6%
The public don't have any rights	1%	0.2%	0%	0%	0.2%
Don't know	4%	1%	4%	4%	5%

Following decreases in awareness between 2009 and 2010, awareness of each right has increased between 2010 and 2011. The most significant increases were in regards to the right to see official information (+8%), the right to know what type of information is available (+7%) and the right to see what public money is being spent on (+7%). Awareness was lower that individuals possess the right to request information about the environment (6%).

Chart 8: Prompted awareness of the right to request information held by the Government and other public authorities



As in all previous years, when prompted the vast majority of respondents were aware of the public's right to request information (99%).

Q27: I am now going to read out a list of rights that may or may not be given to the public under the FOIA. Please tell me which you believe to be true and which you believe to be false.

Public Rights (Prompted)	2007	2008	2009	2010	2011
The right to request information held by the Government and other public authorities	99%	99%	99%	100%	99%
The right to see what public money is being spent on	96%	99%	98%	100%	99%
The right to know what type of information is available from the Government and other public authorities	98%	97%	98%	98%	98%
The right to see official information from the Government and other public authorities such as minutes and planning documents	95%	95%	94%	93%	95%
The right to request information about the environment	87%	82%	84%	87%	83%
The public don't have any rights	2%	3%	1%	1%	1%

There is a large difference between unprompted and prompted awareness, and for almost all of the rights when given prompt, awareness was 95% or more. Despite this the knowledge that the public has the right to request environmental information is still lower than all other freedom of information rights (83%).

There has been little variance in awareness of most rights since 2010, however knowledge that the public has the right to request information about the environment has decreased by 4% since 2010.

6.2.3 Source of advice on the FOIA

Q30: Where do you turn to for advice on the FOIA?¹¹

Source of Advice (Unprompted)	2007	2008	2009	2010	2011
ICO Overall	76%	66%	70%	77%	79%
ICO website	72%	58%	64%	69%	71%
ICO (by telephone)	45%	27%	36%	30%	32%
In-house expert	16%	16%	12%	25%	18%
Solicitor / legal department	20%	10%	13%	13%	16%
Ministry of Justice	4%	7%	9%	8%	6%
ICO (not website or telephone)	2%	2%	5%	3%	5%
Person responsible for freedom of information overall	3%	7%	4%	2%	1%
Office of the Scottish Information Commissioner	2%	5%	5%	2%	4%
Campaign for freedom of information	1%	1%	1%	0.3%	0%
Other	22%	17%	23%	25%	16%

The vast majority of respondents indicated that they would turn to the ICO for advice on the FOIA. In particular the ICO website has emerged as the preferred method of seeking advice.

In 2011, there was less reliance on an 'in-house expert' to provide advice on the FOIA (18%, -7% from 2010), however, there has been a slight increase in those who would seek advice from a solicitor or legal department (16%, +3% from 2010).

¹¹ 'ICO' combines responses of Information Commissioner's Office, Information Commissioner and ICO

Q30: Where do you turn to for advice on the FOIA? ¹²		
Source of Advice (Unprompted)	Large	Small
ICO Overall	86%	70%
ICO website	76%	64%
ICO (by telephone)	38%	25%
In-house expert	18%	18%
Solicitor / legal department	15%	16%
Ministry of Justice	8%	3%
Person responsible for freedom of information overall	0%	2%
ICO (not website or telephone)	8%	2%
Office of the Scottish Information Office	5%	3%
Campaign for freedom of information	0%	0%
Other	14%	19%

It was the respondents from larger public authorities who more frequently said they would seek advice from the ICO, whether it be by telephone, internet or through other mediums (86%). Although smaller authorities mentioned the ICO less frequently, it was still the preferred source of advice for seven out of ten of this size authority (70%).

