

# progressive

## SCOTTISH OPINION

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### **Scottish Information Commissioner 6820 – Public Awareness Research October 2008**

#### **Background**

The Freedom of Information (Scotland) Act 2002 (FOISA) came into force in January 2005, providing the public with legal rights to access information held by Scottish public authorities. This entitlement is applicable to everyone, regardless of age, gender or country of residence. Under the principles that freedom of information is an essential part of open democratic government and responsive public services, FOISA ensures that anyone requesting information from a public authority is entitled to receive it, subject to certain exemptions.

The Scottish Information Commissioner is the independent public official responsible for promoting and enforcing the right to access public information in Scotland. In order to support the Scottish Information Commissioner in fulfilling his role and responsibilities, the legislation provides him with a range of powers, such as the power to instruct public authorities to release requested information where he finds that it has been withheld inappropriately.

In order to measure levels of public awareness and knowledge of FOISA and the Scottish Information Commissioner, research has been conducted with the general Scottish population since 2004. This report details the findings from the sixth wave of the research, drawing comparisons with previous phases.

#### **Research Objectives**

The key aim of the research is to inform the Commissioner's promotional work and to provide evidence of the progress of freedom of information in Scotland.

The specific research objectives are:

- To measure awareness and understanding of FOISA
- To measure public awareness of the Scottish Information Commissioner
- To assess public understanding of the rights to request information held by Scottish Public Authorities
- To determine whether members of the public have previously requested information from Scottish Public Authorities
- To establish to what extent the public agree with extending the organisations covered by FOISA.

## Methodology

As a representative sample of Scotland was required for this project, Progressive Scottish Opinion used a telephone Omnibus methodology, consistent with the previous five phases of the study. All interviewing was completed in Progressive's in-house telephone unit. The Omnibus (known as Scottish Opinion) is a daily Omnibus service.

The questionnaire in this wave was amended as the Scottish Information Commissioner required a scaled down version of the original questionnaire. Key benchmarking questions from previous surveys were therefore used, while an additional question concerning the extension of FOISA was added. Wherever possible, caution was taken to ensure comparability was not lost. Any impact on the comparability and interpretation of the results has been highlighted throughout this report.

Any demographic or geographic variances amongst sub-samples are highlighted only where a statistically significant difference exists i.e. beyond the margin of error for each sub-sample. This ensures that the differences reported have not occurred by chance.

This research project was performed in accordance with the ISO 20252 standard for Market research and the Market Research Society's Code of Conduct. ISO 20252 is the internationally recognised quality standard (ratified by the British Standards Institute) specifically developed for the market, opinion and social research industry.

As well as being accredited to ISO 20252, all Progressive telephone interviewers are accredited by our membership of the Interviewer Quality Control Scheme (IQCS). This is the highest confirmation of fieldwork quality available within the market research industry.

## Sample

A total of 1002 respondents were interviewed between 14<sup>th</sup> and 25<sup>th</sup> October 2008. The sample used in Scottish Opinion is taken from the electoral register. The data gathered was then weighted to the Scottish population statistics to ensure the results are representative of the Scottish population. Throughout this report, analysis is conducted on the weighted base. Data was weighted by age, gender, socio-economic group and location.

The total sample of 1002 provides a dataset with a maximum standard error of +/- 3.1%, calculated at the 95% confidence level.

The profile of the sample is shown in the table below.

Age	%	Gender	%
18-24	11%	Male	48%
25-34	19%	Female	52%
35-44	20%		
45-54	17%	<b>Location</b>	
55-64	14%	Central	5%
65+	20%	Dumfries	3%
		Fife	7%
<b>Socio-Economic Grouping</b>		Grampian	8%
AB	19%	Highlands & Islands	8%
C1	27%	Lothian & Borders	17%
C2	22%	Strathclyde	44%
DE	32%	Tayside	7%
Refused	1%		
<b>Disability</b>		<b>Ethnicity</b>	
Yes	9%	White - UK	95%
No	88%	White – Other	1%
Unsure	1%	Indian	1%
Refused	1%	Other	2%
		Refused	1%

