

FOI Upstream Evaluation: Interim Findings

July 2024



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Executive Summary

The FOI upstream project supports public authorities in performing their statutory duties under the FOI Act, while producing tools that also help citizens exercise their rights. It has been undertaken by the ICO in accordance with our duties of providing regulatory oversight, assurance and expert advice in relation to FOI.

This interim evaluation applies a theory of change approach to reviewing the project up to June 2024. This work has been completed in order to support decision-making and a potential bid for further funding in the next comprehensive spending review (CSR) period. The interim evaluation is to be followed up with a final evaluation in April 2025.

Key points from the review of activities and outputs are as follows:

Resources used to deliver the project: The resources (finance, staff time and systems) have been used effectively and efficiently and met original expectations. Further resources could be introduced to enable additional work streams such as training provision. This could in turn drive further impact through enhanced synergies from a mixed-methods approach.

Project delivery: The project over the interim evaluation period has delivered:

- 13 case studies, 5 blogs, 3 response templates and 28 newsletters articles;
- 8 learning resources and training videos;
- 21 FOI related event appearances; and
- 19 practice recommendations and 11 enforcement notices.

Awareness and use of FOI upstream products and resources: The overwhelming majority of respondents to the interim evaluation survey had used or were aware of our FOI resources, which is backed up by the number of visitors to the resources on the ICO's website. The most commonly used resources reported by respondents were enforcement notices and practice recommendations, newsletters, and case studies.

Early outcomes were also reviewed as part of the interim evaluation. The key points from this review are as follows:

Usefulness of resources: The majority of respondents felt that resources were extremely useful. Newsletters and workshops were particularly useful in keeping up to date with requirements. And the FOI resources provided adequately covered their role in meeting FOI requirements. Where feedback on events was collected, it was overwhelmingly positive.

Driving changes to processes: The majority of respondents reported an improvement in their confidence in dealing with FOI related issues. Almost a

third of respondents stated that they had already started making changes, with others planning to make changes soon or hoping to revisit this in the future. These included improving information on external websites, changes to templates and training, and awareness raising internally.

All respondents attributed at least some proportion of the changes they had made to the FOI upstream resources, with 39% of respondents attributing the changes to the resources 'completely' or 'to a large extent'. This provides causality evidence that the resources are driving impacts.

Costs and Benefits: The majority of respondents hadn't yet incurred any costs or benefits, or were unsure, but more reported experiencing benefits than costs. Where benefits had arisen, these included reduced time needed to provide internal support and releasing resource for other work. Some of the costs highlighted included increased staff time, the resource cost of publishing information on websites and software development.

Route to impact: The project is progressing well along its intended route to impact. The evidence shows some positive indicators of early outcomes such as requesters gaining access to relevant information and authorities changing their processes, linked to the development of resources and the publication of practice recommendations and enforcement notices. This has the potential to enable later stage outcomes such as enabling people to exercise their rights, reducing FOI-related harms, and potential cost reductions for the ICO and public authorities.

These early outcomes indicate that the project is progressing well and is expected to deliver against its aims. The interim evaluation has also revealed some learning points:

Maximising impact: The enforcement notice activity appears, at this stage, to be delivering more benefits for the associated effort (or at least demonstrating more evidence of the benefits). This should be considered when planning future activities for the project.

Leveraging reach to enable impact: The data on visitors to the FOI upstream resources indicated that the learning from decision notices was the most popular resource by a large margin, with high reported usage amongst survey respondents. This contrasts with the response templates which survey respondents reported relatively modest awareness of and low usage. The team should review this data and investigate whether this indicates that certain types of products should be prioritised over others to meet demand, or whether comms activity should be better focused on the products that are not reaching as wide an audience.

Continuation of funding: The first phase of this project drew on additional funding from government. There is evidence to suggest that it is delivering, and

will continue to deliver, good value for money. There were a number of activities recommended by the scoping research which were not taken forward. For the project to expand on its success, or indeed continue to deliver successfully, additional funding to ensure its continuation through the next CSR, should be sought. This would allow the project team to plan more effectively and maximise potential future benefits.

Quantifying affected groups: Work should be done to try to understand the size of the affected groups, in particular, the number of public authorities and FOI practitioners. Currently, there are no reliable estimates of the number of public authorities or FOI practitioners. This would be a difficult task and it may not be possible to deliver a precise estimate, but even a low to medium confidence estimate would prove useful for planning purposes and help understand what proportion of the affected group the FOI team is reaching.

Enhanced tracking of resources: To bolster our value for money findings, further tracking of resources would be helpful. Currently, it is difficult to verify whether resources, particularly in terms of staff time, provided from outside of the core FOI upstream team matched initial commitments or expectations. This is a lesson that could be applied more widely across the ICO in relation to its other projects, not just FOI.

Dissemination of good practice: There are a number of successes for the project that could be useful outside of the FOI upstream project and should be shared with the wider organisation (for example see the following learning points on scoping research and the user feedback panel). This has already begun to happen with project team members sharing their approach with others in the wider executive directorate to inform future initiatives in other areas of the ICO's work.

Scoping research: Undertaking scoping research at the project inception was reported as particularly useful for this project. Team members noted that this should be standard practice for any new initiatives. This aligns well with the ICO's policy methodology, where the second step in the process is research and analysis. This should be taken into account when planning future activities.

User feedback panel: Linked to the scoping research, the reference group of FOI practitioners that was set up has been invaluable to the team. Having an active and engaged group like this in place allows the team to gain greater confidence that the resources they are developing will be useful in practice.

Drawing on the full spectrum of regulatory tools: The combination of upstream engagement and targeted, sustained enforcement activity has been a huge success for the project. It is a good example of the ICO using multiple tools from its regulatory toolkit. On the one hand, providing support to organisations to help them comply, and on the other hand, responding with action to those that don't comply. This has been well received by both public authorities and

civil society groups. The approach has also allowed the ICO to demonstrate early outcomes by ensuring that the FOI requests linked to the enforcement action are being answered. This is valuable as it is often difficult to evidence outcomes at the early stages of a project.

FOI Impacts: At present, the ICO has a framework for data protection harms. This is useful in understanding and assessing the impacts of our data protection-related interventions. It would be helpful to consider whether a similar resource for FOI-related work could be developed, albeit acknowledging that the legislative regime is significantly different, which may be an obstacle.

Explicit ownership and accountability: The project has been delivered by a dedicated FOI upstream team. This enables the team to work on the project's activities without other competing priorities and focus solely on the successful delivery of the project's outputs and outcomes. It also ensures that there is accountability and ownership of the project's successes and failures.

1. Introduction

This interim evaluation report presents the interim findings from our evaluation of the FOI upstream project. The project provides upstream support to public authorities to perform in line with their statutory duties and prevent breaches of access to information legislation from occurring. The approach draws on best practice in evaluation from HM Treasury's Magenta Book.¹ This report will be followed up by a final evaluation in April 2025.

1.1. Why are we evaluating the project?

Our decision to undertake evaluation activity is decided on a case-by-case basis. In deciding where on the spectrum of ex-post impact approaches (one of which is a full scale review/evaluation) is most appropriate, we will consider the:

- type of intervention;
- extent of existing evidence base;
- scale and timing of expected impacts; and
- wider contextual factors.

