

Using Freedom of Information Request in Research- Part 2

Okay, I'm going to go through some very practical steps of using a Freedom of Information request now.

So step one is kind of obvious. I'm not going to spend any time on this, you need to know your subject, you need to do a bit of background research, you need to put some time in, before you put your request in. And that might be the time you've already put in, in a research project. Or you might have to do a bit of extra research. And you have to have some kind of context knowledge about the subject.

Step two, you need to know what's out there in terms of previous Freedom of Information requests. So the issue that's very current as I speak, but I know this might make this presentation very detailed very quickly, is the issue of the Prime Minister's refurbishment of the Downing Street flat. It may become a big political issue may be may be a contributory factor to his downfall, and it may not, might just be consigned to the dustbin of history. But I'll repeat the point I made earlier, this didn't come from a Freedom of Information request, of course, it came from a series of carefully placed statements by his former aide Dominic Cummings.

But if you were looking and one of the interesting things is that there have been a flurry of Freedom of Information requests about that refurbishment and check out the website which is really the go to place for previous freedom of information requests, it's the centralised site, the gathers freedom of information act requests, whatdotheyknow.com, if you check that out, for around this, this period, late April 2021, there's been a flurry of freedom of information requests about that that issue.

But if you check a bit further back, you'll find that there were really interesting freedom of information requests about exactly the same topic, which gives you really interesting context. I've got one here that was sent in on the 3rd April 2021. And it gives some kind of details about particularly taxation and what the tax liabilities are, which, of course, is a big issue right now that that's being reported on because HMRC are investigating the tax liability. So, it's worth going back in history to look at the Freedom of Information requests that have been that have been issued before on the subject that you're looking at.

Think about the scale of your request. Step three, this is this is crucial. This is where we get down to the more kind of the real practicalities because one of the most common refusals for those requests is that it costs too much. And the kind of rule of thumb for central government is the cost limit and it's always an estimate, and very difficult for us to know, because we don't know how long it takes to retrieve particular types of information, we're always kind of guessing. And but the rule of thumb is three days both for central government and for other public authorities. So regardless of whether it's the 600 or 450 pound limit, then the rule of thumb is three days. So if you're asking for something that is

going to take more than three days, then it can be refused. And there are different ways of thinking about that. I mean, and very practical ways of thinking about that.

First of all, you might not want to go in for all the information in one go because that might be prohibitively expensive meeting too much time. You may also want to ask much more kind of subtle questions first as a kind of pre emptive line of inquiry. So it's perfectly legitimate for you to ask a question about what is there before you ask for the information itself and I'll say something more about that in a moment.

So you, you, you need to think about Step four, the limits of, of, of how open and how much disclosure by yourself you want to give? And look, I think it's always useful just to be as open as possible, because it's always likely that those you're asking questions of will want to know about you and why you're asking it right. So you don't have to disclose your identity and you don't have to disclose the purpose of your inquiry. But you need to be aware that there might also be checks on you. You know, if I'm if I'm asking questions, again about the prosecutions of employers for breaching safety regulations, then the you know, they're going to do a Google search on me and find out that's one of my research interests. And so there's no point really in me trying to hide that or not be open about that. I think that's, that's often overlooked. But you don't have to see why you're looking for information and that's a very common mistake. People go into lengths about why they want to obtain information that's not necessary at all, it's not really relevant in terms of the way the legislation is framed.

Step five, it's always useful to try and make contact if you can with the person that might be dealing with your request, before or as you are submitting your request. And I think that you can, you can do that almost informally, if you do have, you know, sometimes it's an automated form, online and the process that you go through the authority that you want to ask information from, you should always check their website and see how they prefer that information to be requested. Sometimes it's an online form, sometimes there's an email address, and sometimes there's even a phone, a phone number, and I would always encourage people to make direct contact. And even to go back to step three, think about asking for a schedule of information that exists on your subject. So maybe ask for a list of the types of information that is held.