## Summary of Key Research Findings

- The steady increase in respondents' awareness of the Freedom of Information (Scotland) Act 2002 (FOISA) continues. Awareness levels have increased to 78%, a 34% increase since the research began in 2004.
- The number of people who believe that public authorities are becoming more accountable and open has decreased to 59% from 64% in 2007. Conversely, the number of respondents who feel that FOISA is useful to them has increased to 67% from 62% in 2007.
- Despite being static from 2006-2007, awareness of the Scottish Information Commissioner has increased this year, rising from 14% to 21%. Highest recognition is among the 18-34 year old age group at 26%.
- Numbers of people making written requests for information from public authorities has remained static since 2007 (at 9%).
- Although there has been a slight increase in understanding of legal rights when accessing information from public authorities, confusion still exists among a sizeable proportion of the population. 52% are unable to correctly identify their rights, with the majority of these (39%) incorrectly believing they are only entitled to access information about themselves.
- The overall awareness levels of FOISA are significantly lower for those with a disability than those without (68% compared to 79%).
- There is a high level of support for private organisations providing public sector services to be covered by the freedom of information laws. At least two thirds of respondents agreed that this should be the case for all of the organisations listed.
- As with previous waves, respondents who are aware of FOISA are more likely to:
  - understand they have rights to access information both generally and as a result of FOISA;
  - be aware of the Scottish Information Commissioner.

## Main Findings

The following section details the key findings from the study. Significant differences across demographic groups are highlighted throughout. Where no demographic variances are mentioned it should be assumed that there are no statistically significant differences.

### Q1) Have you ever made a written request, by letter, fax or e-mail, for information that a public authority holds?

In 2007, respondents were first asked if they had ever requested information from a public authority before being asked to clarify whether they had done so in writing. In 2007, 9% respondents had made written requests.

In 2008, the proportion of the population that has made a written information request had not changed from 2007, remaining comparatively low at 9%,.

Base (All): 1002

<i>Answer</i>	<i>April 2005</i>	<i>October 2005</i>	<i>October 2006</i>	<i>October 2007</i>	<i>October 2008</i>
	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>S6</b>
Yes	4%	8%	6%	9%	9%
No	96%	91%	93%	89%	91%
Unsure	-	1%	1%	3%	1%

The results for the previous waves showed no significant differences across age, gender and social grade. This year, the only significant difference is within the age category; those aged 65+ are least likely to make a written request (4%) compared to those aged 18-24 years (12%), 45-54 years (11%) and 55-64 years (11%).

### Q2) In your opinion what legal rights do you have to see information held by public authorities?

The aim of this question is to measure respondents' understanding of their general legal rights to see information.

In Scotland, access to information rights are provided by:

- FOISA (which provides general rights to the information held by Scottish public authorities);
- the Data Protection Act 1998 (which provides individuals with the right to access their own personal information from public authorities and other bodies);
- the Environmental Information (Scotland) Regulations 2004 (which provide access rights to environmental information held by Scottish public authorities and other bodies).

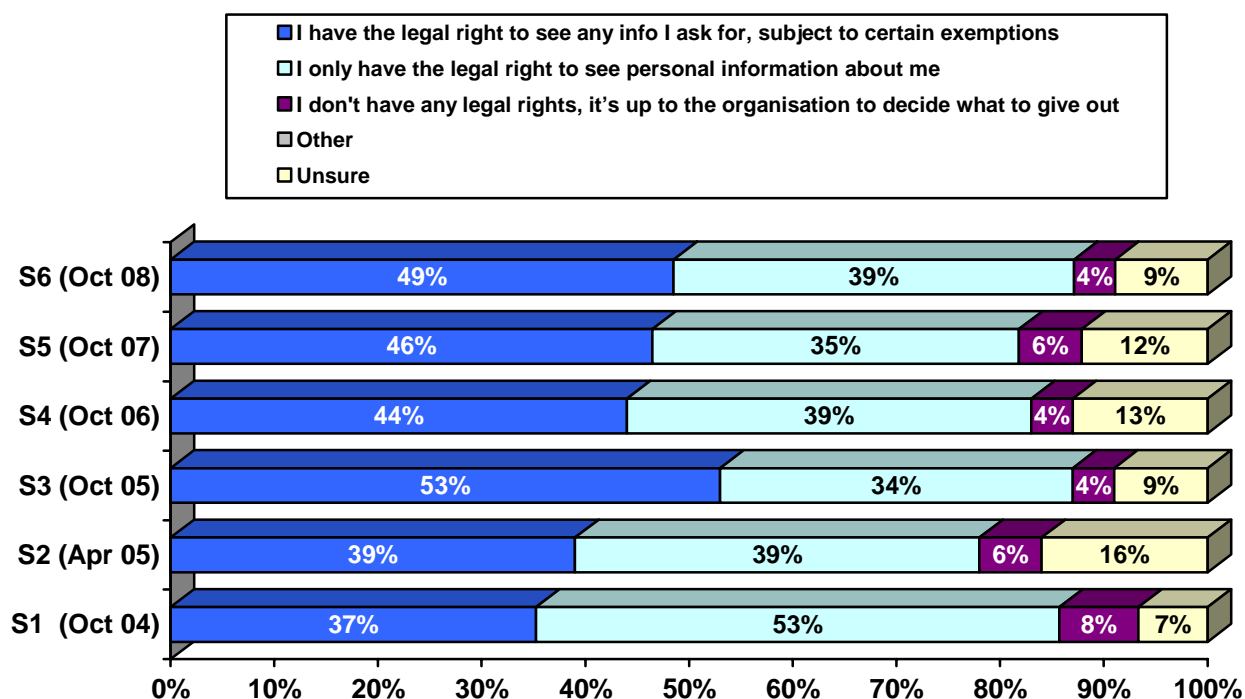
Each of these laws permit information to be withheld in certain limited circumstances.