The decision to undertake an evaluation of the FOI upstream project was largely due to the following reasons:

- **Policy impact:** reviewing the project will help to facilitate and demonstrate evidence-based policy and intervention design and implementation, providing greater accountability and transparency for the project. It will also help us to demonstrate achievements towards policy objectives and assess the policy's effectiveness, efficiency, results and impacts.
- **Innovative approach:** given this is a new stream of activity for the ICO, it is likely to provide a range of learning points. An evaluation helps to determine whether the approach taken here might be an effective way to tackle similar issues in future, and provide insight on what worked well and didn't work well.
- **Value for money:** the use of additional grant-in-aid (GiA) funding should make it easier to identify and attribute costs to the project. This presents a good opportunity for the ICO to attempt to demonstrate that the scale of funding and internal resources has delivered a good return on the public money invested. This could help the ICO to make the case for further resources and similar activities in future. It should be noted that

¹ HM Treasury (2020) *The Magenta Book*. Available at: <https://www.gov.uk/government/publications/the-magenta-book> (Accessed: 30 May 2024).

the ICO's ability to do this will depend on the evidence available and resources required.

The interim and final evaluation are being undertaken by the ICO's Economic Analysis – Impact and Evaluation team. Whilst we recognise that this makes it an internally delivered evaluation, care is being taken to ensure impartiality and the team are not directly involved in the design or implementation of the project itself, which helps provide objectivity.

1.2. Background to the FOI upstream project

The ICO's strategic plan, ICO25, established the strategic enduring objective to promote openness, transparency and accountability. This also supports the Commissioner's duty under section 47 of the Freedom of Information Act (FOIA)² to 'promote the following of good practice by public authorities' in relation to FOIA and its Codes of Practice.³

A scoping research project was commissioned to learn more about public authorities' experiences of dealing with FOI requests, and what support they would like from the ICO going forward. This then fed into the design of the FOI upstream project improving confidence for project deliverers. The FOI Upstream Regulation Research Report was published in 2023 to raise awareness of the findings of the scoping research project.

FOI Transformation Programme

To respond to the objectives set out in the ICO's strategic plan, the ICO set up the FOI Transformation Programme, which included the FOI upstream project (the focus of this evaluation). The programme's ambition was to deliver on the commitments in ICO25 and clear a backlog of complaints driven by covid-19 pandemic-related pressures.

As part of the last Comprehensive Spending Review (CSR), the ICO bid for additional funding for its transformation project and upstream work. The bid sought funding of £1.027m to be provided through the three year CSR⁴,

² *Freedom of Information Act 2000*. Available at: <https://www.legislation.gov.uk/ukpga/2000/36/contents> (Accessed 22 January 2024).

³ Although the report focuses on FOI as this is the main focus of the project, the findings and activities are also relevant to other access to information legislation that the ICO regulates such as EIR, RPSI and INSPIRE

⁴ Comprehensive Spending Reviews (CSR) set out the government's long-term plan for some of its expenditure over a set period (CSR Period). They usually take place every two to four years. For more information see this [article from the House of Lords Library](#).

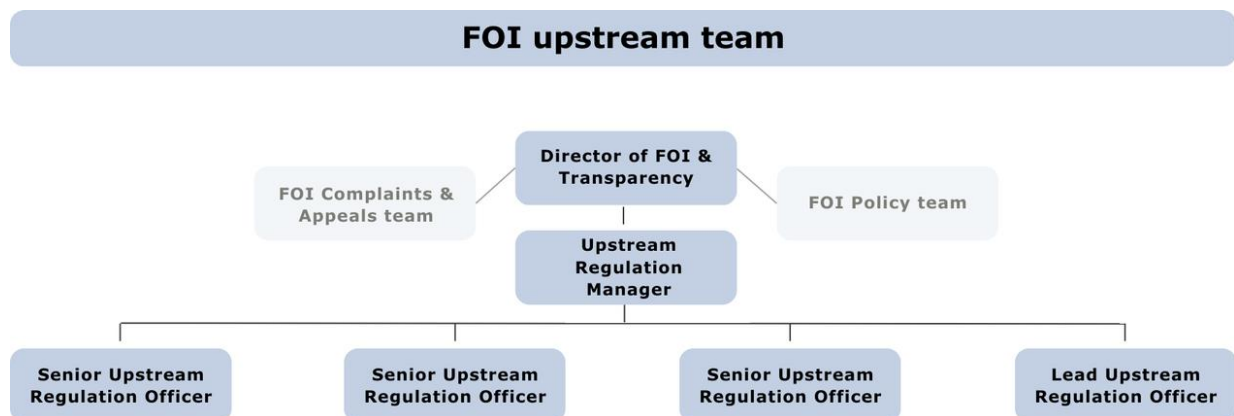
spanning April 2022 to March 2025.⁵ After initially approving the bid, however, the then government subsequently indicated that the additional funding was only to be provided for Year 1 of the CSR, with the ICO having to find the funding for the team from its wider grant-in-aid (GiA) pot over the latter two years of the CSR. This meant up to £320,000 of funding for the project was available from the additional money from government, which in practice funded the Y1 salaries of the new upstream team, as well as the scoping research project that helped define its future work programme. The remaining funding, which has simply provided for the staff salary costs of the new team, has come from the ICO’s existing wider GiA pot.

The majority of the wider FOI Transformation Programme was brought to a close in early 2024 upon completion of its work. The FOI upstream project has continued as an individual project.

FOI Upstream

The team began its set up phase from April 2022, with staged recruitment to meet the needs of different phases of the project. As illustrated in Figure 1, the fully-formed team is made up of one upstream regulation manager, 3 senior upstream regulation officers, and a lead upstream regulation officer, representing 4.6 FTE (full-time equivalent) staff members (a breakdown of the FTE staff members at different roles is provided in Table 2, as well as an overview of the other teams supporting the project). The FOI upstream project team reports directly to the Director of FOI & Transparency.

Figure 1: FOI upstream team overview



Source: ICO.

⁵ HM Treasury (2021) *Autumn Budget and Spending Review 2021*. Available at: <https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents> (Accessed 22 January 2024).

The project is also supported by a new FOI user group of around 80 FOI practitioners⁶, which has been established and is managed by the FOI upstream team. This user feedback group is used to test resources prior to launch. The team also receives input and feedback from civil society groups.

The project was established to support public authorities to perform in line with their statutory duties and prevent breaches of access to information legislation from occurring in the first place. The team's stated aims are to:

- better understand how public authorities are performing in line with their statutory duties and how we can support them to maintain and build upon the understanding gained from the scoping research;
- work with key organisations to produce and pilot tools, guidance and training for the regulated community to improve request handling
- increase our engagement with the FOI community, listening, sharing learning, and promoting best practice to improve transparency;
- support compliance with proactive disclosure and build an evidence base of the benefits of proactive transparency, while making requesters more aware of how they can access information already available removing the need for making a request;
- promote ease of access, by supporting those seeking information to make an FOI request so requests are easier to handle for public authorities while giving people the best chance of getting the information they want; and
- support the use of regulatory action, particularly the use of practice recommendations and enforcement notices, where this is needed to help drive quicker improvements in performance by public bodies than the team's usual approach.

