

**Report on the Findings of the
Information Commissioner's Office
Annual Track 2008**

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.

Where possible, questions are tracked over time. Changes in question approach are highlighted in footnotes throughout the report.

There has been a number of high profile news stories centred on the loss of data in the last 12 months. These have potentially given rise to negative perceptions and associations with the ICO and the issues of Data Protection and Freedom of Information. Such perceptions are likely to have directly impacted upon the research findings within this report.

1.0. Introduction

Since the revised DPA came into force in 1998, the ICO has monitored awareness and understanding of this legislation amongst organisations (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 and 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 2005.

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 previous years and compares all results with last year's revised questions.

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 measure awareness of the ICO as the organisation responsible for enforcing the DPA.
- To measure awareness of the ICO as the organisation responsible for enforcing the FOIA.

3.0 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:

- To raise awareness of obligations and principles under DPA and FOIA.
- To raise awareness of the ICO as the enforcing authority for the DPA and FOIA.

4.0 Executive Summary

Organisations are becoming increasingly positive towards data protection and freedom of information. They can clearly see the benefits of implementing the principles and obligations set down by the Acts and are moving them up the organisational agenda. It may be that the biggest advocates of data protection and freedom of information are the organisations responsible for their implementation.

When prompted, organisations show very high levels of awareness of rights, obligations, and principles under the Acts. However, the findings show that on a spontaneous level, awareness is falling across some key areas.

4.1 Data Protection

Rights

Unprompted awareness of individuals' *right to see information* held by organisations remains at 82%, consistent with the high level achieved in 2007, and a large increase since 2003 (53%). An increase in private sector awareness has driven much of this.

Spontaneous awareness of the other rights has decreased, and is particularly low among the private sector.

Prompted awareness of individuals' rights is very high and largely has remained stable year on year. The vast majority of organisations (90%+) 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 the right to correct inaccurate information.*

Principles

There has been a significant decrease in spontaneous awareness of all principles of the DPA since 2007. Both private and public sector organisations have contributed to these declines.

The number one principle cited is *security*, at 55%. However, this represents a marked decline since 2007, when awareness of this principle was 69%. Private sector organisations are more aware of this principle than public authorities (61% compared to 48%). The public sector also showed a significant year on year decline.

All other principles had higher levels of awareness amongst the public sector.

12% of organisations were spontaneously aware of all three of the key principles (29% in 2007): personal information is kept securely, personal information is not kept longer than necessary and that personal information is

processed for limited purposes. Only 9% of organisations were spontaneously aware of all eight principles compared with 22% in 2007.

Prompted awareness of all principles is very high across all sectors.

Notification

There are high levels of awareness regarding notification. The public sector show higher awareness than the private sector, and the sector has also showed increases in awareness year on year. Conversely, the private sector has shown some decreases in awareness year on year.

Impact of the Act

The wave of increased positivity and appreciation of the role of the DPA and its impact on organisations has continued. There is a clear demonstration that organisations are taking data protection seriously, and are very aware of the benefits it can bring. It appears that the best advocates for data protection may well be those organisations responsible for implementing data protection practices. Data protection is being moved up the organisational agenda – amongst public and private sector alike.

The number of requests in both sectors has increased over the last year and this has not affected positivity about the Act.

Requests for personal information

There has been an increase in the number of subject access requests over the past 12 months for both the private and public sectors. In the private sector, 53% of organisations have received at least one request, compared to 43% in 2007. In the public sector, 79% of organisations have received at least one request (compared to 76% in 2007).

4.2 Freedom of Information

Rights

A total of 91% of public authorities were able to spontaneously identify the fact that the public had *the right to request information held by the Government and other public authorities*. This is very high and consistent with 2007. It also represents a significant increase since 2005 (76%).

Prompted awareness of individuals' rights remains high and stable.

Obligations

There has been a decrease in unprompted awareness of obligations under FOIA. Both large and small/medium authorities have contributed to this. Unprompted, more than half of all authorities (55%) were aware that *public authorities must respond to requests made under the general rights of access within 20 working days* and 49% knew that *public authorities must provide information through a publication scheme*.

16% of public authorities were able to identify **both** of the following key obligations (compared with 19% in 2007): *to disclose information unless there is a legal reason not to or the requirement to provide help and advice to people asking for information*. The number of organisations spontaneously aware of all FOIA obligations has declined from 30% in 2007 to 11% in 2008.

Prompted levels of awareness were high, with 89% of authorities identifying that all four obligations were correct.

Impact of the Act

Authorities remain positive with regards to how the FOIA has improved life within their organisation. Negative perceptions have all decreased, which could be a consequence of public authorities becoming more familiar with the Act. 91% now say the Act is needed and 81% say it increases trust. Just 31% say it is a burden on the organisation.

The high levels of positivity towards FOIA are shared across all sector sizes.

Information requests

It appears that the number of requests made is continuing to gain momentum – a trend that is also evident from the Individuals Study. 46% of public authorities believe they have had more information requests over the past 12 months.

88% of public authorities have received at least one request for information during the last 12 months compared with 81% in 2007. All large public authorities in the sample have had at least one request for information.

4.3 Information Commissioner's Office

Awareness of the organisation has once again increased, to 85% (84% in 2007). Awareness was highest in the large public sector and lowest within small private sector organisations, although they have shown the largest year on year increases.

Awareness of the ICO as the enforcing organisation of the DPA is 65% (69% in 2007), and of the FOIA is 80% (84% in 2007).

The ICO remains the main source of advice on the DPA, this steadily increased between 2004 and 2007, and has remained stable in 2008 at 56%. Of those citing the ICO as their main source of advice on the DPA, 49% stated the ICO website as their destination for DPA advice, while 23% prefer to contact the ICO by telephone and 2% by other means.

As with data protection, the ICO remains the main source of advice on the FOIA, albeit this has declined from 76% in 2007 to 66% in 2008. Of those citing the ICO as their main source of advice on the FOIA, 58% turned to the website for advice in 2008 (72% in 2007), 27% prefer contact by telephone (45% in 2007) and 2% by other means (2% in 2007).

5.0 Methodology

The consultation was undertaken by telephone to retain consistency with previous years and because it has proven a very successful contact method in the past.

Quotas were placed on organisation by size, thus allowing variations between larger and smaller organisations to be identified by the ICO.

Amongst public authorities, a separate interview was required for the FOI section in 15% of instances (i.e. the person interviewed was not responsible for FOIA but was responsible for the DPA).

All 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 Supervisors.

The questionnaire was amended slightly in conjunction with the ICO and was piloted prior to starting the fieldwork.

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 is 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 16th June and 2nd August 2008.

6.0 Sample / Profile

The required sample size for organisations was 800 (400 private and 400 public sector based). The achieved sample was 822.

Size of Organisation	Private		Public	
	Quota	Achieved	Quota	Achieved
Total	400	407	400	415
Large	200	199	200	217
Small	200	208	200	198

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.

7.0 Results

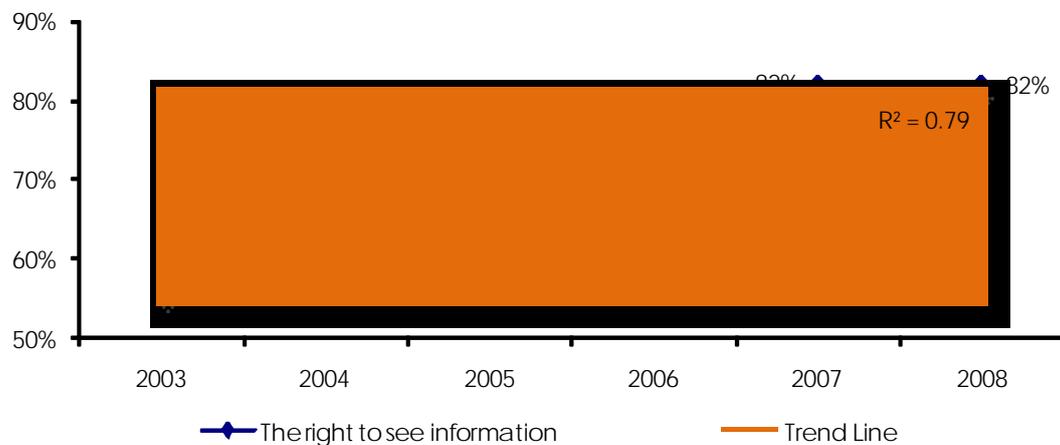
7.1 Data Protection Act

7.1.1 Awareness of individuals' rights (Unprompted)

Since 2003, spontaneous awareness of individuals' rights has increased significantly, with 82% of organisations identifying *the right to see information* held by organisations, a 29 percentage point increase since 2003.

The measure remains consistent with last year.

Chart 1: Unprompted awareness of the right to see information



Large organisations - especially within the public sector – show higher levels of awareness of rights, although the difference is less than in 2007. For example in last year's study, just 59% of small private organisations mentioned the *right to see information* compared with 85% large private, 88% small public and 97% large public organisations. In 2008, 70% of small private organisations mentioned this right, compared to an average of 86% amongst the remaining three sub-sectors of organisations.