¹² ICO' combines responses of Information Commissioner's Office, Information Commissioner and ICO

6.2.4 Organisations responsible for enforcing the FOIA

Q31: Which organisations are you aware of that are responsible for enforcing the FOIA? ¹³					
Organisations (Unprompted)	2007	2008	2009	2010	2011
ICO	84%	80%	81%	84%	86%
Ministry of Justice	1%	3%	5%	3%	10%
Office for the Scottish Information Commissioner	5%	5%	5%	4%	6%
Government	4%	6%	3%	3%	5%
Data Protection Agency	-	1%	1%	1%	1%
Department for Constitutional Affairs	2%	2%	1%	0.3%	0%
Data Protection Registrar / Commissioner	-	-	0.2%	0.3%	0%
None	-	0.2%	0.2%	0.3%	0.2%

86% of respondents were aware of the ICO's responsibility for enforcing the FOIA; an increase of 2% since 2010 and 6% since 2008. A further 6% identified the Office for the Scottish Information Commissioner as the enforcer.

There was however, still some confusion as 10% of respondents acknowledged the Ministry of Justice, an issue particularly influenced by larger public authorities (14% large, 5% small/medium).

Similar to the DPA, 14% of small/medium public authorities did not know which organisation enforced the FOIA.

¹³ 'ICO' combines responses of Information Commissioner's Office, Information Commissioner and ICO

6.2.5 Implications of the FOIA

Q32: To what extent would you agree or disagree with the following statements about the FOIA?					
Implication (Prompted)	Overall				
	2007	2008	2009	2010	2011
It is needed	88%	91%	87%	88%	84%
It improves records management	83%	86%	85%	83%	84%
It increases trust	81%	81%	81%	70%	81%
It means extra work	80%	78%	74%	82%	80%
It improves organisational knowledge externally	77%	83%	83%	78%	80%
It improves organisational knowledge internally	72%	75%	73%	74%	73%
It increases participation	76%	79%	81%	69%	73%
It puts strain on resources	58%	61%	65%	68%	64%
It has increased expenditure	51%	58%	57%	66%	59%
It is a burden on my organisation	34%	31%	37%	49%	45%

Every year, agreement has been highest that the FOIA is needed and improves record management, and the trend has continued in 2011 (with 84% of respondents agreeing with each statement). The FOIA was also considered to increase trust (81%), for which agreement has increased by 11% since 2010.

For the four statements that could be considered to be negative, agreement has decreased since 2010, particularly that the FOIA has increased expenditure (59%, 7% decrease from 2010).

Q32: To what extent would you agree or disagree with the following statements about the FOIA?

Implication (Prompted)	Small/Medium					Large				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
It is needed	85%	90%	85%	86%	83%	90%	91%	89%	89%	85%
It improves records management	78%	85%	84%	83%	85%	88%	88%	86%	84%	83%
It increases trust	78%	82%	80%	74%	83%	84%	81%	85%	67%	79%
It means extra work	70%	73%	73%	74%	76%	90%	83%	87%	89%	84%
It improves organisational knowledge externally	72%	82%	75%	69%	76%	83%	83%	85%	85%	83%
It improves organisational knowledge internally	66%	76%	70%	68%	70%	78%	74%	76%	80%	75%
It increases participation	71%	77%	69%	64%	71%	81%	81%	79%	73%	74%
It puts strain on resources	47%	54%	51%	54%	51%	68%	68%	76%	80%	73%
It has increased expenditure	45%	54%	47%	59%	51%	57%	61%	65%	71%	65%
It is a burden on my organisation	29%	23%	29%	45%	33%	39%	38%	44%	53%	54%

Although both large and small/medium public authorities expressed high levels of agreement to all statements given, the most significant differences between the different sized organisations arose from the more negative statements.

Around a fifth more respondents within larger authorities felt the FOIA puts a strain on resources (+22%), is a burden on their organisation (+21%) and has increased expenditure (+14%). 84% of respondents in larger authorities also said the FOIA means extra work within their organisation; 8% more than respondents within small/medium organisations.