The first of the following statements is correct as it summarises the rights provided by each of these access to information laws (with the exception of wave 1 when the study was undertaken before FOISA was implemented).

Despite correctly outlining the rights provided by the DPA, the second statement incorrectly implies that this is the only information an individual is legally entitled to receive. In 2007, the wording of this option was changed slightly for the purposes of clarity. This meant that there may have been some impact on comparability with previous phases, though this is likely to be minimal. The third statement is incorrect.

Base (All): 1002

Question: Prompted, read-out list



*Others: None (1), any kind of information as long as it doesn't breach security and commercial interest or another persons privacy (1), the right to view any information with regards to yourself as long as it doesn't affect national security or the general wellbeing of society, i.e. criminal offenses etc (1)*

The chart above indicates that almost half of respondents correctly identified their legal rights to see any information they request. This is again a slight increase from the previous wave, although this is not statistically significant.

Understanding of information rights in 2008 peaked amongst 25-34 year olds (55%), closely followed by 45-54 year olds (54%). This compares to 39% of 18-24 year olds. AB respondents were the most likely socio-economic group to understand their rights (56%) and DE respondents were least likely to mention this statement (45%), although this has increased from 2007 (39%). In terms of geography, however, whereas in 2007 awareness peaked in the Highlands & Islands region, awareness was highest in Dumfries in 2008 (61%), although due to small base sizes, this finding should be treated with caution. There were significant differences between those in the Lothian & Borders region at 58% and Strathclyde (44%) and Tayside (43%) respondents.

Over one third (39%) of respondents felt that they were legally entitled to see only personal information held about them, therefore only recognising their rights under the DPA. At 48%, 18-24 year olds were the age group most likely to assume this was the case, closely followed by 35-44 year olds (44%).

As with the last wave, only relatively low numbers thought that they have no legal rights to any of the information held by public authorities (4%) with no significant demographic differences. This again is broadly consistent with previous stages of the study.

As with 2007, there is a correlation between understanding of information rights and awareness of FOISA. 54% of those aware of FOISA correctly identifying their rights compared to 31% of those unaware of FOISA (in 2007 these figures were 52% and 29% respectively).

Interestingly, although those with an awareness of the Scottish Information Commissioner did not show any greater likelihood to understand information rights in 2007, this appears to have changed in 2008, with those aware of the Commissioner being significantly more likely to identify their rights correctly (57% compared to 47% of those who were unaware).

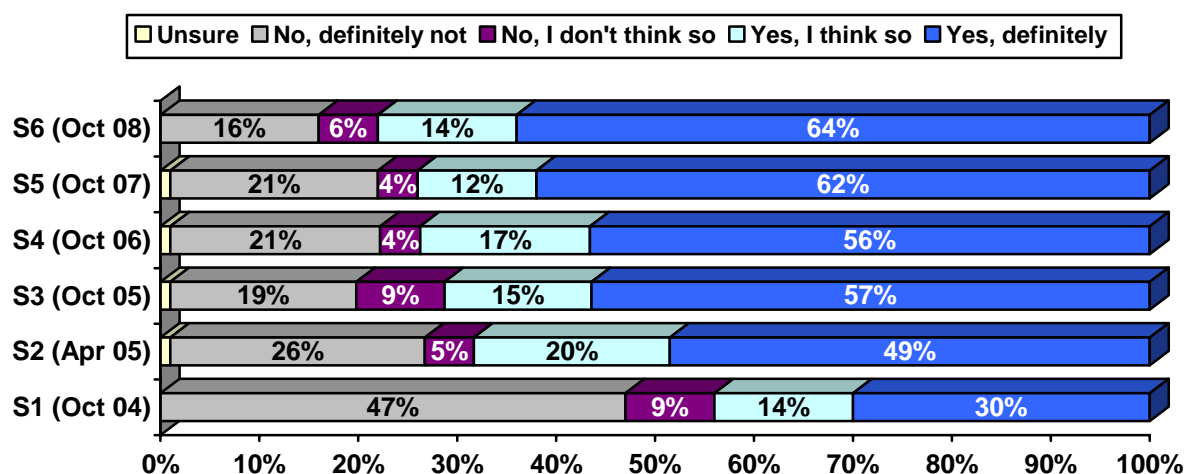
In summary, although almost half our respondents could correctly identify their rights in terms of accessing information from public authorities, confusion still exists amongst a sizeable proportion (52%).