1.3. Report structure

The remainder of this document is structured as follows:

- **Section 2. Approach to the evaluation:** the approach that was taken and the evidence base.
- **Section 3. The route to impact:** an overview of our application of the theory of change approach and summary visual;
- **Section 4. Delivering the project:** a summary of our findings on the inputs, activities and outputs from the theory of change;
- **Section 5. Delivering change:** a summary of our findings on the outcomes and impacts from the theory of change;

⁶ This was a newly established user feedback group consisting of staff members that work on FOI-related issues within a public authority.

- **Section 6. FOI upstream: initial findings and lessons learnt:** the findings of this interim evaluation and lessons that can be learnt for the next steps of the FOI upstream project; and
- **Annexes A – D:** covering survey respondents and more details on the evaluation time period, the evaluation framework questions, and the evidence base.

2. Approach to the evaluation

In this section, we set out the evaluation focus, the main evidence sources we draw on, and the timescales.

This evaluation applies the theory of change approach. A theory of change sets out all the steps of an intervention, and outlines how these contribute to achieving the desired outcomes and impact in a particular context.⁷ This typically includes the links between inputs, activities, outputs, outcomes, and impact. A theory of change helps to:

- provide a structure for analysis and reporting;
- develop evaluation questions and indicators for monitoring; and
- ensure common understanding.

The approach is informed by the best practice standards set out in [HM Treasury's Magenta Book](#). The evaluation has been designed with a view to proportionality given the resources, evidence available, and timescales which do not permit for substantial impacts to have occurred.

The evaluation is being carried out in two phases with an interim evaluation report (this report) and a final evaluation report in April 2025. The evaluation timeframe covers the period spanning October 2022 to December 2024. The initial interim report is intended to support future funding decisions and inform the remainder of the project's delivery. The timing of these is set out in Annex B.

2.1. Evaluation Focus

The evaluation predominantly focuses on understanding impacts (what difference has the project made?) rather than process (what can be learned from how the project was delivered?), although a light touch review of process lessons is fed in where appropriate. This is to manage resources but also to reflect that there may be more to learn from the impacts of this project and, for the final evaluation, how this affects value for money, where evidence permits.

Impact is often the most difficult aspect of the theory of change to measure since it will occur over a longer period of time and be influenced by other factors. This is because it falls at the end of the chain of causality. This means the ICO first needs to achieve the intended outputs and outcomes. This is described in more detail in the theory of change in Section 3. For this reason, where it is not possible to measure actual impacts, we will attempt to gather evidence on outputs and outcomes that provide insights into whether FOI

⁷ This is set out in the context of the FOI upstream project in Section 3.

upstream is likely to deliver significant impacts. The evaluation question set for the final evaluation are set out in Annex C.

2.2. Evaluation evidence

Here we present the key evidence streams that the interim evaluation draws on. A full list of sources used for this interim report and the final evaluation report are provided in Annex D.

Interim evaluation survey

A survey of FOI practitioners was conducted between 25 April and 16 May 2024 to support the interim evaluation. This received 58 responses. An overview of the characteristics of respondents is provided in Annex A. As noted in the annex, the number of responses is unlikely to be representative of all public authorities but still provides useful insights.

Monitoring data captured via a bespoke dashboard

The FOI upstream team, with support from Economic Analysis, have maintained a spreadsheet tracker that feeds into a monitoring dashboard to report on key statistics for the project. This includes publications, engagement with products, event attendance and resources committed.

Light touch interviews with key team members

We conducted a series of interviews with FOI upstream team members to test our findings and gather their views on process and impact. We intend to follow these up with a greater variety of interviewees (including external stakeholders) for the final evaluation to augment the insight already provided through the survey.

3. Route to impact for FOI upstream

This section sets out the theory of change for the FOI upstream project. The theory of change framework provides the structure for our evaluation and allows us to demonstrate the multiple routes to impact that the project is designed to achieve, as well as some of the interdependencies between different elements of the causal chain.

The theory of change for the project is set out in Table 1 with a visual summary provided in Figure 2 below the table.

Table 1: FOI upstream theory of change

| Theory of change factors | FOI upstream context |
|--|--|
| The situation/problem the change in approach aims to address | <p>The ICO has current statutory responsibilities to provide regulatory oversight, assurance and expert advice for the Freedom of Information (FOI) Act; an area that requires uplifts in funding over above the current Grant-in-Aid provided by government.</p> <p>While existing funding has allowed the ICO to deliver the statutory minimum in this area to date, backlogs emerged over the pandemic and demand for these functions is increasing. During the pandemic, live caseloads rose from a 1,250 average to more than 2,000.</p> <p>FOI has faced underinvestment for a number of years, limiting the ICO’s ability to drive improvements both in our own performance and amongst the regulated community, with little to no wider monitoring and enforcement work beyond that associated with individual complaints.</p> |
| The rationale for the intervention | <p>The FOI Act provides the public with the right to access to information held by public authorities and is regulated by the ICO. Access to information from public authorities provides a number of public benefits including:</p> <ul style="list-style-type: none"> • enabling the public to make more informed decisions for themselves such as voting decisions or choices around public service use; and • enabling scrutiny and accountability of the decisions of public authorities to improve their decision-making |

which can in turn lead to more effective and efficient public services.

This helps to mitigate against market failures resulting from information asymmetry and ineffective delivery of public goods.

On top of adversely affecting rights and freedoms of individuals, restricting access to information held by public authorities could lead to societal harms. These include, but are not limited to:

- damage to democracy: where people do not feel informed enough to engage in the democratic process;
- damage law and justice: where society is unable to hold public authorities to account; and
- damage to the economy: where decision-making leads to inefficient outcomes for the economy.

The Commissioner has a desire for the ICO to focus more resource on upstream regulation in line with the s.47 statutory functions to promote good practice to ensure the current legislation is working as effectively as possible. This is reflected in the [ICO25 strategic plan](#) within the broader objective of promoting openness, transparency and accountability.

The change the new approach aims to bring about (impact)

The impacts the project hopes to achieve are:

- enable public authorities to deliver more efficient and effective public services; and
- reduce the harms associated with restricted access to necessary information.

The main actors and groups expected to be impacted

Public authorities, all UK citizens and the ICO are expected to be the main affected groups. It is likely that public authorities with relatively low levels of compliance and those that request information from them would see the greatest impact. UK organisations can also make FOI requests, although this is less common.

The causal chain of events that are expected to bring

FOI upstream seeks to engage with key organisations by offering tools, templates and educational material that helps improve their compliance with FOI legislation. It

about the change (activities, outputs and outcomes)

also includes supporting monitoring and enforcement activity using the ICO's previously underused wider powers as distinct from complaints casework. The upstream work is also supported by an awareness raising strand of activity that includes attendance at events and the use of blog posts, social media, and an FOI newsletter. The outputs that this is intended to support include:

- public authorities engaging with the resources (tools, guidance, examples of enforcement activity etc);
- people engaging with the resources (templates and guidance) either directly through the ICO or indirectly through the public authorities re-using or re-purposing the resources for their requesters, or civil society organisations signposting them to the resources; and
- ICO monitoring use of the resources and general compliance and enforcing where necessary.

It is hoped that these outputs will drive knowledge and behavioural changes amongst public authorities and the general public including:

- use of the resources leading to an improved understanding of FOI amongst public authorities;
- use of templates and other tools making people's FOI requests more clear, specific and effective; and
- people gaining an improved understanding of their rights and what information they are and aren't entitled to. This would be an indirect outcome through the templates and other resources the authorities deploy.

