

METHODS SESSIONS 2020: Using Freedom of Information Requests in Research – David Whyte, University of Liverpool (Thursday 19th November, 2-3pm).

Step 1: Know your subject.

It is crucial that you are able to frame the 'right' question and that you are not going to annoy a contact in the organisation with daft questions. It is also important to have some depth of knowledge about the subject to enable you to interpret answers and then reformulate questions. It is also crucial to be aware of the process of applying for freedom of information requests. Useful 'awareness guidance' is available at the Information Commissioners' website, ico.org.uk. Other useful resources include the Campaign for Freedom of Information (<http://www.cfoi.org.uk/>) and Corporate Watch DIY Guide (<http://www.corporatewatch.org.uk/?lid=2301>)

Step 2: Know what's out there.

There has been a rapid growth in the publication of different forms of data held by public organisations in the past few years. It may be the case that the data you seek is already in the public domain. It is also worth checking What Do They Know? (<https://www.whatdotheyknow.com/> Freedom of Information data) to see whether a similar Freedom of Information request has already been made.

Step 3: Think about the scale of your request.

In UK there is a £600 cost limit for central government and £450 for all other public authorities. This time/cost limit works out as 24 hours' work for central government, parliament and the armed forces, and 18 hours' work for all other public authorities.

Step 4: Be open about who you are.

In the words of one former senior police officer with responsibility for dealing with freedom of information requests: "We are going to google you anyway." So it is best to be open and honest about your interest in the subject and the purpose of the inquiry.

Step 5: Try to make 'informal' contact with someone in the organisation.

As noted above, it is quite possible that the information that you seek will be made available without the need for a formal application. It also helps to establish contact before making a Freedom of Information request, so that you are in a better position to frame the request and to know how successful it is likely to be.

Step 6: When you do make a formal FOI request: be as specific as possible.

In some cases, it is worth asking for a list or schedule of the information that is held on a particular matter before then asking for the particular documentation. Remember that not all information will be held in paper records. You can ask for all paper and electronically recorded information, including audio recordings and texts. Make sure you include clear timescales.

Step 7: Keep in contact after you have submitted a Freedom of Information request.

This is always crucial to understand how you might most usefully follow up your requests, and also gain some important context for the data. Indeed, your contact will most likely want to provide this context; remember that every public authority is under an obligation to advise you on your request.

Step 8: Be aware of the limits of your data.

Your data may not be useable in the way you hope. It may not, for example, be comparable across authorities or across time, due to differences in gathering and presenting the data across authorities or across time

Step 9: Remember you may be playing a 'long game'.

You must be prepared to appeal any refusal to provide you with information. It is not unusual for requests to take a number of months and even more than a year before they are finally decided upon.

Using Freedom of Information: Dos and Don'ts (adapted from ExUrbe, 2014)

Do....

- be confident and assertive when submitting written requests – FOI officers are less likely to try to patronise you if you make clear you know what you are talking about. Challenge politely but firmly responses with which you disagree or to which you object.
- help FOI officers to help you by ensuring your requirements are crystal clear. Avoid wasting time; any ambiguity will only delay matters.
- feel free to request the information in your preferred format (for example, you might ask for data to be provided via an Excel table). As long as your preference is not too obscure, the local authority should be able to comply.
- be aware of time limits when it comes to FOI communication with a public body. Follow up immediately if they do not respond within the 20 working day time limit – they are not fulfilling their duty. Do not allow any 'follow ups' to lie fallow – you may find yourself out of time.
- know your rights in respect of the FOI Act (2000). For example you do not need to give a reason or motive for your request. You do not need to provide your real name (although this may cause complications if you ask for an internal review further down the line).
- make clear to FOI officers that you understand the FOI process and will not settle for unsatisfactory or half-baked responses. For example, if the authority has provided information you didn't seek but has not actually answered your question, point this out and insist that your request be properly and fully complied with in a timely manner. Do not allow the authority to treat this as a new request.
- persevere. Refer your request to Information Commissioner's Office level if you are dissatisfied with the handling of your request by the local authority. It will be seriously addressed.

Don't....

- have unreasonable expectations. Sometimes, hard-pressed FOI officers *won't* have the time and resources to comply with an overly long or complicated request.
- be put off by the bureaucratic jargon and 'legalese' used in many FOI responses. If the language used is so technical or complex as to be unintelligible, tackle the FOI unit head on – you have a right to expect a 'plain English' response.
- necessarily back down in the event of your request(s) being deemed 'vexatious'. Scrutinise the authority's justification for this and seek expert legal advice if you disagree with their rationale.
- accept partial responses (or estimates or 'guesstimates') in lieu of full, factual disclosure.
- be vague. Always set clear parameters for the FOI officers - provide specific criteria such as dates, for example. This will help the FOI unit to respond more clearly and helpfully to your request.
- lose sight of the focus of your original request, in the event of a drawn-out exchange of communications with the FOI unit. Doing so will only enable FOI staff to 'play semantics' and thus to waste time.
- be bullied into surrendering your anonymity or privacy if you do not wish to do so.
- accept obstacles put in your way. For example, if a local authority claims to have only hard copies of a report, politely suggest that they scan a copy for you, or make one available for your personal perusal or collection.