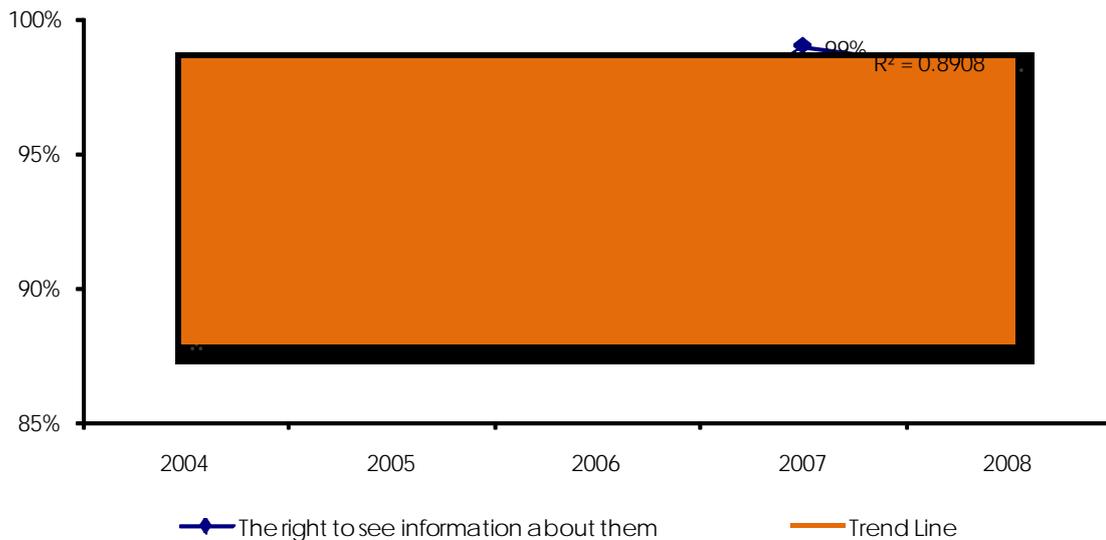
Awareness of the other rights has seen large decreases across the board. The right with the next highest level of awareness is the *right to correct inaccurate information*, at only 18% (compared to 33% in 2007). This is followed by *the right to prevent processing of information if it would cause damage or distress*, at 9% (compared to 24% in 2007).

Q12 What rights are you aware of that are given to individuals about whom your organisation processes personal information?						
Individuals' Rights (Unprompted)	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
The right to see information	72%	77%	92%	87%	82%	82%
The right to correct inaccurate information	18%	9%	48%	27%	33%	18%
The right to prevent the processing of information if it would cause damage or distress	14%	5%	33%	14%	24%	9%
The right to object to decisions made only by automatic means	10%	4%	20%	11%	15%	8%
The right to claim compensation for damage or distress caused by a breach of the Act	6%	2%	20%	10%	13%	6%
The right to stop unsolicited mail	10%	3%	24%	7%	17%	5%
The right to have the breach of the Act investigated and assessed	7%	3%	17%	3%	12%	3%
Individuals have no rights	-	1%	1%	0%	0.4%	0.2%
<i>Don't know</i>	23%	12%	4%	3%	14%	7%

7.1.2 Awareness of individuals' rights (Prompted)

On a prompted level, 98% of all organisations were aware that individuals have *the right to see information* held about them by organisations. This measure has shown a gradual and significant increase since 2004, albeit awareness declined by 1% in 2008 compared with 2007.

Chart 2: Prompted awareness of the right to see information



Awareness of rights has generally remained stable, with the exception of *the right to prevent the processing of information if it would cause damage or distress* (from 85% in 2007 to 79% in 2008) and *the right to object to decisions made only by automatic means* (from 76% to 68%). In both instances, it is decreases amongst the private sector that has driven the decline.

Q13 I am now going to read out a list of rights that 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		Overall	
	2007	2008	2007	2008	2007	2008
The right to see information	99%	98%	99%	99%	99%	98%
The right to have the breach of the Act investigated and assessed	94%	95%	97%	95%	95%	95%
The right to correct inaccurate information	94%	94%	96%	95%	95%	94%
The right to stop unsolicited mail	91%	89%	92%	87%	92%	88%
The right to claim compensation for damage or distress caused by a breach of the Act	92%	88%	87%	87%	89%	87%
The right to prevent the processing of information if it would cause damage or distress	84%	72%	86%	85%	85%	79%
The right to object to decisions made only by automatic means	75%	62%	77%	74%	76%	68%
Individuals have no rights	2%	2%	1%	2%	1%	2%

7.1.3 Awareness of DPA principles (Unprompted)

There has been a significant decrease in spontaneous awareness of all the principles of the DPA since 2007. Both public and private sector organisations have driven these decreases.

Keeping information secure was once again the number one principle identified spontaneously, by 55% of respondents. However, this is a marked decline since 2007, when awareness was 69%. This decline has been driven by a significant decrease amongst the public sector, from 74% to 48%. It is the large public authorities that have seen the most significant year on year decrease in awareness of this principle at 38%, compared to 33% amongst the small/medium public authorities.

The result is that the private sector is more likely to be aware of the principle of *security* than the public sector.

Across all other principles, the private sector has lower awareness. This is particularly the case amongst small/medium private organisations. The principle with the second highest level of awareness (personal information is processed in a fair and lawful manner) was only mentioned by 15% of this sub-sample (compared to 40% overall).

Q14 What are the principles you are aware of that organisations have to comply with when processing personal information?						
Principles (Unprompted)	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
Personal information is kept secure	64%	61%	74%	48%	69%	55%
Personal information is processed in a fair and lawful manner	44%	24%	62%	56%	53%	40%
Personal information is kept accurate and up to date	40%	25%	66%	47%	53%	36%
Personal information is not kept longer than necessary	27%	16%	52%	34%	39%	25%
Personal information is processed for limited purposes	31%	14%	50%	34%	40%	24%
Personal information is not transferred to other countries without adequate protection	17%	11%	41%	31%	29%	21%
Personal information held is adequate, relevant and not excessive	23%	13%	42%	26%	32%	19%
Personal information is processed in line with the individual rights	23%	9%	39%	23%	31%	16%

With the exception of the *security* principle, there were lower levels of awareness of all principles in the private sector. All eight principles were only identified correctly by 9% of organisations. By sector, this breaks down as follows: 19% of large public, 7% of small public, 8% of large private, and 0% of small private. The overall figure compares unfavourably with 2007, when 22% were able to identify all eight.

Number of principles organisations are aware of		
Principles (Unprompted)	2007	2008
0 or other	13%	17%
1	19%	33%
2	15%	18%
3	13%	10%
4	8%	5%
5	6%	4%
6	2%	2%
7	2%	2%
8	22%	9%

Overall, 12% identified all three of the key indicator principles, predominantly identified by large public sector organisations.

Q14 What are the principles you are aware of that organisations have to comply with when processing personal information?							
Principle (Unprompted)	Public			Private			Overall
	Large	Small	Total	Large	Small	Total	
Personal information is kept secure	50%	46%	48%	59%	63%	61%	55%
Personal information is not kept longer than necessary	45%	21%	34%	22%	10%	16%	25%
Personal information is processed for limited purposes	47%	20%	34%	21%	8%	14%	24%
Collective Awareness	25%	9%	18%	13%	2%	7%	12%

7.1.4 Awareness of DPA principles (Prompted)

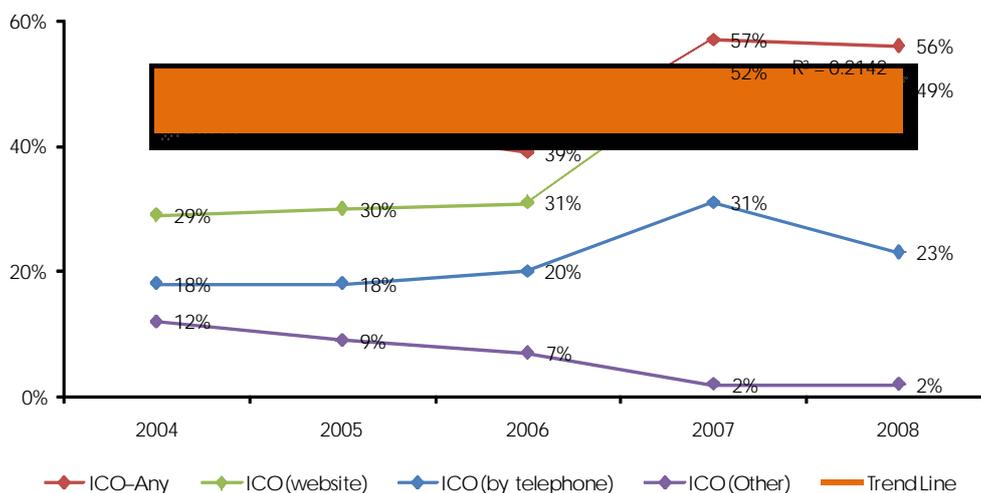
When prompted, awareness of the principles was extremely high. The figures have remained stable year on year.

Q15 Which of the following principles do you think organisations have to comply with when processing personal information? Please tell me which you believe to be true and which you believe to be false.						
Principles (Prompted)	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
Personal information is processed in a fair and lawful manner	100%	99%	100%	100%	100%	100%
Personal information is kept secure	100%	100%	100%	100%	100%	100%
Personal information is kept accurate and up to date	100%	98%	100%	100%	100%	99%
Personal information held is adequate, relevant and not excessive	98%	98%	96%	98%	97%	98%
Personal information is processed in line with the individual rights	98%	97%	99%	97%	99%	97%
Personal information is not transferred to other countries without adequate protection	98%	96%	99%	98%	98%	97%
Personal information is processed for limited purposes	97%	93%	99%	98%	98%	96%
Personal information is not kept longer than necessary	95%	92%	99%	98%	97%	95%

7.1.5 Source of advice on the DPA

The overall percentage of respondents mentioning the ICO as their main source of advice on the DPA has remained consistent with last year at 56%¹, and increased from 47% in 2004.