These behaviour changes are then expected to lead to the following outcomes:

- reduced costs for public authorities stemming from the improvements in the quality of the FOI requests and public authorities' ability to deal with them;

- people gaining access to more of the relevant information that they requested more quickly; and
- less people needing to complain to the ICO about an FOI request.

It is then expected that these medium and shorter-term outcomes would deliver the following longer-term outcomes:

- improved public confidence in authorities and better engagement between the public and public authorities;
- people better able to exercise their rights (including those not related to FOI); and
- reduced levels of complaints meaning the ICO is able to focus its resources on further improvements to compliance.

This is then expected to lead to the impacts of more efficient and effective public services and reduced harms to individuals and wider society. Although FOI related-harms are not formally documented in a framework, these could include some of the harms listed in our data protection harms framework such as damage to democracy, where people don't feel they have the necessary information to deploy their democratic rights or widespread mistrust leading to chilling effects on the use of public services.

Resources and inputs committed

The main resource committed is staff time. This includes the development of a new team with:

- group manager: 0.9 FTE until 3 Jan 2023 and then full time;
- senior case officers: 2 full time and 1 at 0.6 FTE until 9 Jan 2023 and then 0.8 FTE thereafter; and
- lead case officer: full time until 3 March 2023 and then 0.8 FTE thereafter.

There is also ad hoc support required from other teams across the ICO such as legal, web team, corporate comms, market research, FOI policy, economic analysis

and others. The implications of the resources committed are discussed in section 4.1.

The ICO also procured the aforementioned scoping research to support the design of the project.

Source: ICO Economic Analysis

Levels of confidence in the assumptions underpinning the theory of change

We will revisit the theory of change in full for the final evaluation at which point we can fully assess how well it aligns with the reality of the project in hindsight. At this stage, there are a number of factors that provide some confidence in the assumptions that underpin the theory of change:

- The use of a scoping research project and the resulting [FOI Upstream Regulation Research Report](#) which informed the design of the FOI upstream project;
- The testing of resources with the FOI user group of around 80 practitioners; and
- The input and feedback received from civil society groups.

One key piece of missing information is the number of public authorities and FOI practitioners⁸ in the sector. The FOI Act defines those within its scope in three broad categories:⁹

- **Listed public authorities:** a set of broad categories listed in the FOI Act, including, but not limited to: government departments, local government bodies, and the vast majority of other public services;
- **Publicly-owned companies:** companies that meet a specific criteria of ownership by the Crown, wider public sector or a combination of the two; and
- **Public authorities added through amendments:** new types of public authority are created that are added to the scope of the FOI Act.

While data is collected by government on the number of public bodies,¹⁰ there is no dataset that covers the wider scope defined within the FOI Act. This may be due to the difficulty in applying the definition in practice. The legislation sets the scope, and the ICO provides additional clarity through the website but there is still some uncertainty at times around which organisations fall within the scope

⁸ FOI practitioners are people who work on FOI-related issues.

⁹ For more information on this definition see: [Public authorities under the Freedom of Information Act | ICO](#)

¹⁰ This data can be found within the Department for Business and Trade's Business Population Estimates here: [Business population estimates - GOV.UK \(www.gov.uk\)](#)

of the FOI Act and the ICO is sometimes required to intervene in disputes on the scope.¹¹

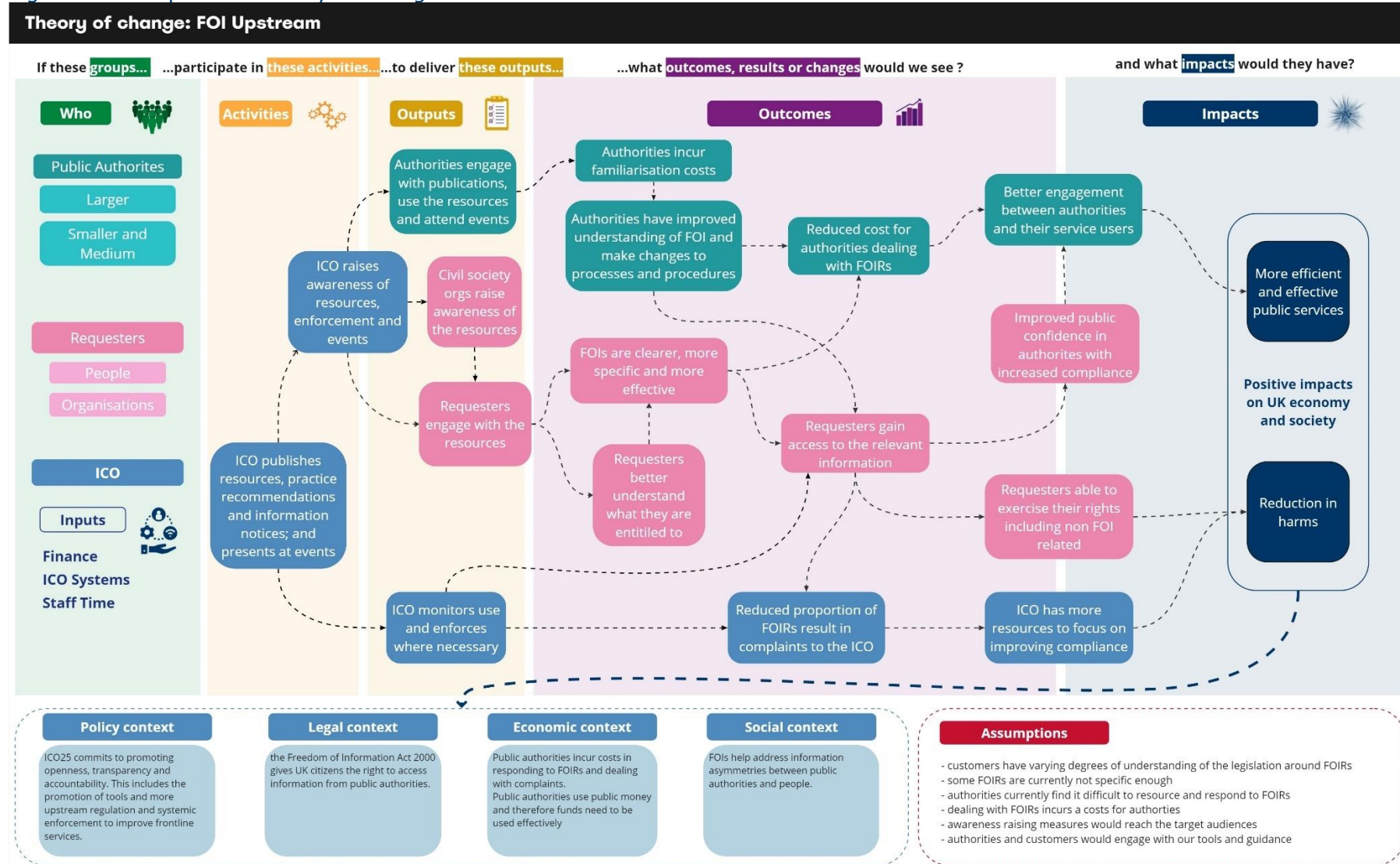
Without clarity on the number of public authorities, it is also difficult to ascertain how many FOI practitioners there are working on FOI-related issues. This is further complicated by the wide range in the number of practitioners that work in each public authority.¹²

The number of public authorities and FOI practitioners is important information to test whether the scale of activities is appropriate and to judge the success of awareness raising activities. We will revisit this issue for the final evaluation.