The other reason for making contact is that the public authorities have are under, are legally obliged, they have an obligation to assist you in your inquiry. So they may give you assistance in understanding what might be possible and what might not be possible what's there and what you might have access to. Obviously, we're always suspicious and obviously, when we're not going to necessarily take that information on face value, but it's, it's useful to have that that kind of dialogue.

So I've already mentioned the schedule of information, Step six, that helps you be as specific as possible. The other thing about being specific in this this rule is I think there was a key decision in 2010, relating to emails that were sent from Michael Gove's personal email account, the Information Commissioner ruled that was perfectly applicable. Of course, some of the issues around Boris Johnson, the Prime Minister and his text to various business leaders, have also been subject to Freedom of Information requests. So that tells us something that we should think about the full range of formats that the information might come in, it's, it's perfectly legitimate to ask for private emails for texts. If those

texts were made, and made in relation to a function of public office, I will always say, please furnish or please supply me with all written paper records and records held in electronic formats and sometimes we'll see including text messages, and so on. And that just gives you a kind of that just covers you, covers all bases if you like.

So keep in contact, as I say, as I said before, the public authorities has an obligation to help you try and keep in contact with a person that that you've asked the information for. I think it's always useful to never, never think that it's a kind of closed or a kind of, a kind of one off exercise, you're always going to be going back for information because you're never going to get the information in a complete form and very really in the in the first instance. So think about when you go into freedom of information request, think about as an ongoing process is something you might have to go back, again for supplementary requests. And of course, that means that you know, it's very, it's gonna be very advantageous to keep a good relationship with the person who's dealing with your request.

Remember that, you know, we we're sometimes over suspicious about this, remember, the person that you're asking the information from is not necessarily is formally representing the organisation, but is not, doesn't necessarily have a kind of political or emotional kind of connection to the to the organisation that means that they want to prevent you finding out about it. Very often, employees in public organisations want that information to be made available and want to help people to request that so I think to approach this with a healthy cynicism, but also with an openness that you may well be assisting more than you expect is going to be useful in this.

Step 8 I've already said quite a bit about that in terms of the methodological limits, but there's always going to be limits of use of your data limits to your data and remember that you can ask for it in the format that you require. So if you're asking for statistical numerical data you may want to ask for in an Excel spreadsheet or other, other forms of software are available, of course, or you might want to ask for on a in a Word document if it's textual material, so you can edit it more easily, and so on that's, again, part of your entitlement to request the format in which the information comes in. Remember, that you're playing a long game, not just in terms of going back again, and I'm repeating different aspects or, or, or asking for new information.

But Step nine, you're playing it, you're playing the long game very often that you will not necessarily get the response you want them in the first response. And that means that very often the 28, the statutory period, the period that they should be supplying the information is extended, and very often it's extended, they have to notify you of a reason for that extension, and I kind of estimated revised time period that you'll get the information back. But playing the long game as well, I think is important in the sense that you should always be prepared to appeal and the mechanism for appealing is very simple. You go to the Ico the Information Commissioner's Office. And there's there's very clear instructions about how you appeal on on the ICO's website. And you should always, kind of, healthy scepticism, positive attitude, but be prepared for the worst and be prepared to the you have to go through an appeal for the information. And I think that's really, you know, the kind of key steps and a very brief introduction to how you approach your requests, and how you think about how that data might be used subsequently in your in your research project.

So I'll leave it there. And I hope to see if you're interested in this hope so you see some point on one of my courses. But most of all, I hope that this encourages people to request information, using this process to support the research because it's something that we should make more of , it's something researchers don't make enough of, in my opinion, and it's something that does contribute to a healthier democracy if we aren't able to get information out. I don't actually mean information about Boris Johnson's interior decoration. In a way, that's a side issue to the big issues about power that we can be asking, and the big issues about power that we can answer. Sometimes it can sometimes help us to answer those questions. If we get access to the information that we're entitled to