Chart 3: Where to go to get advice on responsibilities regarding the Data Protection Act



It remains the ICO's website that the majority of organisations turn to for advice, with almost half (49%) mentioning this method. In 2006 the ICO re-launched their website; these results suggest that it has been deemed a success by users from both the private and public sectors alike.

Q16 Where would you go to get advice on your responsibilities regarding the DPA? (Spontaneous)

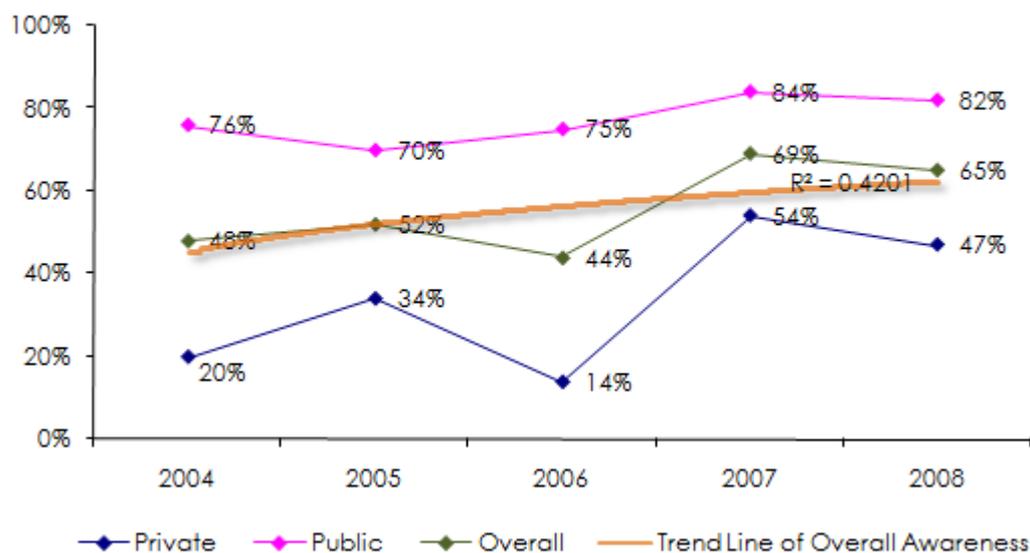
	Private					Public					Overall				
	04	05	06	07	08	04	05	06	07	08	04	05	06	07	08
ICO - Any	30%	28%	13%	40%	41%	64%	53%	66%	74%	70%	47%	43%	39%	57%	56%
ICO Website	19%	19%	10%	36%	37%	39%	40%	52%	69%	60%	29%	30%	31%	52%	49%
ICO (phone)	9%	11%	5%	17%	13%	27%	25%	35%	46%	33%	18%	18%	20%	31%	23%
Solicitor	21%	20%	13%	28%	20%	20%	22%	16%	19%	9%	20%	21%	15%	23%	15%
Head office	10%	20%	37%	14%	6%	5%	9%	6%	8%	4%	8%	14%	22%	11%	5%
CAB	n/a	n/a	11%	4%	2%	n/a	n/a	2%	1%	2%	n/a	n/a	6%	2%	2%
Gov. Dep.	n/a	n/a	4%	2%	2%	n/a	n/a	3%	2%	2%	n/a	n/a	4%	2%	2%
ICO (other means)	9%	5%	2%	1%	0%	15%	12%	11%	2%	3%	12%	9%	7%	2%	2%

¹ Based on anyone who mentioned the ICO at least once

7.1.6 Knowledge of organisations responsible for enforcing the DPA

The majority of organisations are aware that the ICO is responsible for enforcing the DPA. The long term trend highlights a significant increase (+17 percentage points) over the last five years from 48% to 65%.

Chart 4: Awareness of the ICO as enforcer of the DPA



Most of the increases have been driven by the private sector, which previously had very low levels of awareness (20% compared to 76% amongst the public sector).

Q17 Which organisations are you aware of that are responsible for enforcing the DPA?															
Response (Unprompted)	Private					Public					Overall				
	04	05	06	07	08	04	05	06	07	08	04	05	06	07	08
ICO	20%	34%	14%	54%	47%	76%	70%	75%	84%	82%	48%	52%	44%	69%	65%
Government	9%	10%	9%	6%	12%	5%	5%	3%	2%	5%	7%	7%	6%	4%	9%
D. P Registrar / Commissioner	7%	7%	2%	3%	3%	8%	4%	2%	3%	1%	7%	5%	2%	3%	2%
D.P Agency	8%	11%	5%	2%	5%	3%	7%	2%	2%	2%	6%	9%	4%	2%	4%
Department Constitutional Affairs	0%	0.5%	0.2%	1%	0%	2%	6%	2%	2%	2%	1%	3%	1%	1%	1%
² OSIC	n/a	n/a	0.2%	1%	1%	n/a	n/a	1%	2%	1%	n/a	n/a	0.4%	1%	1%
None	26%	10%	4%	3%	3%	4%	5%	2%	0%	0%	15%	7%	3%	1%	2%
Don't know	27%	28%	60%	33%	30%	6%	9%	17%	10%	8%	16%	19%	39%	21%	19%

² Office of the Scottish Information Commissioner

The impact of organisational size on awareness of the ICO as enforcer of the DPA is evident in the table below. Just 32% of small private organisations mentioned the ICO compared with 63% of large private companies. A similar difference was seen the public sector.

Q17 Which organisations are you aware of that are responsible for enforcing the DPA?				
Response (Unprompted)	Public		Private	
	Large	Small	Large	Small
ICO	95%	68%	63%	32%
Government	3%	7%	13%	12%
Data protection Registrar / Commissioner	0%	1%	1%	4%
Data Protection Agency	1%	5%	5%	5%
Ministry of Justice	8%	2%	2%	0%
Department for Constitutional Affairs	2%	2%	0%	0%
Office of the Scottish Information Commissioner (OSIC)	1%	1%	1%	1%
None	0%	0%	1%	5%
Don't know	1%	15%	18%	41%

7.1.7 Notification

There are generally high levels of awareness regarding notification. The two statements that usually occupy the top two places (*exempt organisations still have to comply*, and *notification is usually a legal requirement*) remain in top place, although their positions have switched again this year. The former currently has the highest level of awareness in 2008 (89% compared to 87%).

Public sector respondents indicated significantly higher levels of correct agreement across the four statements, and also tended to show increases year on year. Conversely, there have been decreases in awareness from the private sector.

Q18 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		Overall	
	2007	2008	2007	2008	2007	2008
That those organisations that do not have to notify still have to comply with the principles of the DPA	86%	86%	84%	92%	85%	89%
That notification is usually a legal requirement as part of the DPA	85%	82%	92%	91%	89%	87%
That organisations can notify voluntarily	69%	62%	67%	72%	68%	67%
Some organisations may be exempt from having to notify	65%	49%	66%	73%	66%	61%

7.1.8 Consequences of the Act

The wave of increased positivity and appreciation of the role of the DPA and its impact on organisations has continued. 95% agree that the Act is *needed*, with the measure being very high across all sectors of the sample.

61% of private organisations now believe that the DPA adds value to their business, and 83% believe that it improves customers' trust – these are critical messages for a commercial operation.

Only 13% of all organisations believe it to be a burden on their organisation – this has dropped by 16 percentage points since 2004. Only 4% believe it to be a waste of resources – a 7 percentage point drop since 2004. Both public and private organisations are following this pattern.

The large increase in “it means extra work” that was seen in 2007 is slowing, and has dropped from 66% overall in 2007 to 60%, largely driven by private businesses. It is worth noting that this measure is one of fact rather than emotional opinion, and not necessarily a “negative” measure. Instead, it demonstrates that the organisation is taking the matter of data protection seriously.

In summary, it appears that organisations could be leveraged as strong advocates of data protection and related issues – they have become very enviable assets.

Q19 To what extent would you agree with the following statements about the DPA? ³															
Data Protection Act Statement (Prompted)	Private					Public					Overall				
	04	05	06	07	08	04	05	06	07	08	04	05	06	07	08
It is needed	n/a	n/a	86%	90%	93%	n/a	n/a	93%	97%	97%	n/a	n/a	89%	94%	95%
It improves information management	72%	69%	80%	80%	85%	83%	81%	88%	90%	92%	78%	75%	84%	85%	88%
It helps improve risk management	64%	64%	78%	80%	83%	77%	76%	82%	90%	92%	71%	70%	80%	85%	87%
It improves customers trust	72%	73%	81%	79%	83%	85%	84%	85%	90%	92%	78%	78%	83%	84%	87%
It means extra work	76%	65%	45%	64%	53%	88%	81%	78%	69%	66%	82%	73%	56%	66%	60%
It adds value to the business	47%	48%	60%	52%	61%	60%	61%	72%	75%	77%	54%	55%	66%	63%	69%
It is a burden on my organisation	25%	24%	13%	16%	14%	29%	21%	18%	11%	12%	29%	23%	16%	13%	13%
It is a waste of resources	15%	14%	11%	10%	3%	7%	6%	9%	7%	4%	11%	10%	10%	7%	4%

³ This percentage of agreement refers to the respondents that stated agree or strongly agree to the statements

7.1.9 Requests for personal information (subject access requests)

There has been an increase in the number of subject access requests over the past 12 months for both the private and public sectors. In the private sector, 53% of organisations have received at least one request, compared to 43% in 2007. In the public sector, 79% of organisations have received at least one request (compared to 76% in 2007).