¹¹ See this article for an example: [Judicial Conduct Investigations Office must comply with FoI requests, ICO finds | Law Gazette](#)

¹² See Annex A for details on how this range varies amongst those we surveyed

Figure 2: FOI upstream theory of change



Source: ICO Economic Analysis.

4. Delivering the project (inputs, activities and outputs)

This section reviews the inputs and resources used to deliver the project, the activities that were carried out and the outputs that were delivered, as well as high-level commentary on the value for money delivered by the resources committed.

4.1. What resources were used to deliver the project? (Inputs)

FOI upstream is a new stream of activity for the ICO. This means it is drawing on additional resources to successfully deliver the expected outcomes. These resources include:

- finance;
- staff time; and
- systems.

For the purposes of this interim evaluation, we focus mainly on finance and staff time. This is partly due to the availability of evidence but also because, from conversations with FOI upstream team members, these elements make up the majority of project costs.

We also provide high level commentary on the perceptions of the value for money delivered by these resources. This is informed mainly by conversations with FOI upstream team members. Value for money is often considered in the context of the analysis of costs and benefits but at this early stage in the project delivery, we are not able to draw these types of insights. This will be revisited for the final evaluation.

Finance

To help provide a baseline and inform the direction and scope of the project, scoping research was carried out by an external provider. The total cost of this scoping research was around **£50,000** (including VAT). Invoices were paid in line with expected timescales and the full amount was paid upon project completion in Q4 2022/23.

Commentary on value for money

The scoping research was seen by the FOI upstream team as a very useful tool that not only set the direction for the project, but also helped them develop a group of stakeholders for future engagement activity. The team conveyed that scoping research with stakeholders should be a natural step for any new initiative and that this should be taken on board as a learning point for future projects across the ICO.

Staff Time

The FOI upstream team consists of around 4.6 FTE staff members.¹³ The project is supported by a director with roughly 5% of their time allocated to it across the project period. The Economic Analysis team has also committed two team members at 5% of their time on average across the project period to support with evaluation and monitoring. The costs of these are outlined below:

Table 2: Employment costs October 2022 to 31 May 2024*

| Role | Average FTEs | Total Employment Costs** |
|--------------------------------|--------------|--------------------------|
| Core FOI upstream team members | 4.61 | £303,609 |
| Supporting team members | 0.15 | £14,163 |
| Total | 4.76 | £317,772 |

Source: [Business Population Estimates for the UK and regions 2023](#), [Business Data Survey 2023](#)

* figures may not sum due to rounding

** assumes career band 2 for all roles and a 40% uplift to account for non-salary costs (this is the standard uplift applied by the Finance team for planning purposes)

As shown in Figure 1 in section 1.2. , the FOI upstream team is a dedicated team set up to deliver these activities. Interviews with team members suggested that setting it up in this way rather than using existing team structures and resources was essential to the project's success, as it allowed the team to focus solely on the stated outcomes and objectives. We will explore the team's structure and specific roles in more detail a part of the final evaluation.

There are also a number of other teams that provide supporting roles to the project on an ad-hoc basis which include:

- FOI casework, FOI policy and Information Access team members to sense check the products;
- Communications team members supporting with publication of products, engagement statistics and editorial review;
- Procurement team members to support with the external research partner that undertook the scoping research; and
- Research manager to support delivery of the scoping research.

It has been considered disproportionate to monitor these additional supporting team costs given the lower levels of staffing and difficulties gathering the information.

¹³ Note this excludes the non-core FOI upstream team members from Table 2.

Discussions with the FOI upstream team suggest that the staff resources available to the project have been adequate to successfully deliver on the majority of expected outcomes. However, some proposed initiatives such as the provision of training have not been able to be taken forward because of resource limitations. Additional resource could enable these additional streams of work which FOI upstream team members suggest would drive further impact through enhanced synergies from a mixed-methods approach.

Commentary on value for money

The initial funding for FOI upstream was additional to existing funding, so it did not involve a shift of resources from elsewhere or an opportunity cost. That said, the view from internal interviews is that the outcomes delivered to date would have justified a shift in resources from elsewhere, despite resource constraints across the public sector. Even at this early stage, the team have been able to deliver and begin to evidence outcomes (discussed in Section 5. below).

Our value for money findings are somewhat limited by the evidence we are able to draw on here. This is a finding that is relevant to all resources but in particular staff time outside of the core FOI upstream team. Enhancements to the tracking of inputs would be helpful in verifying whether resources matched initial commitments.

Systems

The draw on systems is limited given the project hasn't required development of any new systems or the procurement of additional solutions. The main requirement here has been website amendments and the use of standard systems available to all staff members, such as word processing and communications software. One exception is the dashboard that was set up to monitor key inputs, activities and outputs for the project. This required some additional staff time from outside of the FOI upstream team. Conversations with FOI upstream team members suggest that the dashboard has been useful in planning, prioritising and demonstrating progress.

This resource has not been analysed separately but should largely be captured by the on-costs included in the total employment costs. No issues were raised with regards to the systems and other tools available for use.

Commentary on value for money

Given the limited draw on systems, there are no concerns around the value for money delivered with this modest commitment of resource.

4.2. What did the project do? (Activities)

The project's main activities to date, informed by the scoping research, have been to:

- develop and raise awareness of resources to support requestors and practitioners;
- present and appear on panels at events; and
- oversee and publish enforcement notices and practice recommendations.

It is worth noting that this does not encompass all the work that the upstream team have delivered, just that we are accounting for in this project.

Figure 3: Summary of activities



Source: ICO Economic Analysis

The scoping research also made other recommendations for activities, including:

- provide an open-source database platform for FOI request management;
- develop a dashboard of aggregate performance data to allow organisations to compare themselves against a benchmark; and
- provide training to practitioners.

However, budget constraints meant that it was not possible to undertake these activities so they remain an aspiration for potential future phases of the work.

Develop and raise awareness of resources

The project has delivered a range of resources between November 2022 and June 2024, including:

- 13 case studies;

- 8 learning resources and training videos;
- 5 blogs;
- 3 response templates; and
- 28 newsletters articles.

These were published on the ICO's public website, supported by communications activity, such as social media posts (LinkedIn and Twitter) and mailouts.

Publication of resources was persistent with only the occasional period of up to a month where no products were published. The 28 FOI upstream articles were published across 7 of the ICO's newsletters on data protection and FOI between October 2023 and June 2024.

The FOI upstream team were particularly positive about the ability to use a reference group of FOI practitioners it has created as part of its work and which has now grown to include around 80 practitioners. The team uses this group to test materials when they are at draft stage and find ways to improve their useability through feedback. The group is also used to disseminate and raise awareness of resources and events.

Presenting at events

The FOI upstream team has presented at 21 FOI related events, 7 of which the ICO hosted, between September 2022 and June 2024. The team's contributions included keynote speeches, presentations, workshop delivery and panel discussions.

The majority of events were run virtually (18 out of the 21). Comments from some respondents to the interim evaluation survey mentioned that they would like to see more in-person workshops and events which could be a consideration for future phases, budget permitting.