### Q3) Have you ever heard of the Freedom of Information (Scotland) Act?

The graph below tracks the levels of awareness of FOISA since October 2004.

Base (All): 1002

Question: spontaneous



The results overall show an increasing trend in the levels of awareness of FOISA, with 78% indicating that they were aware of the Act in 2008, a significant increase from 74% in 2007.

As in 2007, awareness levels were highest in 2008 amongst 45-54 year olds (72% definitely aware vs. 51% of 18-24 year olds, 62% of 25-34s, 71% of 35-44s, 67% of 55-64s and 58% for over 65s).

In addition, the ABC1 socio-economic groups were most aware, as in 2007 (2008 - 72% vs. 66% of C2 and 53% of DE respondents). Although not a significant change, it is perhaps encouraging to note that these percentages are an increase from 2007 where only 57% of C2 and 47% of DE respondents were definitely aware.

In both males and females overall awareness has increased. Men are significantly more likely than women to be aware of the legislation and their overall awareness has increased from 81% (2007) to 83%, though this is not significant. However, there has been a significant increase in overall female awareness, with those aware increasing from 68% (2007) to 74%. Men are significantly more likely than women to be definitely aware of the legislation (72% compared to 58%). This definite awareness has remained stagnant for women (59% 2007) but increased significantly for men (65%).

In terms of region, awareness of FOISA peaked in Grampian with 73% stating they were definitely aware. Definite awareness was lowest in Tayside and Lothian and Borders at 55%.

In 2007, respondents who were definitely or thought they were aware of the Scottish Information Commissioner were marginally more likely to be aware of FOISA (83% of those aware of FOISA were aware of the Commissioner vs. 73% of those unaware of FOISA). This gap has widened in 2008. 92% of those who had heard of the Commissioner are now aware of FOISA compared to 75% of those who had not.

The overall awareness levels of FOISA are significantly lower for those with a disability than those without (68% compared to 79%).

#### Q4) What rights do you think the Freedom of Information Act might give you?

Responses to this question were spontaneous and unprompted, then categorised into the options in the table below. Historically this question allowed multiple answers to be given, however in the 2007 wave respondents were allowed to give only one answer. In 2008, the question was asked again as a multi-code question and it is therefore directly comparable with the all waves preceding 2007.

Base (All): 1002  
Question: spontaneous

	S1 (Oct 04)	S2 (Apr 05)	S3 (Oct 05)	S4 (Oct 06)	S5* (Oct 07)	S6 (Oct 08)
To see personal information a public authority holds about me	42%	40%	46%	45%	28%	55%
To see general information held by a public authority	32%	29%	52%	45%	34%	51%
To see general information held by a private company (Not true)	7%	3%	7%	10%	6%	15%
To see personal information a private company holds about me	24%	12%	20%	16%	2%	15%
To see confidential information which is held by public authorities	8%	6%	9%	11%	3%	9%
Other	2%	1%	1%	2%	3%	3%
Unsure	41%	40%	25%	26%	24%	25%

*\*Single code only: limited comparability can be made with other waves*

When comparing the results with the 2006 wave, understanding of rights appears to be on the increase with 51% correctly identifying that they are able to see any *general* information held by a public authority. Awareness was highest among 35-44 year olds (64%) and those within the AB socio-economic group (63%). DE respondents were significantly less likely to identify this right than the other socio-economic groups (43%).

A significant proportion of respondents (55%) incorrectly believed that FOISA gives the right to request personal information held by public authorities. Such rights are, in fact, provided for by the DPA. This is again highest among 35-44 year olds (58%), ABs (67%) and males (57% compared to 46% of females). It is lowest amongst those in the 55-64 age range (42%) and DE socio-economic group (40%).

At 21%, 25-34 year olds were the most likely to incorrectly believe that FOISA provides the right to see *general* information held by a private company (no such general right exists). 21% of AB's and 21% of 25-34 year olds also incorrectly believe that FOISA provides the right to see personal information *about them* held by a private company (again, such rights are provided for by the



DPA). 45-54 year olds are more likely to believe they have the right to see confidential information held by public authorities (15% compared to 4% of 18-24 year olds).

Those who were aware of FOISA were significantly more able to identify their rights to see *general* information held by a public authority (58% of those aware compared to 30% of those unaware). However, some confusion still exists among those aware of FOISA regarding the rights it provides, with 62% incorrectly attributing DPA rights to FOISA.