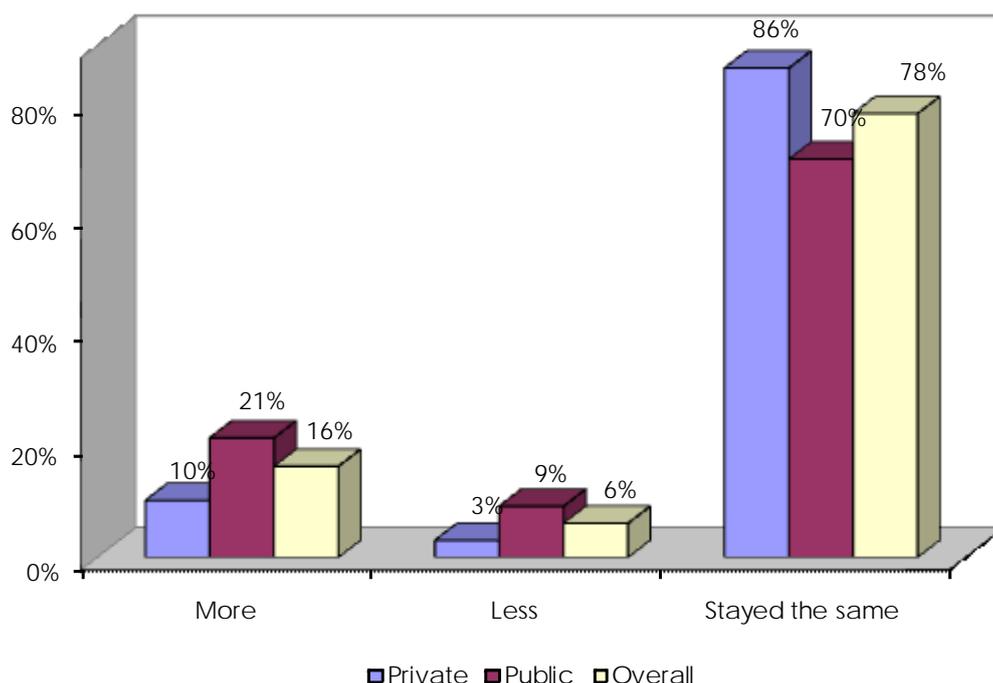
Large public organisations remain the sector that is most likely to receive a high volume of requests – 36% have received more than 50 requests in the last year. Police forces are the most likely type of organisation to have received such high volumes of requests - 90% had received over 500 requests for personal information in the past 12 months.

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

Q20 Approximately how many requests for personal information has your organisation received in the past 12 months?						
Number of requests	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
None	57%	47%	24%	21%	41%	34%
Just 1-2	11%	15%	11%	15%	11%	15%
3-10	14%	19%	17%	24%	15%	22%
10-50	10%	7%	17%	16%	13%	12%
50-100	3%	5%	6%	6%	4%	6%
100-200	2%	2%	8%	4%	5%	3%
200-500	3%	2%	5%	5%	4%	4%
500+	2%	4%	11%	10%	6%	7%

When asked how this compared to the previous year, 16% of all respondents said they had seen increases, 6% said it was less and 78% felt it was about the same. The public sector claimed a higher increase in requests compared with the previous year, with large public sector receiving the majority of these (30% of large public sector organisations claimed to have received more subject access requests compared to the previous year).

Chart 5: The number of requests for personal information under the Data Protection Act compared to 2007



Overall, 48% of police forces said they had received more requests than last year.

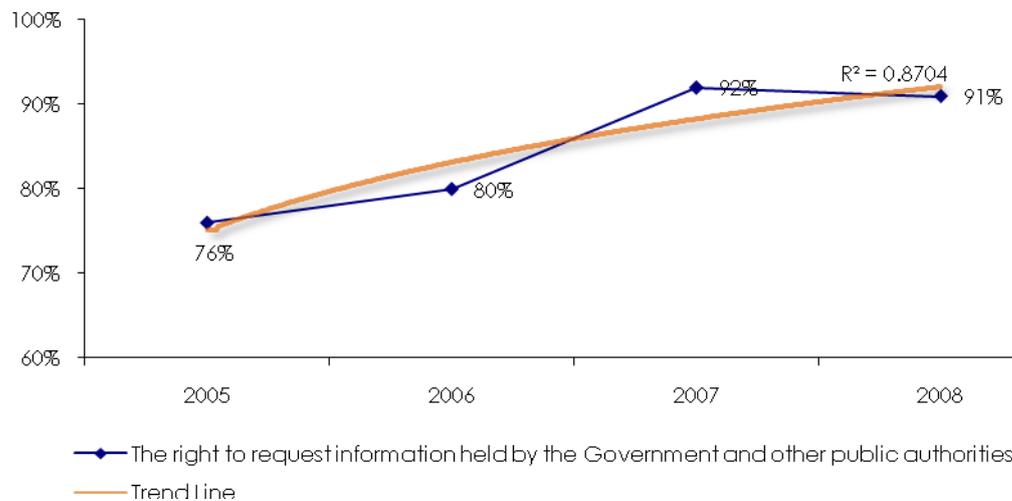
Q21 The amount of requests for personal information under the Data Protection Act compared to 2007						
Number of requests	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
More	18%	10%	8%	21%	13%	16%
Less	4%	3%	4%	9%	4%	6%
About the same	78%	86%	88%	70%	83%	78%

7.2 Freedom of Information Act

7.2.1 Awareness of public's rights (Unprompted)

A total of 91% of public authorities spontaneously mentioned the public's *right to request information held by the Government and other public authorities*. This is consistent with 2007 and represents an increase of 15 percentage points since the introduction of the Act in 2005.

Chart 6: Unprompted awareness of the right to request information held by the Government and other public authorities



98% of large public authorities were aware of this right compared to 83% of small/medium sized public authorities.

Despite high levels of awareness of the main right, there have been significant decreases in awareness across all other rights. Just 13% mentioned *the right to know what type of information is available from the Government and other public authorities* – this compares unfavourably with 40% in 2007.

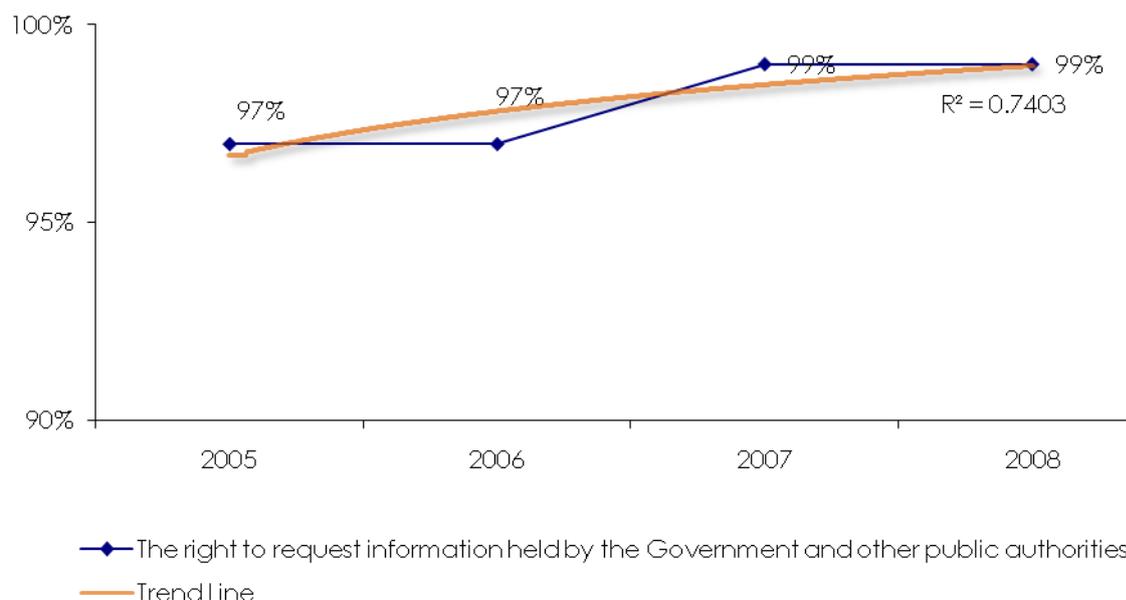
Q22 What rights are you aware of that the FOIA gives to the public?		
Public Rights (Unprompted)	2007	2008
The right to request information held by the Government and other public authorities	92%	91%
The right to know what type of information is available from the Government and other public authorities	40%	13%
The right to see official information from the Government and other public authorities such as minutes and planning documents	21%	5%
The right to see what public money is being spent on	16%	5%
The right to request information about the environment	14%	10%
The public don't have any rights	1%	0.2%
<i>Don't know</i>	4%	1%

The decreases seen above have been driven by large and small/medium public sector organisations.

7.2.2 Awareness of public's rights (Prompted)

On a prompted basis, awareness levels were very high, with 99% aware of *the right to request information held by the Government and other public authorities*. This was the same in 2007.