Publish enforcement notices and practice recommendations

The team oversaw the delivery, published and raised awareness of 19 practice recommendations and 11 enforcement notices during the period. To put this into context, since the Act was implemented in 2005, the ICO had issued just 3 enforcement notices prior to the FOI upstream project's inception (pre-2022). The main theme in these notices and recommendations was around a lack of timeliness in responses to FOI requests.

The work aims to provide a multi-pronged approach where we are publishing the notices themselves for organisations to learn from but also sending strong signals that non-compliance will be met with action. This halts non-compliance but also increases regulatory certainty in the areas that the ICO enforces.

4.3. What was delivered? (Outputs)

The key output that links activities to outcomes within the theory of change is awareness raising and engagement.

Awareness and use of resources and events

The ICO's comms team led a light touch review of the performance of a social media campaign on Twitter and LinkedIn for a set of FOI upstream case studies. It found that the content performed relatively well on both channels (compared to other enforcement content). Engagement on LinkedIn reached a wider audience and was more positively received (more likes and reshares with positive messages) than on Twitter. This was backed up by anecdotal feedback on social media campaigns for other types of resources too.

Figure 4: Positive reshare example from LinkedIn

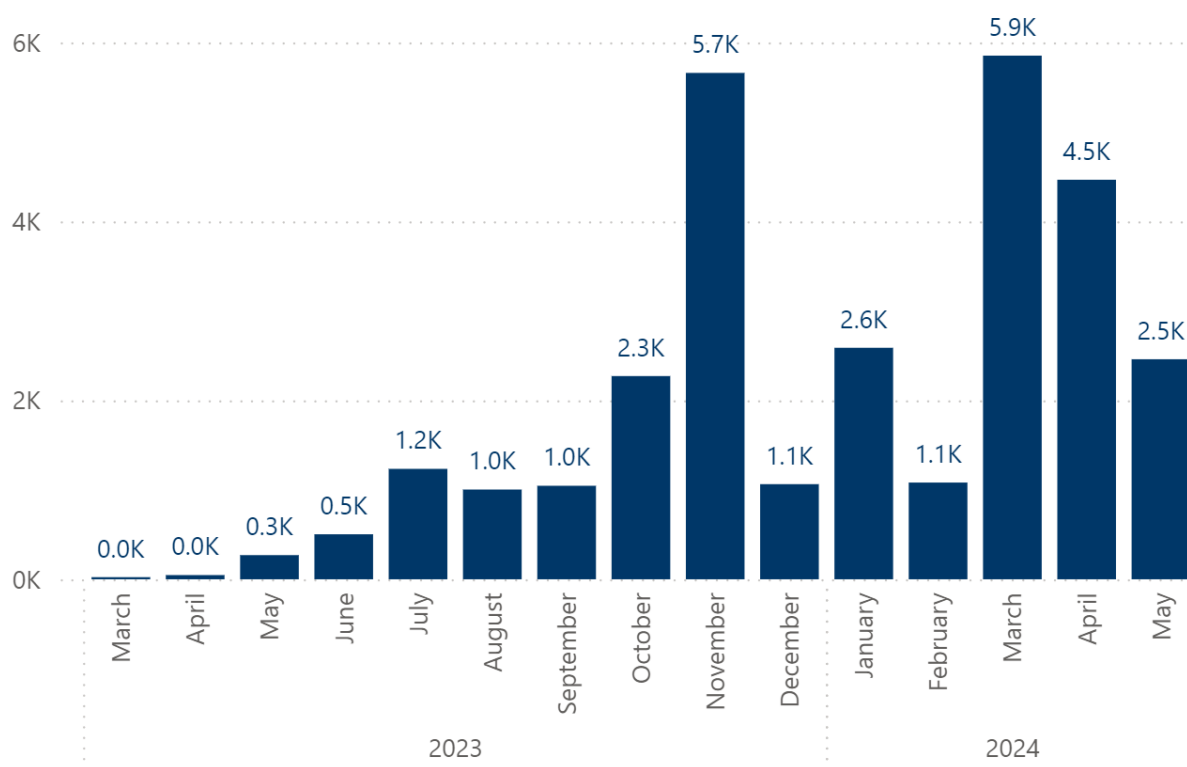


Source: LinkedIn.

Across all resources published by the FOI upstream team on the ICO's website, there were **29,600 visitors** between March 2023 and May 2024.¹⁴

¹⁴ Some of these are likely to be the same people viewing multiple resources.

Figure 5: Visitors to FOI upstream resources



Source: Analysis of Silk Tide website analytics data by ICO Economic Analysis

The most popular resource ([Learnings from ICO decision notices](#)) has drawn in 8,300 visitors since its publication in February 2024. Table 3 below shows that visitors are visiting pages for all resource types, although the learning points resources have performed particularly well. When compared to other resources recently published by the ICO (highlighted in grey in the table below)¹⁵, the FOI upstream resources have performed relatively well.

Table 3: Visitors to top 10 FOI upstream resources ranked by average visitors per month with comparators (highlighted in grey)

| Name | Type | Published | Total visitors | Average per month |
|--|--------------------|-----------|----------------|-------------------|
| Learning points from decision notices | Tribunal/Decisions | 18/02/24 | 8,300 | 2,767 |
| What to consider when using online forms to receive information requests | Blog | 15/11/23 | 4,867 | 695 |
| Learning points from tribunals | Tribunal/Decisions | 18/02/24 | 1,476 | 492 |

¹⁵ To select suitable comparators, we identified content that was recently published (within the last year), of a similar type to the FOI upstream content, and had involved some form of comms activity to raise awareness of the content.

| | | | | |
|--|----------|----------|-------|-----|
| ICO internal training | Video | 30/11/22 | 4,371 | 336 |
| Are you clear on clarifying information requests? | Blog | 10/01/24 | 1,569 | 314 |
| Transparency in health and social care guidance | Guidance | 01/04/24 | 577 | 289 |
| Renewed guidance for requesters | Guidance | 04/03/24 | 816 | 272 |
| Cookie compliance blog | Blog | 31/01/24 | 1141 | 228 |
| FOI in 90 seconds | Guidance | 28/09/23 | 1,982 | 220 |
| Helping public organisations to get information access right | Blog | 20/07/23 | 2,078 | 208 |
| Case study landing page | Other | 02/02/23 | 1,382 | 126 |
| Monitoring workers guidance | Guidance | 01/10/23 | 599 | 120 |
| FOI performance data guidance and template | Guidance | 31/01/24 | 360 | 90 |

Source: Analysis of Silk Tide website analytics data by ICO Economic Analysis

The total number of attendees across all events is over **4,200 people**,¹⁶ with the largest event reaching over 800 people. Examples of the events include:

- Data Protection Practitioners Conference 2023 (online);
- National Police Chiefs Conference 2022 (online) and 2023 (in person);
- NHSE webinar 2024 (online); and
- eCase FOI conference and awards 2024 (in person).

Although some interim evaluation survey respondents did request more in-person events, the reach was much smaller for these (105 attendees on average at in-person events vs 391 for virtual events).

Although it's not possible to say how many people viewed the FOI upstream articles in the ICO's newsletters, the average viewership of the newsletters that contained FOI upstream articles is around **29,700**.