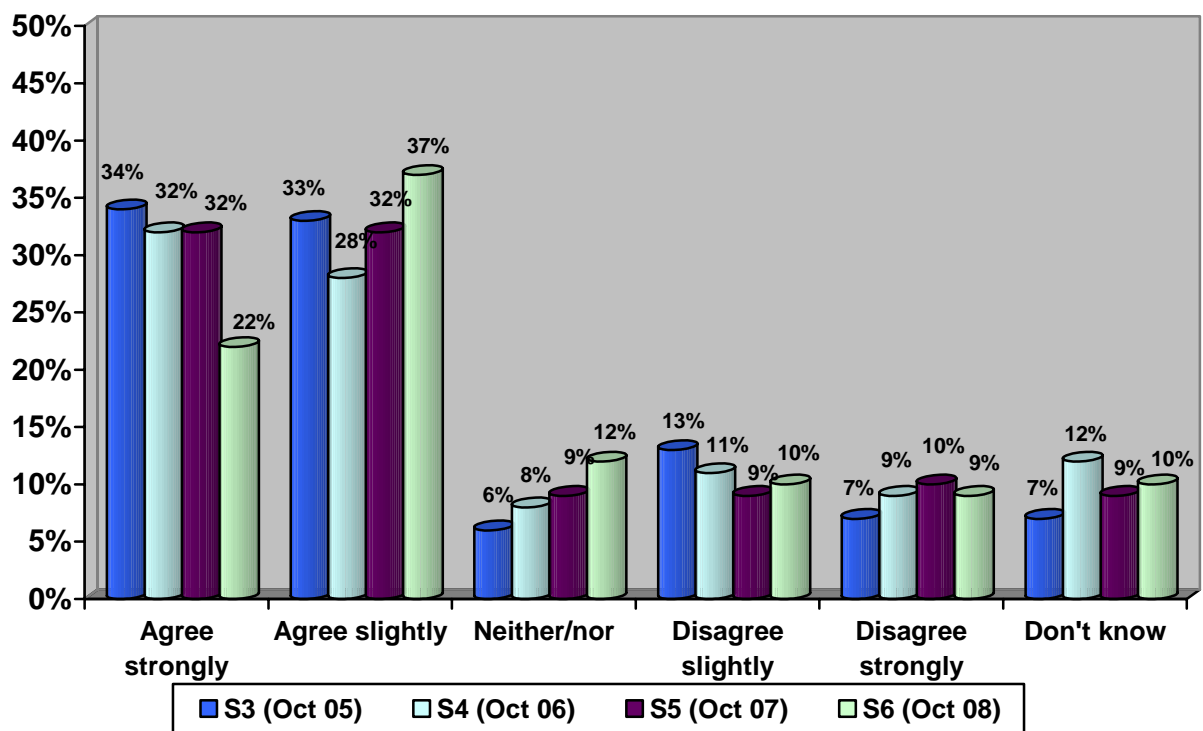
The majority of the “Other” comments related to respondents believing that they had the right to see any information they wanted to, without exception. Others believed that they were allowed to see any information subject to certain exemptions (i.e. beyond a certain date, subject to competition laws or unless it is a threat to national or someone else’s personal security) but did not specify that this could only be requested from public authorities.

**Q5) How much do you agree or disagree with each statement (even if you aren't aware of the Act or Freedom of Information generally)?**

The following question asked respondents the extent to which they agreed or disagreed with statements relating to the impact of FOISA.

**Q5a) As a result of the Freedom of Information (Scotland) Act – Public authorities are becoming more open and accountable.**

