Freedom of Information Requests Survey (FIRS):

Preliminary Results

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"In today's information-driven society, the issue of access to and control over information is enormously important to the survival and success of individuals and organisations. It is also vital to the continued viability of our democracy."

- FIPA (Freedom of Information and Privacy Association)

At the request of the BC Freedom of Information and Privacy Association (FIPA), Dr. Martin Dowding, Assistant Professor at the School of Libraries, Archival and Information Studies (SLAIS), University of British Columbia recruited and supervised Jeremiah Saunders and Frederic Murray, MLIS candidates, to design and conduct a survey in 2005-2006 that would measure the process of making a freedom of information request through British Columbia's Freedom of Information and Protection of Privacy Act (FOIPPA). We are reporting preliminary results from our survey along with general interpretations about our findings, but the purpose of our essay is to raise awareness about the importance of monitoring the process involved in making a freedom of information request, and the essential role of information professionals in government transparency and accountability.[1]

BACKGROUND:

The purpose of the project is to evaluate the process of making a freedom of information request for public information[2] under the Freedom of Information and Protection of Privacy Act (FOIPPA) of British Columbia over the past five years (2000-2005). A direct application of the findings of such a survey may include reform of the FOIPPA process to improve access to

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[1] A more detailed analysis of our survey results will be reported on the FIPA web site soon: http://fipa.bc.ca/home/
[2] By "public information," it is meant non-personal information, as FOIPPA also allows private individuals to make requests for information on themselves.

information, a means by which to hold the government accountable to the public, and more awareness of the importance of FOIPPA in a democratic society.

HYPOTHESIS:

The hypothesis of the survey is that the personal experience of individuals making requests for public information through FOIPPA over the previous five years will testify to the trend that it is becoming more difficult to receive the information requested. A barrier to access information may be legitimate. We are unable to independently determine if the barrier was warranted, but we will ask participants whether or not they feel the barrier was reasonable.

METHODOLOGY:

A descriptive survey using a non-probability sampling method (i.e. snowballing) was decided upon because we did not have access to a list of individuals who made freedom of information requests. No personally identifiable information was collected from our respondents, which must be taken into account when interpreting the results, since it is possible a person could have submitted more than one survey. Over 300 organisations in British Columbia were contacted via email to participate in the survey, representing a cross-section of BC society: 47 of 59 respondents indicated if they belonged in one of seven broad categories (12 of 59 respondents did not answer the question). We contacted organisations representing environment (8 respondents), media (7 respondents), law (9 respondents), academia (1 respondent), labour (5 respondents), business (5 respondents), and many more groups (12 respondents indicated that they did not identify with the categories we had listed). Many organisations were selected using *The Directory of Associations in Canada* (2004). We visited the organisations' web sites to

confirm their contact information, and we opted to send the email invitation to a general email address for the organisation when possible. Also, we looked at any links referring to other organisations, and we sent out an invitation to them. Each organisation received an email invitation to participate in our survey along with the text of our cover letter and a link to the survey. We decided against sending the cover letter as an attachment because we believe some organisations would not open up the unsolicited email. The web survey consisted of a questionnaire with 35 questions, including free-text response questions, administered from January 4, 2006 to February 14, 2006.[3]

FINDINGS:

"Thank you for your survey. Hopefully, your findings will realize the changes

that are *desperately* needed to improve the FOIPPA process."

– Respondent (wording has been changed for anonymity).