6.2.6 Information requests

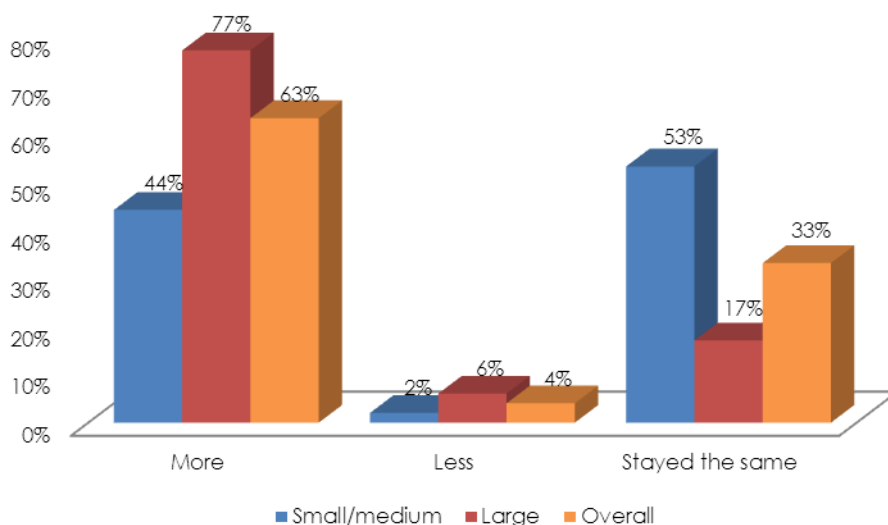
Q33: Approximately how many requests for information has your organisation received in the past 12 months under the FOIA?					
Number of requests	Overall				
	2007	2008	2009	2010	2011
None	19%	12%	13%	11%	9%
Just 1-2	6%	10%	5%	7%	5%
3-10	9%	10%	9%	9%	7%
10-50	20%	17%	13%	13%	12%
50-100	13%	15%	9%	10%	14%
100-200	14%	15%	12%	13%	12%
200-500	12%	11%	24%	18%	20%
500+	7%	9%	14%	19%	21%

For the third year in succession the number of respondents saying their organisation had received no requests for information in the 12 months prior to undertaking the survey has decreased (by 2% since 2010 and 4% since 2009). This has been driven by small/medium sized public authorities, among which the number of respondents saying their organisation had received zero requests has almost halved since 2007.

Since 2010 there has been an increase in the number of organisations receiving 200 or more requests for information (+3%), a trend which has arisen from large organisations (+5%).

Q33: Approximately how many requests for information has your organisation received in the past 12 months under the FOIA?										
Number of requests	Small/Medium					Large				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
None	37%	25%	28%	23%	19%	2%	0%	2%	0%	1%
Just 1-2	11%	19%	10%	13%	11%	2%	2%	1%	1%	1%
3-10	12%	17%	15%	17%	10%	6%	4%	4%	2%	4%
10-50	20%	17%	14%	16%	15%	20%	17%	12%	11%	9%
50-100	11%	10%	6%	6%	17%	16%	20%	12%	14%	11%
100-200	5%	9%	10%	9%	11%	22%	22%	13%	16%	12%
200-500	2%	3%	10%	10%	9%	22%	19%	34%	26%	29%
500+	2%	1%	4%	6%	7%	12%	16%	22%	30%	32%

Chart 9: The number of requests for information under the FOIA compared with the previous year, by size



When asked how this compared to 2010, almost two thirds (63%) of respondents said the number of requests represented an increase for their organisation. Only 4% of organisations had received fewer requests than the previous year.

More than half (53%) of small/medium authorities had not experienced any changes in the number of requests they had received however, larger authorities had experienced more demand with 77% of authorities of this size reporting an increase in the number of requests.