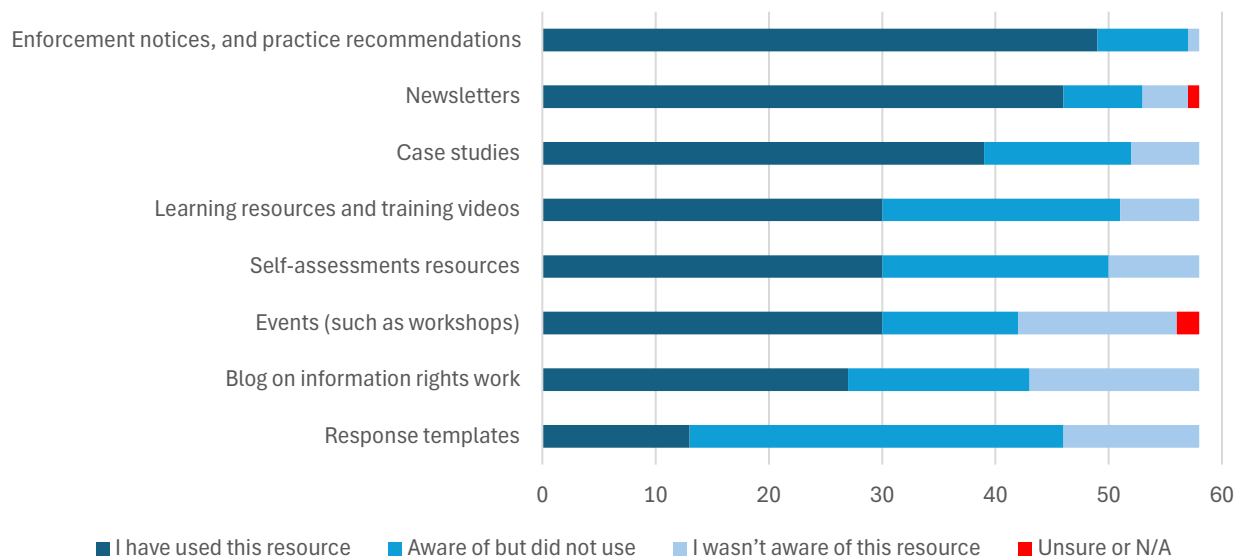
The overwhelming majority (98%) of the 58 respondents to the interim evaluation survey (see Section 2.2. for an overview of evidence sources) had used, or were aware of, at least three of the eight resource types listed in the survey, while just one respondent indicated that they were unaware of any of the FOI resource types. This is a positive finding, although it should be noted that the survey was communicated using our existing relationships with FOI practitioners and representative bodies, so it is likely to have skewed the sample

¹⁶ Some of these are likely to be the same people attending multiple events.

towards those who already have a greater awareness of the ICO and its resources.

A more detailed breakdown of respondent awareness by resource type is shown in Figure 6 below. Survey responses illustrate that the most commonly used resource types among respondents were enforcement notices and practice recommendations (84%), newsletters (79%) and case studies (67%); while just 13 respondents (22%) had used response templates. This same general pattern also followed with awareness of the resources. Response templates stood out as a resource where a relatively large proportion of respondents that were aware of the resources had decided not to use them. The team should consider whether this is to be expected or if improvements need to be made to this resource type.

Figure 6: Which of the following statements best describes your awareness and use of the different FOI resources provided?



Source: Analysis of ICO feedback survey responses (58 responses).

4.4. Summary

The key messages around inputs, activities and outputs are summarised below.

Resources used to deliver the project: The resources (finance, staff time and systems) have been used effectively and efficiently and met original expectations. Further resources could be introduced to enable additional work streams such as training provision. This could in turn drive further impact through enhanced synergies from a mixed-methods approach.

Project delivery: The project, over the interim evaluation period, has delivered:

- 13 case studies, 5 blogs, 3 response templates and 28 newsletters articles;
- 8 learning resources and training videos;

- 21 FOI related event appearances; and
- 19 practice recommendations and 11 enforcement notices.

Awareness and use of FOI upstream products and resources: The overwhelming majority of respondents to the interim evaluation survey had used or were aware of our FOI resources, which is backed up by the number of visitors to the resources on the ICO's website. The most commonly used resources reported by respondents were enforcement notices and practice recommendations, newsletters, and case studies.

5. Delivering change (outcomes and impacts)

This section presents a summary of the findings relating to outcomes and impacts. Given the point in time for this interim evaluation, our findings are mainly limited to early and intermediate outcomes at this stage. However, these can be a useful indication of potential longer term outcomes and impacts.

5.1. Indicators of potential behaviour changes (early outcomes)

Perception of resources

One early indicator of potential behaviour change is whether respondents that have used the resources found them useful. Respondents are more likely to make attributable changes in processes and procedures if they find the resources useful in the first place.

The majority of respondents that answered the relevant question (88%) agreed that the FOI resources provided by the ICO were clear and easy to use. One respondent noted:

“Since working as an FOI officer, the FOI resources available for us to use has been much improved. I regularly read updates in the newsletter and find that this is the go-to piece of information on changes or updates from the ICO and find it is the most informative”

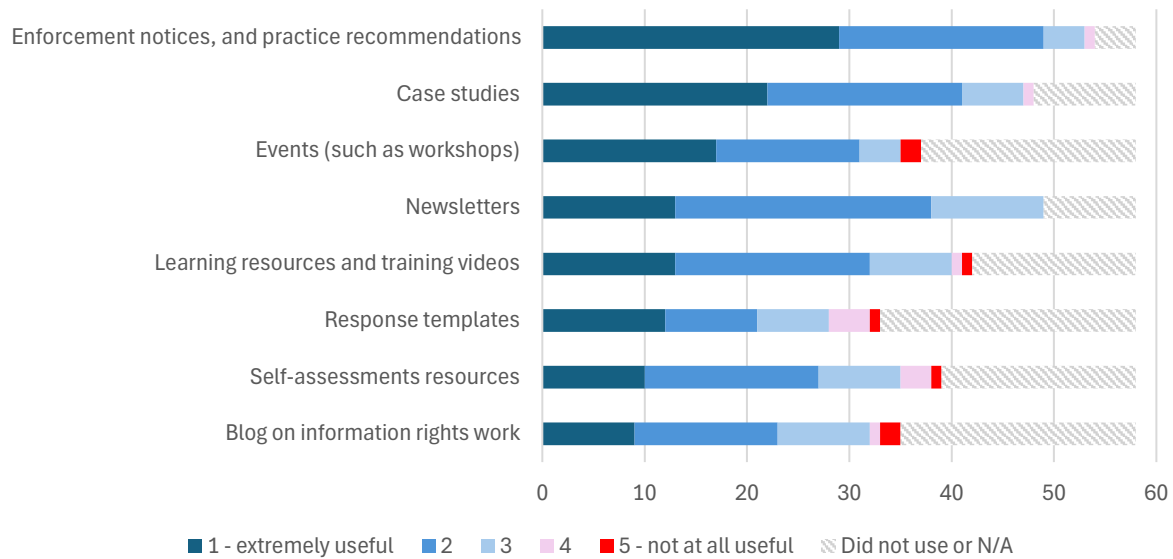
Source: Survey response.

Six of the respondents (10%) neither agreed or disagreed that resources are clear and easy to use, while just one respondent (2%) disagreed. Where respondents noted issues with the resources, these ranged from resources being too complex to not being detailed enough, which is to be expected with such a wide audience.