Base (All): 1002



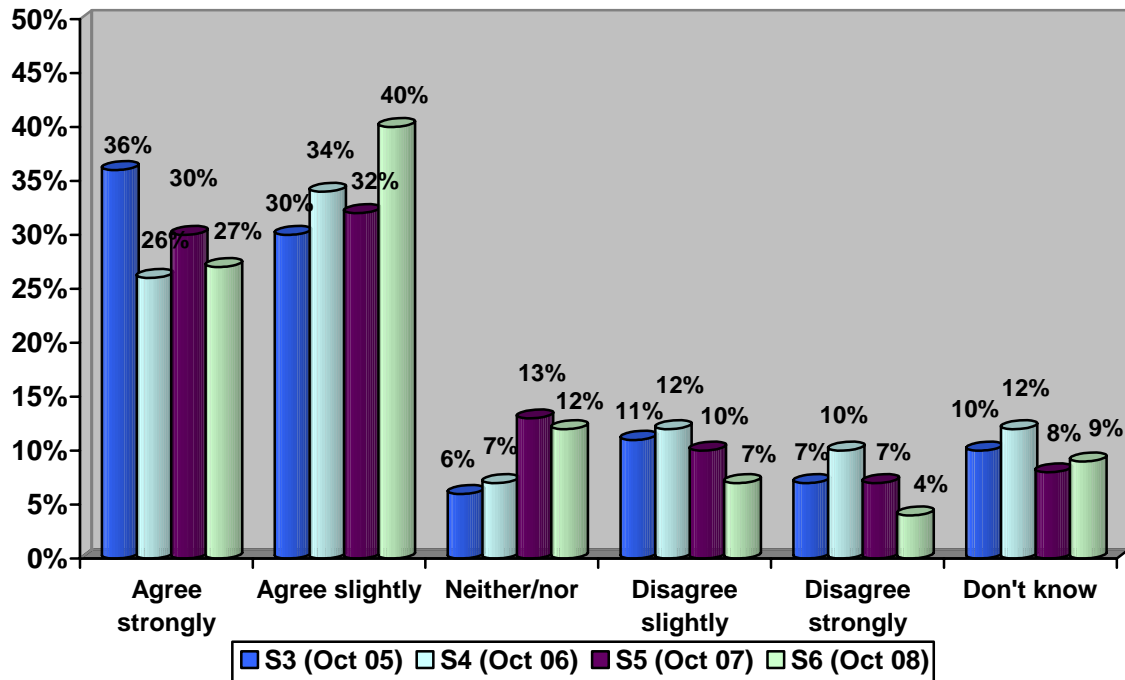
For the 2008 research, 59% of respondents agree to some extent that the public authorities are becoming more open and accountable. This is a significant decrease from 2007 when 64% agreed with this statement and the lowest it has been across the four waves this question has been asked.

55-64 year olds were more likely to disagree strongly with this statement at 19% (compared to 4% of 18 -24s, 4% of 25-35s, 7% of 35-44s, 13% of 45-54s and 8% of 65+). At 65% C2s are more likely to agree with this statement compared to ABs who were least likely to agree (53%).

Across the regions, agreement levels ranged from 45% in Dumfries to 65% in Grampian.

**Q5b. The Freedom of Information (Scotland) Act is useful to me.**

Base (All): 1002



In contrast, to the previous statement, those agreeing that FOISA is useful to them has increased significantly from 62% in 2007 to 67%. Therefore, FOISA continues to be valued despite only 9% ever having used it previously. 35-44 year olds were most likely to consider FOISA useful to them (79%). This compares with 57% of 65+, the least likely to agree with this statement. At 73%, C2 respondents were the socio-economic group most in agreement that FOISA is useful, compared to 62% of DE respondents who were the least.

Despite awareness levels of FOISA being the highest in Grampian, respondents there were the least likely to agree with it being of use to them. 57% of those living in Grampian agreed with this statement compared to 74% in Central and Lothian and Borders, those areas finding it most useful.