Q36: Compared to last year, is the number of requests made under the FOIA:

Change in requests	2007	2008	2009	2010	2011
More	26%	46%	58%	62%	63%
Less	9%	7%	4%	4%	4%
About the same	65%	47%	37%	34%	33%

Each year has seen an increase in the number of authorities saying the number of requests they have received is more than the previous year. The number of public authorities reporting a rise in the number of requests has more than doubled since 2007 (from 26% in 2007 to 63% in 2011), whereas those saying the number of requests has not changed has almost halved (from 65% in 2007 to 33% in 2011).

6.3 Information Commissioner's Office

6.3.1 Awareness of the ICO

Q35: Have you ever heard of the Information Commissioner's Office?															
Awareness (Prompted)	Private					Public					Overall				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
Yes	71%	75%	66%	58%	81%	96%	96%	96%	97%	99%	84%	85%	82%	78%	90%
No	29%	23%	32%	42%	18%	4%	4%	4%	3%	2%	16%	14%	18%	22%	10%

Nine out of ten organisations (90%) were aware of the ICO; the highest level of awareness since tracking began and a 12% increase since 2010. Awareness within public sector organisations has been consistently high, and therefore this increase is a result of a significant increase in awareness among private sector organisations (+23% since 2010).

Awareness was greatest among large public authorities, where 99% of organisations interviewed had heard of the ICO. Small private organisations had the lowest levels of awareness as 24% had not heard of the ICO and a further 3% were not sure they had heard of the ICO.

6.3.2 Advice and guidance from the ICO

Q36: How would you prefer to receive advice and guidance on the DPA and FOIA from the Information Commissioner?					
Method (Unprompted)	2007	2008	2009	2010	2011
Website	32%	29%	28%	22%	43%
Via stand alone email request	47%	46%	36%	35%	37%
Via email bulletin I register to	26%	7%	15%	24%	23%
Via letter	27%	21%	22%	21%	12%
Phone	5%	7%	5%	8%	10%
Via email through a website	31%	13%	9%	11%	8%
Through a leaflet	5%	2%	3%	4%	3%
Face to face	2%	3%	2%	1%	3%
Get in touch with other organisations/advice agency to ask on my behalf	1%	4%	1%	0.4%	1%
Visit office	1%	1%	0.2%	0.1%	0.2%

For the first time since tracking began a website was the preferred method of receiving information and guidance about the DPA and FOIA (43%).

However, a stand alone email (37%) or an email bulletin (23%) remained popular mediums for receiving such information.

Q36: How would you prefer to receive advice and guidance on the DPA and FOIA from the Information Commissioner?

Method (Unprompted)	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
Website	22%	21%	21%	8%	26%	43%	36%	35%	37%	60%
Via stand alone email request	40%	41%	41%	35%	42%	54%	52%	36%	36%	32%
Via email bulletin I register to	21%	2%	4%	17%	16%	31%	12%	26%	31%	30%
Via letter	38%	27%	30%	27%	18%	16%	15%	14%	15%	6%
Phone	6%	3%	2%	6%	5%	7%	11%	8%	9%	15%
Via email through a website	24%	15%	5%	6%	9%	38%	12%	13%	16%	7%
Through a leaflet	3%	1%	2%	2%	3%	8%	2%	4%	6%	3%
Face to face	3%	1%	1%	1%	2%	2%	5%	3%	1%	3%
Get in touch with other organisations/advice agency	-	2%	2%	0%	1%	1%	6%	1%	1%	1%
Visit office	1%	0.2%	0%	0%	0.3%	1%	2%	1%	0.3%	0.2%

The increased popularity for receiving information through a website is a result of a 23% increase in public sector organisations selecting this as their preferred method of receiving information (60%); as in previous years private organisations tended to opt for stand alone email requests (42%).

Private sector organisations (18%) had greater preference than public sector organisations (6%) for receiving advice and guidance through a letter, while those working in public sector organisations tended to opt for information through email bulletins or over the telephone.