The results of our survey are open to interpretation, since we used a non-probability sampling method. Perhaps the most important finding was that people have a strong opinion about the process of freedom of information requests *and* want to share it. Our survey was used as an outlet to express an opinion about FOIPPA, and we believe citizens in British Columbia have a lot more to say about it. The 35th question, the final question, asked, "Would you like to see a survey on Freedom of Information requests done annually?" 26 of 59 respondents want to see a survey on freedom of information requests done annually (7 of 59 respondents do not want

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[3] Our survey web site is on the SLAIS FTP server: http://www.slais.ubc.ca/firs/survey.htm Search engines are unable to reach our survey, so any person visiting the survey received the URL we sent out in our email invitation. We used Response-O-Matic, a free HTML form to capture and process the results because it generates the HTML code, and there is no limit to the number of questions. Since Response-O-Matic does not encrypt any responses, we collected no personally identifiable information. See the Response-O-Matic template form: http://www.response-o-matic.com/template.htm Response-O-Matic has changed the terms of its use, since we concluded our survey, and it appears to only be available on a trial basis now.

a survey performed every year, and 26 of 59 respondents did not answer the question). Another reason supporting our interpretation that people are passionate about the process of making a freedom of information request is the number of participants who contacted us directly to share their stories, or used the free-text questions on our web survey, to describe the process and how they felt about it. Bringing these personal accounts together in one place makes for a powerful read about freedom of information! As information professionals, we have possibly identified a story-telling role when it comes to government information, since people want an outlet for how they feel about the process of making a freedom of information request, which as our introductory quotation from FIPA noted, is vital to democracy. People are passionate about access to government information, and most of them are upset about the process.

Near the beginning of our survey, we asked people to indicate their level of satisfaction with the process of making a freedom of information request. Question 4 asked, "How satisfied are you with the process of making a Freedom of Information request?" Respondents answered on a Likert scale. Almost everyone answered this question (54 of 59 respondents). We had one person indicate that he or she was "Very Satisfied," 12 people were "Satisfied," 5 people were "Undecided," but 22 people indicated "Unsatisfied," and 14 were "Very Unsatisfied." The majority of respondents see room for improvement in terms of access to public information.

In terms of how the FOIPPA process could be improved, we asked how many people encountered delays, faced fees to access information, or received information that was censored, among several other questions. Question 6 asked, "Do you usually encounter a delay with your request (s) being fulfilled?"[4] We had a high response rate to this question (47 of 59 respondents answered it). Overwhelmingly, 43 respondents have encountered a delay. Keeping this response

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[4] Introducing question 6, we had inserted the following text to clarify what we meant by delay: "In the following question, question 6, we use the word "delay" to mean a standard delay of 30 days, or a delay of 60 days as prescribed by the Freedom of Information and Protection of Privacy Act."

in mind, we found the answer to Question 8, which asked, "Do you usually abandon request (s) because it takes too long to be fulfilled?" to be revealing. We had 52 of 59 respondents answer this question, and only 7 respondents indicated that they would abandon a request because it took too long for them to access the information. Thus, nearly all of our respondents encountered a delay when accessing public information, but very few will abandon a request. We offer up two explanations: (1) our respondents feel that the delay is reasonable; or (2) people care about the truth, and they will wait as long as it takes to access public information. For information professionals, we may want to prepare people for the amount of time it will take before a freedom of information request is fulfilled. We may need to adjust expectations. At the very least, we may want to encourage our users to plan ahead, and take into consideration the delay when it comes to the research that they are undertaking.

Based on our preliminary results, information professionals should be prepared to help people making a freedom of information request appeal fees being assessed for access. Question 13 asked our participants, "Have you been charged a fee to access the information you have requested?" A lot of respondents answered this question (54 of 59 respondents). If a participant answer "Yes" to Question 13, we asked them to answer a few more questions. Many people had been charged a fee (35 respondents). Question 18 asked, "Have you abandoned a request for information because you were charged a fee?" Most of our respondents were determined to access the information regardless of the fee being charged: 26 respondents indicated that they would not abandon a request for information despite being assessed a fee. We asked additional questions about how often respondents would abandon a request because of a fee being charged, so a more detailed analysis in this area will be forthcoming. We offer two explanations about how our respondents are dealing with being charged a fee: (1) the fee is tolerated as part of the

process of accessing public information; or (2) people are willing to pay "any price" to access information. At the very least, perhaps they are willing to wait out an appeal process. We asked questions about the appeal process in regards to fees being charged, so we may revise our possible explanations at a later time. As information professionals, we have always sought to fulfill the role of providing access to information at little or no cost. When it comes to freedom of information requests, however, it can be difficult to find public information because there is so much of it, or the request of our patron is complex and specific. Thus, we act as an advocate. Information professionals should be aware of the steps in the appeal process in order to guide a person through the ordeal.