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



Awareness of all rights remains high, with the exception of the right to request information about the environment, which decreased from 87% in 2007 to 82% in 2008. Both large and small/medium public authorities have contributed to this decrease; although small/medium public authorities have higher awareness (85% compared to 80%).

Q23 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
The right to request information held by the Government and other public authorities	99%	99%
The right to see what public money is being spent on	96%	99%
The right to know what type of information is available from the Government and other public authorities	98%	97%
The right to see official information from the Government and other public authorities such as minutes and planning documents	95%	95%
The right to request information about the environment	87%	82%
The public don't have any rights	2%	3%

7.2.3 Knowledge of obligations under FOIA

There has been a marked decrease in awareness of obligations under the FOIA since 2007. On average; awareness of the obligations has decreased by 30%. The decrease has come from both large and small/medium public authorities.

Awareness of the three highest ranking obligations was greatest amongst large public authorities, whilst small/medium public authorities were more aware than their large counterparts of the obligation to *disclose information unless there is a legal reason not to* (34% v 28%).

Q24 What legal obligations are you aware of that apply to public authorities under the FOIA?		
Legal Obligations (Unprompted)	2007	2008
Public authorities must respond to requests made under the general rights of access within 20 working days	67%	55%
Public authorities must provide information through a publication scheme	63%	49%
Public authorities must provide help and advice to people asking for information	50%	32%
Public authorities must disclose information unless there is a legal reason not to	52%	30%

The year on year reduction in awareness is more evident when measuring the number of public authorities which correctly identified all four obligations – 11% in 2008 compared to 30% in 2007.

On the positive side, there has been a reduction in the number of public authorities which are unaware of any obligations, at only 7% compared to 12% in 2007.

Number of obligations that organisations are aware of		
Legal Obligations (Unprompted)	2007	2008
Other / None	12%	7%
1	18%	46%
2	26%	31%
3	14%	5%
4	30%	11%

Looking specifically at an ICO key indicator measure, collectively 16% were aware that *public authorities must provide help and advice to people asking for information* **and** that *public authorities must disclose information unless there is a legal reason not to*. Large public authorities were more likely to have mentioned both of these (19% v 12% small/medium public authorities).

Q24 What legal obligation are you aware of that apply to public authorities under the Freedom of Information Act?						
Response (Unprompted)	Large		Small		Overall	
	2007	2008	2007	2008	2007	2008
Public authorities must provide help and advice to people asking for information	61%	40%	39%	23%	50%	32%
Public authorities must disclose information unless there is a legal reason not to	66%	27%	37%	34%	52%	30%
Collective Awareness	52%	19%	21%	12%	37%	16%

On prompting, there were extremely high levels of awareness of all obligations.

Q25 Which of the following legal obligations under the FOIA do you believe to be true or false?		
Legal Obligations (Prompted)	2007	2008
Public authorities must disclose information unless there is a legal obligation not to	97%	98%
Public authorities must provide help and advice on people asking for information	99%	97%
Public authorities must respond to requests made under the general rights of access within 20 working days	96%	96%
Public authorities must provide information through a publication scheme	95%	95%

89% of organisations identified that all four were correct – a relatively stable measure compared to 91% in 2007.

7.2.4 Source of advice on the FOIA

A total of 66% of respondents indicated that they would turn to the ICO for advice on the FOIA, a decline of 10 percentage point since 2007. Whilst this measure has seen peaks and troughs over the past four years, it has always remained high.

The ICO website remains a key source of advice, although it has seen some drop off since 2007 (72%), and now measures 58%. The decline has been seen across both large and small/medium sized public sector organisations.

Q26 Where do you turn to for advice on the FOIA?				
Source of Advice (Unprompted)	2005	2006	2007	2008
ICO overall	73%	63%	76%	66%
ICO's website	43%	54%	72%	58%
ICO (by telephone)	20%	26%	45%	27%
Solicitor / legal department	19%	16%	20%	10%
In-house expert	23%	32%	16%	16%
Ministry of Justice	n/a	n/a	4%	7%
Department for Constitutional Affairs	19%	9%	3%	1%
Person responsible for freedom of information overall	5%	4%	3%	7%
ICO (not website or telephone)	10%	8%	2%	2%
Office of the Scottish Information Commissioner	2%	3%	2%	5%
Campaign for freedom of information	1%	2%	1%	1%
Other	30%	19%	22%	17%

The vast majority of large public authorities turn to the ICO for advice (78%) compared to 53% of small / medium sized organisations. The larger public authorities are also more likely to use the ICO website, 69% compared to 45% of small/medium public authorities.

Q26 Where do you turn to for advice on the FOIA?		
Source of Advice (Unprompted)	Large	Small
ICO overall	78%	53%
ICO's website	69%	45%
ICO (by telephone)	33%	21%
Solicitor / legal department	11%	9%
In-house expert	18%	15%
Ministry of Justice	11%	4%
Department for Constitutional Affairs	1%	1%
Person responsible for freedom of information overall	0%	14%
ICO (not website or telephone)	3%	1%
Office of the Scottish Information Office	5%	4%
Campaign for freedom of information	0%	3%
Other	15%	19%

7.2.5 Organisations responsible for enforcing the FOIA

When asked to identify the organisation responsible for enforcing the Act, 80% identified the ICO. This is an increase of 10 percentage points since 2005, although a slight decrease compared to 2007 (84%).

Q27 Which organisations are you aware of that are responsible for enforcing the FOIA?			
Organisations (Unprompted)	2006	2007	2008
ICO	70%	84%	80%
Government	6%	4%	6%
Office of the Scottish Information Commissioner	4%	5%	5%
Ministry of Justice	-	1%	3%
Department for Constitutional Affairs	4%	2%	2%
Data Protection Agency	2%	-	1%
Data Protection Registrar / Commissioner	1%	-	-
None	3%	-	0.2%

89% of large public authorities correctly identified the ICO, compared to 70% of small/medium public authorities. 17% of small/medium public authorities answered "don't know" to this question.

7.2.6 Implications of the FOIA

Overall, there has been a large positive shift in perceptions of the FOIA, and its impact on the authority. 91% agree that the Act is “needed” – this is the highest level recorded for this measure since 2004.

The negative statements have generally seen a decrease, and less than a third (31%) now feel that the Act is a burden on the organisation.

Q28 To what extent would you agree or disagree with the following statements about the FOIA?					
Implication (Prompted)	2004	2005	2006	2007	2008
It is needed	n/a	n/a	82%	88%	91%
It improves records management	89%	86%	79%	83%	86%
It improves organisational knowledge externally	79%	76%	69%	77%	83%
It increases trust	72%	79%	73%	81%	81%
It increases participation	63%	69%	66%	76%	79%
It means extra work	n/a	83%	73%	80%	78%
It improves organisational knowledge internally	77%	75%	71%	72%	75%
It puts strain on resources	70%	68%	62%	58%	61%
It has increased expenditure	67%	57%	59%	51%	58%
It is a burden on my organisation	51%	38%	36%	34%	31%

This percentage of agreement refers to those that stated agree or strongly agree

High levels of positivity towards FOIA are shared across all sector sizes. However, many of the increases seen year on year are due to increases amongst small/medium public authorities.

Large public authorities are more likely to agree with the negative elements. This is possibly due to the very high number of information requests received by these organisations (section 7.2.7).

Q28 To what extent would you agree or disagree with the following statements about the FOIA?						
Implication (Prompted)	Small/Medium		Large		Overall	
	2007	2008	2007	2008	2007	2008
It is needed	85%	90%	90%	91%	88%	91%
It improves records management	78%	85%	88%	88%	83%	86%
It improves organisational knowledge externally	72%	82%	83%	83%	77%	83%
It increases trust	78%	82%	84%	81%	81%	81%
It increases participation	71%	77%	81%	81%	76%	79%
It means extra work	70%	73%	90%	83%	80%	78%
It improves organisational knowledge internally	66%	76%	78%	74%	72%	75%
It puts strain on resources	47%	54%	68%	68%	58%	61%
It has increased expenditure	45%	54%	57%	61%	51%	58%
It is a burden on my organisation	29%	23%	39%	38%	34%	31%

7.2.7 Information Requests

The data shows an increase in the number of information requests made. With 60% of the UK public considering making a request if circumstances arose⁴, the figures in the tables are not surprising. As public familiarity with the legislation improves, individuals become more adept at exercising their rights.

There has been a decline in the number of organisations receiving zero requests for information in the last 12 months, at only 12% compared to 19% in 2007. All these were small/medium public authorities, meaning that every large public authority in the sample had at least one request for information.

Unsurprisingly, large public authorities are receiving far higher request volumes than small/medium organisations.