6.4 Organisational structure and DPA / FOIA duties

6.4.1 Other duties

As in previous years, the vast majority of respondents working in both the public (89%) and private (96%) sectors said that they had other duties aside from their data protection or, where applicable, freedom of information duties.

6.4.2 Time dedicated to data protection duties

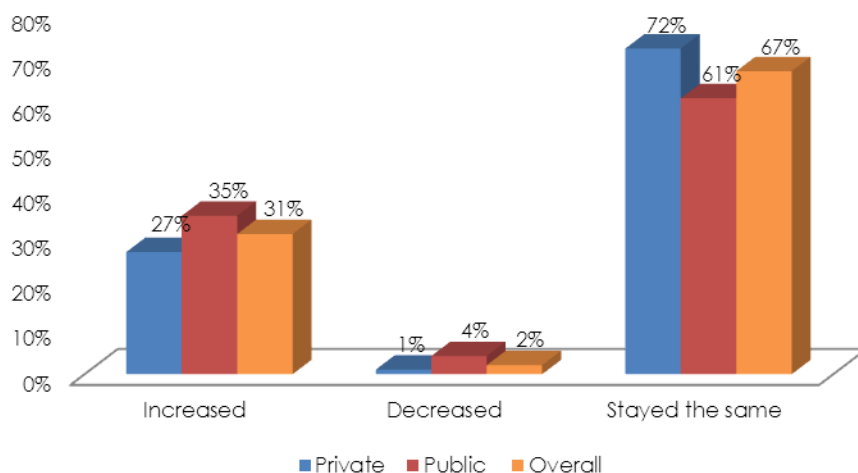
Q4: On a weekly basis, what percentage of your time is dedicated to data protection duties?					
Time dedicated to data protection	Overall				
	2007	2008	2009	2010	2011
10% or less	66%	60%	64%	66%	57%
10 - 25%	14%	15%	15%	14%	19%
25 - 50%	9%	9%	12%	9%	12%
50 - 75%	5%	5%	5%	4%	6%
75 - 99%	3%	4%	3%	2%	5%
100%	3%	7%	1%	4%	1%

When compared with previous years, fewer respondents spent 10% of their time or less on data protection duties (57%). However, only 1% of respondents said their responsibilities contributed to all of their working day.

Unlike 2010, those working within the private sector dedicated less time to their data protection duties than those working in the public sector, as 61% compared with 53% said their duties took 10% or less of their time.

Q4: On a weekly basis, what percentage of your time is dedicated to data protection duties?										
Time dedicated to data protection	Private					Public				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
10% or less	73%	69%	69%	68%	61%	59%	52%	59%	64%	53%
10 - 25%	9%	9%	10%	9%	16%	18%	20%	21%	20%	21%
25 - 50%	8%	8%	11%	9%	10%	11%	10%	13%	9%	15%
50 - 75%	4%	5%	6%	4%	7%	6%	5%	4%	4%	4%
75 - 99%	4%	4%	3%	3%	6%	3%	3%	3%	2%	4%
100%	3%	4%	1%	8%	1%	3%	10%	2%	1%	2%

Chart 10: In the past 12 months, has your data protection responsibility...



Almost a third (31%) of respondents said there had been an increase in their data protection duties, whereas only 2% of respondents said there had been a decrease in their responsibility.

The largest portion of respondents said their responsibility had remained the same (67%), particularly those working in the private sector (72%).

Q6: Please specify the reasons why your responsibility has increased.