A freedom of information request can be an ordeal. After identifying the information you want, filling out the form correctly, and overcoming delays and fees, which may be warranted or not, a person may still receive information that is not useful because it has been censored. As information professionals, we know that "censorship" may be valid, such as the case of not revealing personally identifiable information. In Question 21, we asked, "Have you received a response to your request with information blocked out?"[5] We had a high response rate (53 of 59 respondents answered this question). The majority of our respondents have received requests with information blocked out (46 respondents). We asked people that had received requests with information blocked out to answer more questions. With Question 23, we asked, "In general, have you noticed a change in how often your requests for information have been blocked out in the past five years?" Although we had 46 respondents answer "Yes" to Question 21, which asked them to proceed to more questions, we had 47 respondents answer Question 23. As an overall assessment of the survey at this point is not possible, we expect to find such

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[5] Before reading Question 21, we inserted the line: "In the following question, number 21, the phrase "information blocked out" refers to documents released in response to your request that were censored."

discrepancies because in a web survey where all the questions are listed, some respondents will miss or ignore the steps and hyperlinks that jump them down to the appropriate question based on their previous response. We anticipated that Question 23 would be difficult to answer, since we had asked people to think back over five years. Not surprisingly, 23 of 47 respondents were "Unsure" about whether more or less information was being blocked out in regards to freedom of information requests. Still, 17 of 47 respondents noticed that "Information is blocked out MORE often" compared to 1 person finding that "Information is blocked out LESS often," and 6 people reported "No change in how often information is blocked out." Since this question measured the perception of our respondents who had received information that is blocked out, there are more data that need to be analysed before we can put the responses in context. As information professionals, however, we can assist people making a freedom of information request early on by identifying the type of information that will likely be blocked out. While personally identifiable information is a matter of common sense, since FOIPPA is also privacy legislation, there are many areas left open to interpretation under Part 2, Division 2 – Exceptions of FOIPPA. Thus, when an information professional is consulted about making a freedom of information request, it may be helpful to guide the person through these exceptions.

SUMMARY:

We are not at the point of making any conclusions, since we are still analysing the data. If we had to identify themes that are emerging from our survey results, including the unsolicited commentary from our respondents, whom we thank dearly for trusting us with their experiences, then we would convey the following: (1) persistence and patience is important when making a freedom of information request; and (2) information professionals, whether they be librarians,

archivists, etc., have a role in helping people make information requests, but more awareness needs to be raised about how we can help. One of our questions did ask respondents whom they turned to for assistance when making a freedom of information request, and we offered: "Member of the Legislative Assembly (MLA)," "Civil Servant," "Non-Governmental Organisation (NGO)," "British Columbia Government web site," and "Other. Please specify:" We can only hope that information professionals are considered part of "Other," but if our assumptions about the potential role for information professionals in assisting with freedom of information requests are correct, then we may want to invest time and money in helping people participate in democracy by accessing public information.

<u>Further Reading</u>:

Office of the Information & Privacy Commissioner for British Columbia (OIPC)
http://www.oipcbc.org/

From the site: "The Office of the Information and Privacy Commissioner (OIPC) is independent from government and monitors and enforces British Columbia's *Freedom of Information and Protection of Privacy Act* (FOIPPA) and *Personal Information Protection Act* (PIPA)." Links to FOIPPA legislation, essential forms for making a request, and more information on freedom and privacy issuses.

BC Freedom of Information and Privacy Association (FIPA)
http://fipa.bc.ca/home/

From the site: A "major force" behind the passage of freedom of information and privacy legislation, FIPA has two objectives: (1) to "defend and improve" access to information; and (2) defend personal privacy. The full results of the Freedom of Information Requests Survey (FIRS) will be published on this web site in the future.