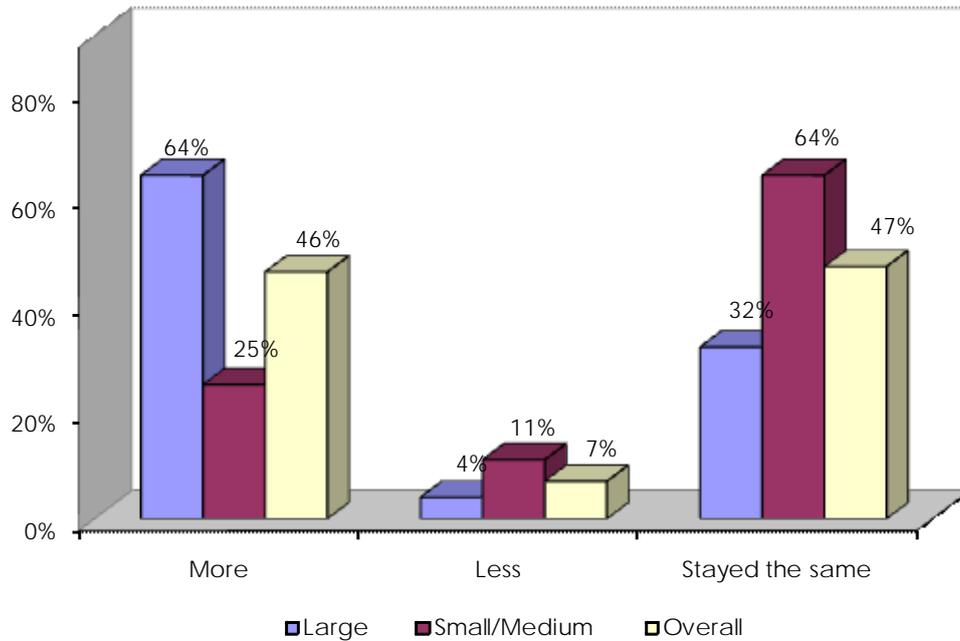
Q29 Approximately how many requests for information has your organisation received in the past 12 months under the FOIA?						
Number of requests	Small/Medium		Large		Total	
	2007	2008	2007	2008	2007	2008
None	37%	25%	2%	0%	19%	12%
Just 1-2	11%	19%	2%	2%	6%	10%
3-10	12%	17%	6%	4%	9%	10%
10-50	20%	17%	20%	17%	20%	17%
50-100	11%	10%	16%	20%	13%	15%
100-200	5%	9%	22%	22%	14%	15%
200-500	2%	3%	22%	19%	12%	11%
500+	2%	1%	12%	16%	7%	9%

Again it was police forces in particular that had experienced the highest levels of requests with 65% receiving over 500 requests in the last year.

⁴ICO Individuals Annual Track 2008, SMSR, Sample 1225

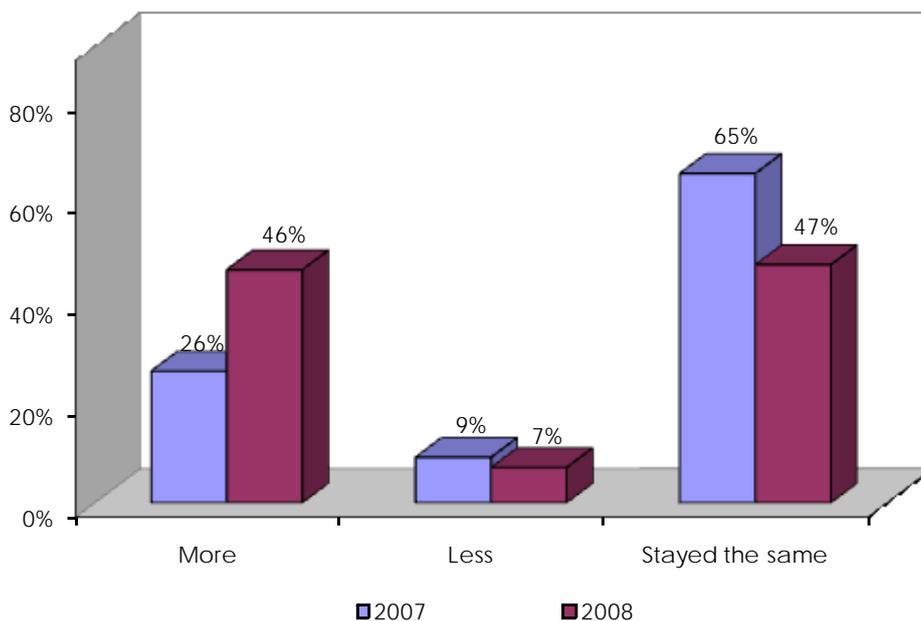
When asked how this compared to 2007, 46% said that this was more requests than last year. Large public authorities appear to be handling the majority of the increase - at 64% compared to 25% of small/medium public authorities.

Chart 8: The number of requests for information under the FOIA compared with 2007, by size of public authority



The increased momentum is also evident when these figures are compared year on year. In 2007, only 26% of organisations said they were experiencing more requests compared to 46% in 2008.

Chart 9: The number of requests for information under the FOIA over time



These figures highlight the degree of work associated with fulfilling responsibilities under the FOIA. In turn, the positive reaction to the FOIA told in section 7.2.6 becomes an even greater story to tell – that despite the large number of information requests, public authorities can see the numerous benefits the FOIA has generated.

7.3 Information Commissioner's Office

7.3.1 Awareness of the ICO

Overall 85% indicated that they were aware of the ICO. Again, awareness was highest in the large public sector and lowest within small private sector organisations, although they have shown the biggest year on year increases.

Q31 Have you ever heard of the Information Commissioner's Office?						
Awareness (Prompted)	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
Yes	71%	75%	96%	95%	84%	85%
No	29%	23%	4%	5%	16%	14%

7.3.2 Advice and guidance from the ICO

There was once again a strong preference for advice and guidance via a standalone e-mail request, with website coming second.

Q32 How would you prefer to receive advice and guidance on the DPA and FOIA from the Information Commissioner?			
Method (Unprompted)	2006	2007	2008
Via stand alone email request	37%	47%	46%
Website	19%	32%	29%
Via letter	26%	27%	21%
Via email through a website	24%	31%	13%
Via email bulletin I register to	25%	26%	7%
Phone	7%	5%	7%
Get in touch with other organisations/advice agency to ask on my behalf	1%	1%	4%
Face to face	1%	2%	3%
Through a leaflet	5%	5%	2%
Visit office	1%	1%	1%

The differences in preferences between the public and private sector are shown in the table below. Both favour the electronic format, whilst the private sector is more likely than the public sector to want a letter.

Q32 How would you prefer to receive advice and guidance on the DPA and FOIA from the Information Commissioner ?						
Method (Unprompted)	Private			Public		
	2006	2007	2008	2006	2007	2008
Via stand alone email request	25%	40%	41%	40%	54%	52%
Website	17%	22%	21%	19%	43%	36%
Via letter	36%	38%	27%	24%	16%	15%
Via email through a website	25%	24%	15%	24%	38%	12%
Via email bulletin I register to	17%	21%	2%	27%	31%	12%
Phone	4%	6%	3%	7%	7%	11%
Get in touch with other organisations/advice agency	0%	-	2%	1%	1%	6%
Face to face	0%	3%	1%	1%	2%	5%
Through a leaflet	10%	3%	1%	4%	8%	2%
Visit office	0%	1%	0.2%	1%	1%	2%

7.4 Organisational structure and DPA / FOIA duties

7.4.1 Other duties

As was seen in 2007, the vast majority of respondents working in both the public (90%) and private (96%) sectors said that they have other duties aside from their data protection or where applicable, freedom of information duties.

7.4.2 Time dedicated to data protection duties

It seems that individuals are dedicating more time to data protection duties overall. 7% of respondents are now 100% occupied with data protection duties. This is an increase of 4 percentage points. 16% dedicate over half their time to it – an increase of 5 percentage points. And the number of respondents dedicating 10% or less of their time to data protection has decreased from 66% to 60%.

The public sector generally dedicate more time to data protection than the private sector.

Q4 On a week basis, what percentage of your time is dedicated to data protection duties?						
Time dedicated to data protection	Private		Public		Overall	
	2007	2008	2007	2008	2007	2008
10% or less	73%	69%	59%	52%	66%	60%
10 - 25%	9%	9%	18%	20%	14%	15%
25 - 50%	8%	8%	11%	10%	9%	9%
50 - 75%	4%	5%	6%	5%	5%	5%
75 - 99%	4%	4%	3%	3%	3%	4%
100%	3%	4%	3%	10%	3%	7%

These figures show that organisations have put data protection high on the organisational agenda. Coupled with the positive outcome of consequences of the Act (section 7.1.8), it shows that there are rewards to be reaped from doing so.

7.4.3 Time dedicated to freedom of information duties

For freedom of information, 44% of those interviewed said that just 10% or less of their time is dedicated to freedom of information duties and 10% of the sample dedicated all of their time to freedom of information – an 8% increase from 2007.

Q5 On a week by week basis, what percentage of your time is dedicated to freedom of information duties?		
Time dedicated to freedom of information	2007	2008
10% or less	55%	44%
10 - 25%	17%	21%
25 - 50%	16%	18%
50 - 75%	7%	5%
75 - 99%	3%	2%
100%	2%	10%

7.4.4 Additional resources within the organisation

65% of private sector respondents said that there are others in their organisation working on data protection duties. Unsurprisingly, larger private organisations are more likely to have allocated more human resources to data protection than smaller private organisations.

Q7 How many staff is there in your organisation working on data protection duties? (Private sector)						
Number of staff	Large		Small/Medium		Overall	
	2007	2008	2007	2008	2007	2008
One other	16%	14%	19%	19%	17%	16%
2 - 5 staff	26%	26%	18%	20%	22%	23%
5 - 10 staff	13%	6%	4%	7%	8%	6%
More than 10	18%	25%	8%	13%	13%	19%
No others	28%	30%	51%	41%	40%	35%

72% of public sector organisations are slightly more likely to have allocated more than one member of staff to data protection and freedom of information duties; this is probably due to the extra demands of implementing both acts.