Reasons for change	Increased (Base: 231)	Decreased (Base: 18)	Overall
Increases in DPA requests / workload	36%	0%	33%
Improvement in security / increased awareness	30%	6%	29%
Because of internal company review / changes	23%	50%	25%
Because of change in job role	9%	6%	9%
Changes to law / legislation	7%	22%	8%
Because we have less resources to deal with it	3%	0%	2%
More people are dealing with it	0%	17%	1%
We are sharing data with other countries	1%	0%	1%
Increased data sharing among councils and its partners	0.4%	0%	0.4%

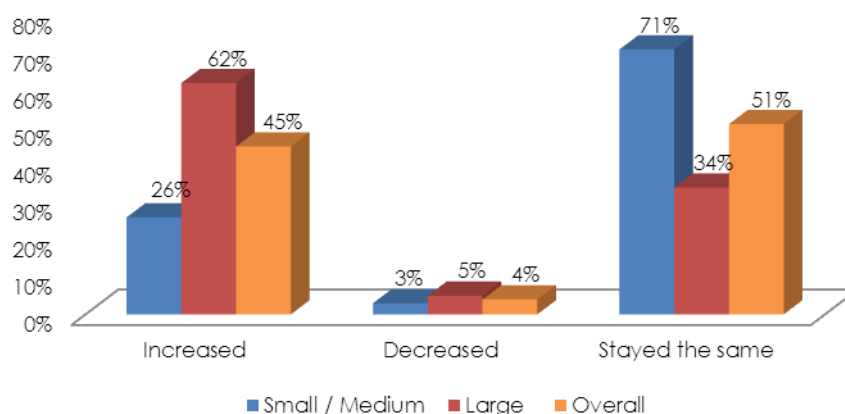
Increases in the responsibility tended to result from increases in DPA requests and workload (36%) and improvements in security or increased awareness (30%); whereas a decrease in responsibilities was mostly attributed to internal company review/changes (50%).

6.4.3 Time dedicated to freedom of information duties

Q7: On a week to week basis, what percentage of your time is dedicated to freedom of information duties?					
Time dedicated to freedom of information	2007	2008	2009	2010	2011
10% or less	55%	44%	48%	49%	42%
10 - 25%	17%	21%	21%	23%	20%
25 - 50%	16%	18%	17%	14%	19%
50 - 75%	7%	5%	10%	9%	11%
75 - 99%	3%	2%	3%	3%	7%
100%	2%	10%	2%	1%	1%

There has been an increase in the time spent on FOI duties, as only 42% of respondents said that these responsibilities take 10% or less of their time. Similar to time spent on DP duties, only 1% of respondents dedicated all of their time to FOI duties.

Chart 11: In the past 12 months, has your freedom of information responsibility...



Respondents were almost equally divided as to whether the time spent on their FOI duties had increased (45%) or remained the same (51%) over the 12 months prior to completing the survey. Similar to DP duties, few respondents said there had been a decrease in their responsibilities (4%).

Q9: Please specify the reasons why your responsibility has changed.

Reasons for change	Increased (Base: 164)	Decreased (Base: 14)	Overall
Increase in FOI requests / workload	78%	7%	73%
Improvement in security / increased public awareness	11%	0%	10%
Changes to legislation	7%	0%	6%
Change in job role	4%	29%	6%
Internal company review / changes	6%	7%	6%
More people are dealing with it	0%	43%	3%
We have less resources to deal with it	3%	0%	3%

More than three quarters (78%) of respondents whose FOI responsibility had increased said it was due to increased FOI requests and workload. Of the 14 respondents who said their FOI responsibility had decreased, 43% said the change had arisen from an increase in the number of people dealing with FOI, and 29% said it was a results of a change in their job role.

6.4.4 Additional resources within the organisation

Q11: How many staff members are there in your organisation working on data protection and/or freedom of information duties? (Private sector)

Number of staff	Large					Small/Medium					Overall				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
One other	16%	14%	17%	25%	14%	19%	19%	27%	31%	23%	17%	16%	22%	28%	18%
2 - 5 staff	26%	26%	35%	24%	33%	18%	20%	32%	32%	35%	22%	23%	33%	28%	34%
5 - 10 staff	13%	6%	14%	8%	18%	4%	7%	14%	14%	11%	8%	6%	14%	11%	15%
More than 10	18%	25%	35%	40%	35%	8%	13%	22%	20%	30%	13%	19%	29%	31%	33%

Around three quarters (76%) of private sector respondents said that there are others in their organisation working on data protection and/or freedom of information duties, an increase of 24% since 2010. Slightly fewer respondents within public sector organisations said there were others who assisted with the DP/FOI duties (70%).