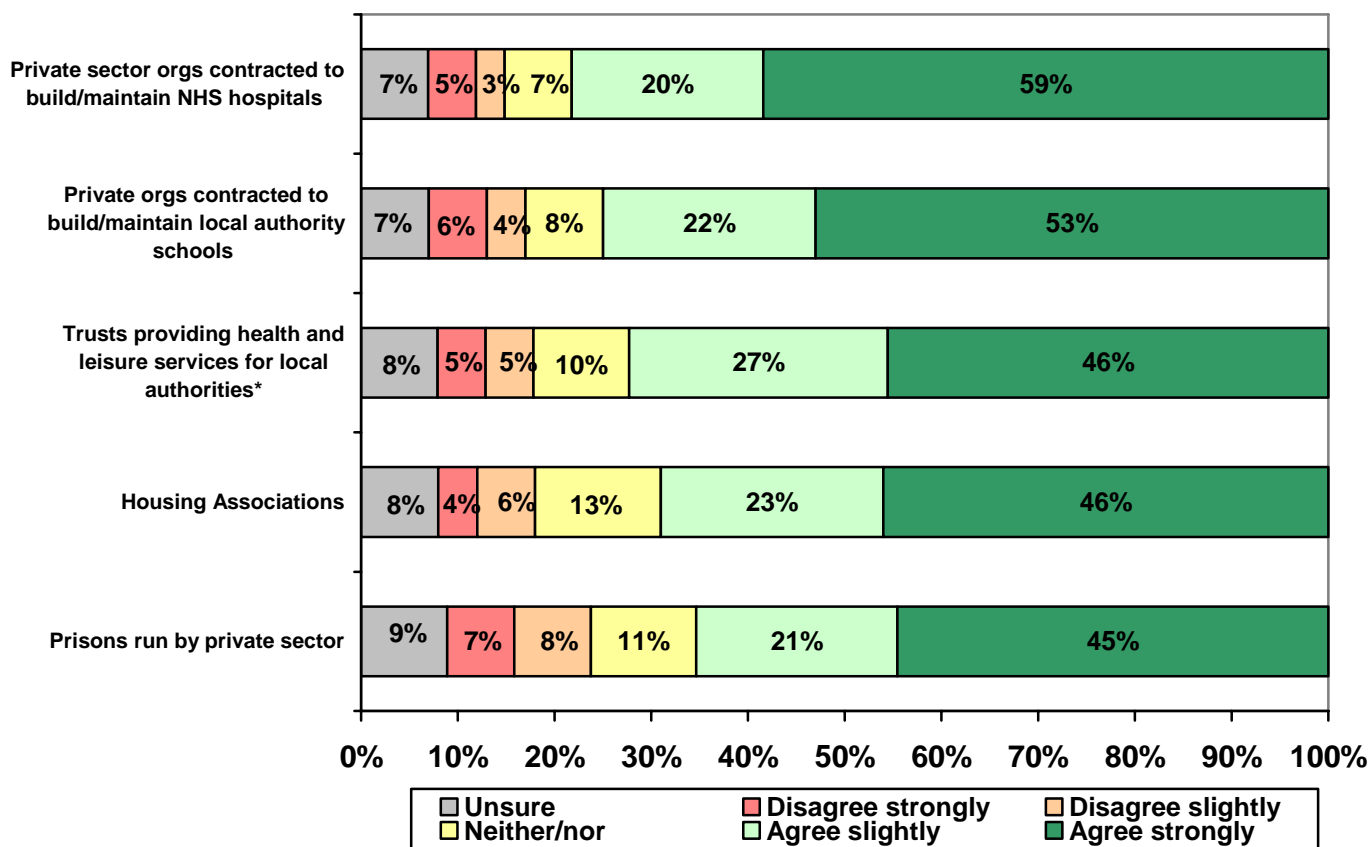
As might be expected, those who were aware of FOISA were much more likely to state that the Act was useful to them (71% compared to 56% of those unaware).

This year, a new question was included to evaluate respondents' views on including further organisations under FOISA. Currently, considerations are being made by the Scottish Government to extend the scope of the Act. It was therefore felt valuable to assess whether the public is supportive of bringing under FOISA the bodies which are actively part of the designation debate.

Prior to the question being asked, the FOISA right to information was briefly explained to respondents, in order to ensure that all respondents had this knowledge when answering the question.

**Q6. Freedom of Information Act provides individuals with a right of access to general information which is held by Scottish public authorities. The Scottish Government is currently considering whether the Freedom of Information (Scotland) Act should be extended to cover more organisations. On a scale of 1-5, with 1 being "I agree strongly" and 5 being "I disagree strongly", please state whether you feel the following types of organisations should be covered by freedom of information laws?**

Base (All): 1002



\* such as running swimming pools, libraries and museums

As the chart denotes, high numbers of respondents agree that private organisations providing services for the public sector should be covered by freedom of information laws. Even for the lowest level of agreement, two-thirds still agreed to some degree that the organisation should be covered (66% for prisons run by the private sector).

Generally, similar demographic patterns emerge in terms of which organisations should be covered. AB respondents are the most likely to agree that each of the listed organisations should be covered; ranging from 71% (for prisons that are run by the private sector) to 85% (for organisations contracted to build NHS hospitals). This compares to DE respondents agreement levels of 59% (prisons that are run by the private sector) to 72% (organisations contracted to build

NHS hospitals).

The 25-34 year old age group are more likely to be ambivalent with more of respondents selecting “Neither agree nor disagree” than other ages, ranging from 14% (for organisations contracted to build NHS hospitals), to 21% (prisons run by the private sector).

More uncertainty resides with the 18-24s and 65+ as these are the age groups most likely to state they were unsure throughout whether the organisations should be covered by the freedom of information laws.

For the most part, there are no significant differences in opinion for those who have heard of FOISA compared to those who haven't, apart from the question regarding prisons run by the private sector. In this instance, 69% of those who were aware of FOISA agree that they should be covered compared to 52% who were not.

### Q7) Have you ever heard of the Scottish Information Commissioner?

Base (All): 1002

Question: spontaneous

<i>Awareness</i>	<b>S2 (Apr 05)</b>	<b>S3 (Oct 05)</b>	<b>S4 (Oct 06)</b>	<b>S5 (Oct 07)</b>	<b>S6 (Oct 08)</b>
Yes definitely	4%	10%	8%	6%	13%
Yes, I think so	5%	10%	6%	8%	8%
<b>Total Yes</b>	<b>9%</b>	<b>20%</b>	<b>14%</b>	<b>14%</b>	<b>21%</b>
No, don't think so	14%	20%	11%	9%	9%
No, definitely not	76%	58%	71%	75%	68%
<b>Total No</b>	<b>90%</b>	<b>78%</b>	<b>82%</b>	<b>84%</b>	<b>77%</b>
Unsure	1%	2%	4%	3%	2%

As with previous years, awareness of the Scottish Information Commissioner is much lower than that of FOISA itself. Nevertheless, there has been a significant increase since the last wave, with awareness the highest it has been since the commencement of the research.