Q7 How many staff is there in your organisation working on data protection duties and freedom of information? (Public sector)						
Number of staff	Large		Small/Medium		Overall	
	2007	2008	2007	2008	2007	2008
One other	21%	21%	22%	27%	21%	24%
2 - 5 staff	37%	29%	30%	24%	33%	27%
5 - 10 staff	10%	15%	4%	6%	7%	11%
More than 10	8%	12%	4%	9%	6%	11%
No others	25%	23%	40%	34%	33%	28%

7.4.5 Type of personal information held

Organisations were asked to indicate whether they held information about employees, customers, clients and / or suppliers. Similar to last year, the majority of respondents held information about employees (99%). 90% held information about suppliers, 84% held such information on their customers and 83% held information on their clients.

Q8 Does your organisation hold any information about any of the following?						
(Prompted)	Public		Private		Total	
	2007	2008	2007	2008	2007	2008
Employees	97%	99%	94%	98%	96%	99%
Suppliers	94%	92%	83%	89%	88%	90%
Customers	88%	84%	84%	84%	86%	84%
Clients	89%	84%	83%	81%	86%	83%

Appendices

Appendix 1 Sample breakdown

Total	Type of Organisations		Public Organisations		Private Organisations	
	Public Sector	Private Sector	Large	Small/ Medium	1-200	201+
Public Sector	415 (100%)	-	217 (100%)	198 (100%)	-	-
Private Sector	-	407 (100%)	-	-	208 (100%)	199 (100%)

Appendix 2 Questionnaire

ICO Organisations 2008

Introduction

Good morning / afternoon / evening. My name is.....and I am calling from SMSR Ltd, an independent public sector consultation company.

Ask to speak to the person who is (or would be) responsible for deciding how information about individuals (either the general public or staff) and suppliers is stored and kept secured within the organisation as per the Data Protection Act

(For public authorities only; and / or who is responsible for making information about the organisation available to the public as per the Freedom of Information Act). You may need to ask around departments

If “don’t know” ask to speak to someone who might know, e.g. company secretary, financial or managing director or member of the personnel department.

NB: We are looking for the person responsible on a day to day basis rather than someone who has overall responsibility at head office for example.

We are carrying out research about how organisations handle information (PUBLIC AUTHORITY ONLY - and how public authorities make information about their operations available)

As an independent consultation company we adhere to the Market Research Society Code of Conduct so I can assure you any information you give me will be treated as private and confidential. Your responses will remain anonymous and will not be reported on an individual basis, but mixed with others.

The interview will last approximately 10 - 12 minutes.

I’d like to emphasise we are not selling anything, this is purely research. Your call maybe monitored or recorded for quality control purposes but this will not be used for any other reason than this research.

INTERVIEWER ONLY READ OUT IF RESPONDENT SHOWS CONCERN

If you wish to check the validity of this research please ring the Market Research Society on 0500 39 69 99 or SMSR Ltd. on freephone number 0800 138 0845 or go onto the Information Commissioner's website www.ico.gov.uk (you may also offer the Information Commissioner's Switchboard number - 01625 545 700 if necessary.) The link is www.ico.gov.uk/about_us/research/annual_track.aspx

Also offer the Information Commissioner's Switchboard number - 01625 545 700

- Q0a DO NOT READ OUT - Is the organisation Public or Private sector**
Public sector.....
Private sector.....

Q0b DO NOT READ OUT - Insert SMSR ref from your data

- Q1 Please tell me whether you are responsible for implementing the Data Protection Act, (PUBLIC AUTHORITIES ONLY) The Freedom of Information Act or both of these? (Tick all that apply)**
- Data Protection Act*
- Freedom of Information Act*.....
- Neither*

IF NEITHER ASK TO SPEAK TO SOMEBODY WHO IS RESPONSIBLE FOR ONE OR OTHER OF THESE. OTHERWISE, THANK AND CLOSE

- Q2 What is your job title, please?**

- Q3 Do you have any duties other than Data Protection Act and or, if applicable the Freedom of Information Act?**
- Yes*.....
- No*..... Go to Q6

- Q4 If yes- on a week to week basis, what percentage of your time is dedicated to data protection duties?**
- 10% or less*
- 10-25%*.....
- 25-50%*.....
- 50-75%*.....
- 75-99%*.....
- 100%*

- Q5 Public authorities only: If yes- on a week to week basis, what percentage of your time is dedicated to Freedom of Information duties?**
- 10% or less*
- 10-25%*.....
- 25-50%*.....
- 50-75%*.....
- 75-99%*.....
- 100%*

- Q6 With regard to your role and responsibilities in this area, are there others in your organisation working on Data Protection and/or Freedom of Information duties?**
- Yes*.....
- No*..... Go to Q8

- Q7 If yes, how many staff?**
- Just me*
- One other*.....
- 2-5 staff*
- 5-10 staff*
- More than ten*

- Q8 Does your organisation hold any information about any of the following? (Tick all that apply)**
- Employees*
- Customers*
- Clients*.....
- Suppliers*
- None of these* Go to End

Q9 We need to speak to people working for organisations of different sizes. Please could you tell me how many employees are employed by your organisation?

- 1 - 50
- 51 - 100.....
- 101 - 250
- 251 - 500
- 500+

(Check quotas)

ASK PRIVATE ORGANISATIONS ONLY

Q10 Which of the following best describes the industry you work in? (Tick one only)

- | | | |
|---|---|--|
| <i>Agriculture hunting and forestry</i> <input type="checkbox"/> | <i>Wholesale and retail trade; repair of motor vehicles and personal and household goods</i> <input type="checkbox"/> | <i>Education</i> <input type="checkbox"/> |
| <i>Fishing</i> <input type="checkbox"/> | <i>Hotels and restaurants</i> <input type="checkbox"/> | <i>Health and Social work</i> <input type="checkbox"/> |
| <i>Mining and Quarrying</i> <input type="checkbox"/> | <i>Transport, storage and communication</i> <input type="checkbox"/> | <i>Other community, social and personal service activities</i> <input type="checkbox"/> |
| <i>Manufacturing</i> <input type="checkbox"/> | <i>Financial intermediation</i> <input type="checkbox"/> | <i>Private household with employed persons</i> <input type="checkbox"/> |
| <i>Electricity, gas and water supply</i> <input type="checkbox"/> | <i>Real estate, renting and business activities</i> <input type="checkbox"/> | <i>Extra-territorial organisations and bodies</i> <input type="checkbox"/> |
| <i>Construction</i> <input type="checkbox"/> | <i>Public administration and defence</i> <input type="checkbox"/> | |

ASK PUBLIC AUTHORITY ONLY

Q11 What type of Public Authority do you work for? (Probe to fit codes)

- | | | |
|---|--|--|
| <i>Central Government departments</i> LARGE <input type="checkbox"/> | <i>Parish meetings</i> SMALL / MEDIUM <input type="checkbox"/> | <i>Local health boards</i> <input type="checkbox"/> |
| <i>Non departmental public bodies</i> <input type="checkbox"/> | <i>Internal drainage boards</i> <input type="checkbox"/> | <i>Trusts (Wales)</i> <input type="checkbox"/> |
| <i>Local Authorities</i> <input type="checkbox"/> | <i>Port health authorities</i> <input type="checkbox"/> | <i>Health regulators</i> <input type="checkbox"/> |
| <i>District Councils (Northern Ireland)</i> <input type="checkbox"/> | <i>Magistrates courts committees</i> <input type="checkbox"/> | <i>HSS Boards</i> <input type="checkbox"/> |
| <i>Fire Authorities</i> <input type="checkbox"/> | <i>District courts and Sheriff courts</i> <input type="checkbox"/> | <i>Community Health Councils</i> . <input type="checkbox"/> |
| <i>Welsh Local Authorities</i> <input type="checkbox"/> | <i>Passenger transport executives</i> <input type="checkbox"/> | <i>HSS Trust Agencies and Councils</i> <input type="checkbox"/> |
| <i>Police Authorities</i> <input type="checkbox"/> | <i>District drainage commissioners</i> <input type="checkbox"/> | <i>Ambulance Service (Northern Ireland)</i> <input type="checkbox"/> |
| <i>Police forces</i> <input type="checkbox"/> | <i>Waste authorities</i> <input type="checkbox"/> | <i>Further Education Colleges</i> .. <input type="checkbox"/> |
| <i>Primary Care Trusts</i> <input type="checkbox"/> | <i>Passenger transport authorities</i> <input type="checkbox"/> | <i>Secondary schools</i> <input type="checkbox"/> |
| <i>Strategic Health Authority</i> <input type="checkbox"/> | <i>National Parks</i> <input type="checkbox"/> | <i>Primary schools</i> <input type="checkbox"/> |
| <i>Mental Health Authorities</i> <input type="checkbox"/> | <i>Parish / community councils</i> . <input type="checkbox"/> | <i>District policing partnerships</i> <input type="checkbox"/> |
| <i>Special Health Authorities</i> <input type="checkbox"/> | <i>Independent practitioners (GPs, opticians, pharmacists and dentists)</i> <input type="checkbox"/> | <i>Publicly owned companies</i> ... <input type="checkbox"/> |
| <i>Higher Education</i> <input type="checkbox"/> | <i>Acute trusts</i> <input type="checkbox"/> | |
| <i>Scottish authorities</i> <input type="checkbox"/> | <i>Ambulance trusts</i> <input type="checkbox"/> | |

Section One: Data Protection Act

I would like to discuss various aspects of the Data Protection Act with you.