Q11: How many staff members are there in your organisation working on data protection and/or freedom of information duties? (Public sector)

Number of staff	Large					Small/Medium					Overall				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
One other	21%	21%	20%	39%	35%	22%	27%	30%	50%	33%	21%	24%	23%	44%	34%
2 - 5 staff	37%	29%	41%	35%	45%	30%	24%	39%	33%	29%	33%	27%	40%	34%	39%
5 - 10 staff	10%	15%	16%	10%	10%	4%	6%	12%	8%	17%	7%	11%	15%	9%	13%
More than 10	8%	12%	21%	11%	9%	4%	9%	20%	7%	20%	6%	11%	21%	9%	13%

As in previous years, larger private organisations are more likely to have allocated more human resources to data protection than smaller private organisations; however the opposite was found within public sector organisations.

6.4.5 Type of personal information held

Q12: Does your organisation hold any information about any of the following?															
(Prompted)	Public					Private					Overall				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
Employees	97%	99%	98%	100%	100%	94%	98%	99%	89%	98%	96%	99%	93%	94%	99%
Suppliers	94%	92%	92%	95%	94%	83%	89%	85%	87%	91%	88%	90%	89%	91%	93%
Customers	88%	84%	89%	95%	86%	84%	84%	87%	91%	88%	86%	84%	88%	93%	87%
Clients	89%	84%	83%	93%	84%	83%	81%	84%	90%	84%	86%	83%	83%	91%	84%

Similar to previous years, the vast majority of organisations held information about their employees (99%) and suppliers (93%); most organisations also held information about their customers (87%) and clients (84%).

7.0 Appendices

7.1 Organisation Tables

Private Sector	
Organisation Type	Number
Transportation, storage, information and communication	51
Financial and insurance activities	50
Professional, scientific and technical	49
Human, health and social work activities	41
Other service activities (including third sector organisations)	38
Wholesale and retail trade / repair	31
Construction	30
Manufacturing	23
Admin and support service activities	23
Education	17
Arts, entertainment and recreation	14
Agriculture, forestry and fishing	13
Accommodation and food service	11
Real estate activities	7
Mining, electricity, gas and water	2
TOTAL	400

Q13: How many employees are employed by your organisation?		
	Number of employees	Private Sector
Small Organisation	1-50	72
	51-100	73
	101-200	58
Large Organisation	201-500	84
	501+	113

Public Sector (Small/Medium)	
Organisation Type	Number
Fire authorities	25
Police authorities	16
Mental health authorities	6
Internal drainage boards	5
Magistrates court committees	9
District courts and sheriff courts	7
Passenger transport executives	3
District drainage commissioners	1
Waste authorities	5
Passenger transport authorities	4
National parks	7
Parish / community councils	21
Independent practitioners	18
Ambulance trusts	7
Local health boards	7
Trusts (Wales)	7
Health regulators	6
Community health councils	4
HSS trusts agencies and councils	2
Secondary schools	8
Primary schools	3
District policing partnerships	6
TOTAL	177

Public Sector (Large)	
Organisation Type	Number
Central Government Departments	32
Non-departmental public bodies	6
Local authorities	72
District Councils (Northern Ireland)	5
Welsh Local Authorities	2
Police forces	27
Primary Care Trusts	18
Strategic Health Authorities	5
Higher education	38
Scottish authorities	1
Acute trusts	9
Further education colleges	14
TOTAL	229

Q13: How many employees are employed by your organisation?	
Number of employees	Public Sector
1-50	75
51-100	23
101-200	20
201-500	68
501+	220