Whereas there were no significant demographic differences in 2007, this year awareness was highest among the 18-34 age group with 26% claiming recognition to some degree. Awareness was lowest among 35-44 and 65+ year olds with only 16% being aware. In addition, awareness among DE respondents was significantly lower than the other socio-economic groups, 15% compared to 23% of the ABC1C2 socio-economic grouping.

Those who were aware of FOISA were significantly more likely to be aware of the Scottish information Commissioner (25% of those aware compared to 8% unaware).

## Appendix 1 - Questionnaire

A public authority can be described as any organisation in public sector, including the NHS, the Police, schools, local authorities and the Scottish Government.

**Q1**

Have you ever made a written request, by letter, fax or email, for information that a public authority holds?

	CODE
Yes	1
No	2
Unsure	3

**Q2**

In your opinion what legal rights do you think you have to see information held by public authorities?

**PROMPTED – READ OUT**

	CODE
I have the legal right to see any information I ask for subject to certain exemptions.	1
I only have the legal right to see personal information they hold about me	2
I don't have any legal rights, its up to the organisation to decide what information they give out	3
Other (Please specify) – DO NOT READ OUT	4
_____	
Unsure	5

**Q3**

Have you ever heard of the Freedom of Information (Scotland) Act?

	CODE	ROUTE
Yes definitely	1	
Yes I think so	2	
No, don't think so	3	
No definitely not	4	
Unsure	5	

**Q4**

The Freedom of Information (Scotland) Act came into force on 1<sup>st</sup> January 2005. I appreciate that you may not be fully aware of this Act but I would like you to tell me what rights you think the Freedom of Information Act might give you?

**SPONTANEOUS**

	CODE
To see general information held by a public authority	1
To see personal information about me held by a public authority	2
To see general information held by a private company	3
To see personal information about me held by a private company	4
To see confidential information which is held by public authorities	5
Other (please specify)	6
Unsure	7

**Q5**

I am going to read out two statements and ask you to tell me how much you agree or disagree with each statement. Even if you aren't aware of the Freedom of Information (Scotland) Act, or freedom of information generally, it's your impression that I am interested in.

ROTATE START

	Agree strongly	Agree slightly	Neither / Nor	Disagree slightly	Disagree strongly	Don't know
<b>As a result of the Freedom of Information (Scotland) Act.....</b> Public authorities are becoming more open and accountable	1	2	3	4	5	6
The FOI Act is useful to me	1	2	3	4	5	6

**Q6**

The Freedom of Information Act provides individuals with a right of access to general information which is held by the Scottish public authorities. The Scottish Government is currently considering whether the Freedom of Information (Scotland) Act should be extended to cover more organisations. On a scale of 1-5 with 1 being "I agree strongly" and 5 being "I disagree strongly" please state whether you feel the following types of organisations should be covered by freedom of information laws?

ROTATE START

	Agree Strongly	Agree Slightly	Neither / Nor	Disagree Slightly	Disagree Strongly	Unsure
Housing Associations	1	2	3	4	5	6
Trusts that provide leisure and cultural services on behalf of local authorities (e.g. running swimming pools, libraries and museums)	1	2	3	4	5	6
Prisons that are run by the private sector	1	2	3	4	5	6
Private sector organisations contracted to build and maintain local authority schools	1	2	3	4	5	6
Private sector organisations contracted to build and maintain NHS hospitals	1	2	3	4	5	6

**Q7**

Have you ever heard of the Scottish Information Commissioner?

	CODE
Yes, definitely	1
Yes, I think so	2
No, I don't think so	3
No, definitely not	4
Unsure	5

**Profiling Questions**

**Q8 - Disability**

**Would you say you have a disability?**

	<b>CODE</b>
Yes	1
No	2
Unsure	3
Refused to say	4

**Q9 - Ethnicity**

**What is your ethnic origin?**

	<b>CODE</b>
White – UK	1
White – Other	2
Black – African	3
Black – Caribbean	4
Black – UK	5
Black – Other	6
Chinese	7
Indian	8
Malaysian	9
Pakistani	10
Bangladeshi	11
Sri Lankan	12
Other (please specify)	13
Refused to say	14

**Q10 - Postcode**

**Could I please take your postcode?**

<i>Open-ended</i>	<b>CODE</b>