Q12 What rights are you aware of that are given to individuals about whom your organisation processes personal information? **DO NOT READ OUT (Tick all that apply)**

- The right to see information
 - The right to correct inaccurate information
 - The right to prevent the processing of information if it would cause damage or distress
 - The right to stop unsolicited mail
 - The right to object to decisions made only by automatic means (i.e. no human involvement)
 - The right to claim compensation for damage or distress caused by a breach of the Act
 - The right to have the breach of the Act investigated and assessed
 - Individuals have no rights
 - Don't know
 - Other
- Please specify...

Q13 I am now going to read out a list of rights that 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. **READ OUT ONE AT A TIME - ROTATE**

	<i>True</i>	<i>False</i>	<i>Not sure</i>
The right to see information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to correct inaccurate information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to prevent the processing of information if it would cause damage or distress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to stop unsolicited mail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to object to decisions made only by automatic means (i.e. no human involvement)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to claim compensation for damage or distress caused by a breach of the Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to have the breach of the Act investigated and assessed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Individuals have no rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q14 What are the principles you are aware of that organisations have to comply with when processing personal information? **(UMPROMPTED)**

- Personal information is processed in a fair and lawful manner
 - Personal information is kept accurate and up to date
 - Personal information is kept secure
 - Personal information is not kept for longer than necessary
 - Personal information is processed for limited purposes
 - Personal information is processed in line with the individuals rights
 - Personal information is not transferred to other countries without adequate protection
 - Personal information held is adequate, relevant and not excessive
 - Other (please specify below)
- Please specify other

Q15 Which of the following principles 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.

	<i>True</i>	<i>False</i>	<i>Not sure</i>
Personal information is processed in a fair and lawful manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information is kept accurate and up to date	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information is kept secure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information is not kept for longer than necessary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information is processed for limited purposes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information is processed in line with the individuals rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information is not transferred to other countries without adequate protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal information held is adequate, relevant and not excessive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q16 Where would you go to get advice on your responsibilities regarding the Data Protection Act? DO NOT READ OUT (tick all that apply and add if necessary)

- Solicitor*
- Citizens Advice Bureau - office*
- Citizens Advice Bureau - website*
- Head Office*
- Trade Association*
- Accountant*
- Public Library*
- Chamber of Commerce*
- Business Link*
- Information Commissioner (website)*
- Information Commissioner (by telephone)*
- Information Commissioner (not by website or telephone)*
- ICO (website)*
- ICO (by telephone)*
- ICO (not by website or telephone)*
- Information Commissioner's office (website)*
- Information Commissioner's office (by telephone)*
- Information Commissioner's office (not by website or telephone)*
- Local Education Authorities*
- The Office of the Scottish Information Commissioner (OSIC)*
- Police*
- Government Departments*
- Ministry of Justice*
- Don't know*
- Other*
- Please specify*

Q17 Which organisations are you aware of that are responsible for enforcing the Data Protection Act? DO NOT READ OUT (tick all that apply and add if necessary)

- Information Commissioner's Office
 - ICO.....
 - Information Commissioner.....
 - Office of the Scottish Information Commissioner (OSIC)
 - Department for Constitutional Affairs.....
 - Ministry of Justice
 - Government
 - Data Protection Agency
 - Data protection Registrar / Commissioner.....
 - None.....
 - Don't know
 - Other
- Please specify

Q18 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.

	<i>True</i>	<i>False</i>	<i>Not sure</i>
That notification is usually a legal requirement as part of the Data Protection Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Some organisations may be exempt from having to notify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
That those organisations who do not have to notify still have to comply with the principles of the Data Protection Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
That organisations can notify voluntarily	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q19 To what extent would you agree or disagree with the following statements about the Data Protection Act? ROTATE

	<i>Strongly agree</i>	<i>Agree</i>	<i>Neither</i>	<i>Disagree</i>	<i>Strongly disagree</i>
It is a burden on the organisation	<input type="checkbox"/>				
It is a waste of resources	<input type="checkbox"/>				
It adds value to the business	<input type="checkbox"/>				
It improves customers trust	<input type="checkbox"/>				
It helps improve risk management	<input type="checkbox"/>				
It improves information management	<input type="checkbox"/>				
It means extra work	<input type="checkbox"/>				
It is needed	<input type="checkbox"/>				

Q20 Approximately how many requests for personal information has your organisation received in the past 12 months?

- None.....
- Just 1-2
- 3-10.....
- 10-50
- 50-100.....
- 100-200.....
- 200-500.....
- 500+

- Q21 Compared to last year is this:**
- More
- Less.....
- About the same.....

Section 2: Freedom of information Act
For public sector only and if person responsible for FoIA

- Q22 Can I now ask you some questions about the Freedom of Information Act?**
What rights are you aware of that the Freedom of Information Act gives to the public? DO NOT READ OUT (TICK ALL THAT APPLY AND ADD IF NECESSARY)
- The right to request information held by the Government and other public authorities.....
- The right to request information about the environment.....
- The right to see what public money is being spent on.....
- The right to know what type of information is available from the Government and other public authorities...
- The right to see official information from the Government and other public authorities such as minutes and planning documents
- The public don't have any rights.....
- Don't know
- Other
- Please specify...

- Q23 I am now going to read out a list of rights that may or may not be given to the public under the Freedom of Information Act. Please tell me which you believe to be true and which you believe to be false.**

	<i>True</i>	<i>False</i>	<i>Not sure</i>
The right to request information held by the Government and other public authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to request information about the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to see what public money is being spent on	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to know what type of information is available from the Government and other public authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to see official information from the Government and other public authorities such as minutes and planning documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public don't have any rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Q24 What legal obligations are you aware of that apply to public authorities under the Freedom of Information act? (UMPROMPTED)**
- Public authorities must provide information through a publication scheme
- Public authorities must respond to requests made under the general rights of access within 20 working days.....
- Public authorities must provide help and advice to people asking for information.....
- Public authorities must disclose information unless there is a legal reason not to
- Other (please specify below)
- Please specify other

Q25 Which of the following legal obligations under the Freedom of Information act do you believe to be true or false?

	<i>True</i>	<i>False</i>	<i>Not sure</i>
Public authorities must provide information through a publication scheme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public authorities must respond to requests made under the general rights of access within 20 working days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public authorities must provide help and advice to people asking for information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public authorities must disclose information unless there is a legal reason not to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q26 Where do you turn to for advice on the Freedom of Information Act? DO NOT READ OUT -tick all that apply and add if necessary

- In-house expert*
- Person responsible for Freedom of Information overall in the organisation*
- Solicitor / legal department*
- Department for Constitutional affairs*
- Ministry of Justice*
- Information Commissioners (website)*
- Information Commissioner (by telephone)*
- Information Commissioner (not by website or telephone)*
- ICO (website)*.....
- ICO (by telephone)*.....
- ICO (not by website or telephone)*
- Information Commissioner's office (website)*.....
- Information Commissioner's office (by telephone)*.....
- Information Commissioner's office (not by website or telephone)*
- Campaign for Freedom of Information*
- Office of the Scottish Information Office (OSIC)*.....
- Other*
- Please specify*

Q27 Which organisations are you aware of that are responsible for enforcing the Freedom of Information Act? DO NOT READ OUT (tick all that apply and add if necessary)

- Information Commissioner's Office*
- ICO*.....
- Information Commissioner*.....
- Office of the Scottish Information Commissioner (OSIC)*
- Department for Constitutional Affairs*.....
- Ministry of Justice*
- Government*
- Data Protection Agency*
- Data protection Registrar / Commissioner*.....
- None*.....
- Don't know*
- Other*
- Please specify*

Q28 To what extent would you agree or disagree with the following statements about the Freedom of Information Act?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
It is a burden on my organisation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It increases trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It increases participation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It improves records management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It improves organisational knowledge internally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It improves organisational knowledge externally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It means extra work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It is needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It puts strain on resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It has increased expenditure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q29 Approximately how many requests for information has your organisation received in the past 12 months under the Freedom of Information act?

- None*.....
- Just 1-2*
- 3-10*.....
- 10-50*
- 50-100*.....
- 100-200*.....
- 200-500*.....
- 500+*

Q30 Compared to this time last year is this:

- More*
- Less*.....
- About the same*.....

Section 3: Information Commissioner's Office (ICO)

Can I ask you a few questions regarding the Information Commissioner's Office?

- Q31** Have you ever heard of the Information Commissioner's office?
- Yes.....
- No
- Not sure.....

- Q32** How would you prefer to receive advice and guidance on the Data Protection and Freedom of Information Acts from the Information Commissioner?
- DO NOT READ OUT - tick all that apply and add if necessary**
- Phone
- Face to face
- Visit office
- Web site
- Via a letter
- Via stand alone email request
- Via an email request through a website
- Via an email bulletin I register to
- Through a leaflet
- Get in touch with other organisation / advice agency to ask on my behalf
- Don't know
- Other
- Please specify...

- Q33** Lastly, The Information Commissioner may be conducting some further research on this subject in the future. Would you be willing to be contacted again to take part in the research?
- Yes.....
- No Go to Q34

Contact name

Name of company

Address 1

Address 2

Town

Postcode

Telephone

Email