To further understand respondents’ interactions with and perception of the resources we asked how useful they found each type of resource individually, as illustrated in Figure 7 below. The majority of respondents (62%) indicated that at least one of the resource types were ‘extremely useful’ whilst just five (9%) felt at least one of the resource types was ‘not at all useful’.

For all resource types, the majority of respondents that had used the resources, found them useful. The enforcement notices and practice recommendations had the highest number (49) and proportion of positive responses (84%). This aligns with anecdotal feedback given to FOI upstream team members.

Figure 7: Based on your experiences of the FOI resources available, how useful have you found them?



Source: Analysis of ICO feedback survey responses (58 responses).

Respondents noted that the variety of resources available were useful in keeping them up to date, with the newsletter being noted as a helpful tool for information on changes and latest decision notices. Several respondents stated they found the workshops useful and would like to see more available in the future. Where feedback was collected by event hosts, it was overwhelmingly positive.

“thank you so much for being so knowledgeable, informative and helpful and being a total joy to work with (as ever). The comments [from attendees] are amazing and it was great to hear that they loved the diversity of speaker views.”

Source: FOI event host.

Templates and training were also noted as a useful resource by several respondents and that they would benefit from more of these.

When asked whether the FOI resources provided adequately covered their role in meeting FOI requirements; the majority (47 respondents (80%)) either agreed or strongly agreed that they did, while three respondents (5%) disagreed. One respondent commented:

“Much better resources available to working FOI practitioners as a go to resource for help and guidance, much improved since a couple of years ago. The resources save hunting around the ICO website, especially when you need to find an answer quickly, due to the time limitation. Helpful for those Practitioners working in smaller local authorities who may not be part of a large team.”

Source: Survey response

Comments from the relatively small number of respondents that disagreed included guidance on specific sectors and deeper dives on some issues for more experienced practitioners.

5.2. Indicators of potential changes to process (intermediate outcomes)

A key link within the route to impact assumed within the theory of change is organisations having an improved understanding of FOI requirements leading to changes in their processes and behaviour which drive increased compliance and decreased likelihood of FOI harms.

Improved understanding of FOI

Over two thirds of respondents (69%) reported increased confidence since engaging with the resources. This is important feedback given the positive correlation between increased confidence and improved understanding of FOI, which is a key link in the route to impact.

Table 4: Since using the resources provided, how confident do you feel in dealing with FOI issues?

| | | |
|-------------------------|----|-----|
| A lot more confident | 17 | 29% |
| Somewhat more confident | 23 | 40% |
| As confident as before | 16 | 28% |
| Somewhat less confident | 1 | 2% |
| Unsure or N/A | 1 | 2% |

Source: Analysis of ICO feedback survey responses (58 responses)

Implementing changes

The evaluation survey asked whether respondents had or are planning to make any changes to processes and procedures. There were 18 respondents (31%) that stated that they had already started making changes, with a further seven (12%) planning to make changes soon. There were 24 respondents (41%) that stated that while they had no immediate plans, they hoped to revisit this in the future. Given these effects are often longitudinal, we would expect that over the course of the programme, these figures will rise. The types of changes respondents had made or were planning to make, included:

- improved content on external websites for requesters;
- changes to templates;
- improved training and awareness internally of ICO resources; and
- more proactive publication of data online.

Route to impact: Requesters engage with the resources

The FOI upstream programme is focused on engaging with public authorities and, as such, is not proactively interacting with many requesters. As shown in the theory of change (see Figure 2), it is intended that public authorities, as well as civil society organisations, will help to raise awareness amongst requesters. Although we are not able to confirm whether requesters are engaging with the tools and templates that the ICO has provided to organisations, we do have evidence of engagement with public authorities. Our survey tells us that one of the key changes public authorities are making is to improve their external content for requesters. This provides evidence to support that route to impact where requesters better understand what they are entitled to and make clearer, more specific, and more effective FOIRs as a result.

There is also anecdotal evidence that practice recommendations are driving changes to processes. In response to a practice recommendation, one council reported:

“Over the past 12 months, [the issue] has begun to be addressed with all departments improving how data is being collated and shared. I’m confident the new processes and training being put in place will enable the Council to more than meet the standards of the Freedom of Information Act, and demonstrate we are an open and transparent organisation.”

Source: PDP Journals (2024) Freedom of information Journal Volume 20 Issue 1.

Attribution of changes

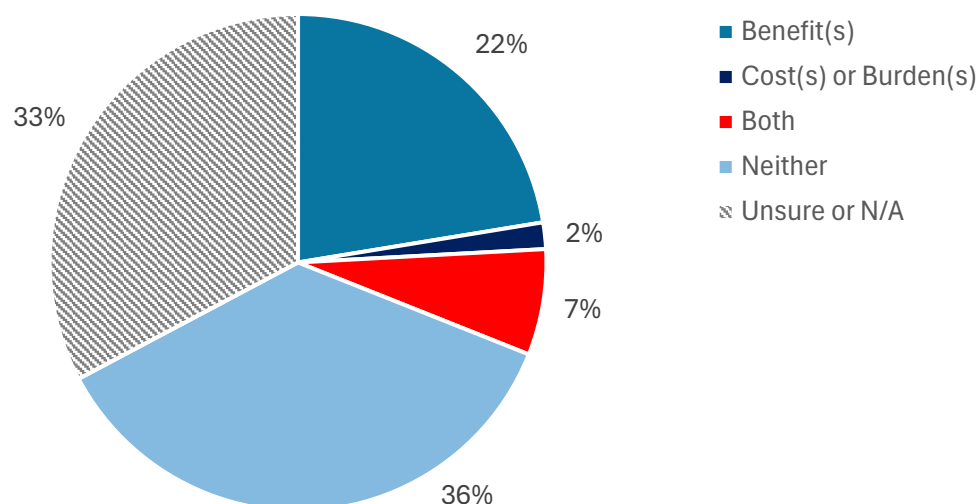
To assess whether the changes were attributable to the resources or if they would have happened even without the resources, respondents were asked to what extent they would attribute their changes to the resources provided. All those that responded to the question (33 respondents) reported that at least some of the changes were made due to engaging with the FOI upstream resources. There were 13 respondents (39%) that reported high levels of attribution (‘completely’ or ‘to a large extent’). This is a positive result as it provides evidence that **the resources are driving actual changes rather than just being correlated with them** (an important link in the project’s theory of change).

Perceived costs and benefits

It was assumed within the theory of change that organisations may incur familiarisation costs¹⁷ in the short term but then a longer-term reduction in costs. This is through improved understanding of the requirements, embedding of FOI training and processes, and greater clarity and specificity in the FOIRs themselves.

Figure 8 gives an overview of responses to the survey in relation to additional costs or benefits due to the use and implementation of FOI resources. The majority of respondents reported that they hadn't incurred costs or benefits, were unsure if they had incurrent costs or benefits, or decided that the question was not applicable to them (69%). However, 22% of respondents noted benefits and a further 7% noted benefits and costs. Just 2% of respondents said they had incurred only costs.

Figure 8: Has the use and implementation of the FOI resources resulted in additional benefits or costs to your organisation?



Source: Analysis of ICO feedback survey responses (58 responses).

Some of the benefits highlighted by respondents included:

- reduced time needed to provide internal support; and
- releasing resource for other work.

The costs highlighted included:

- staff time;
- publishing information on websites; and

¹⁷ These are the costs organisations can incur from the time and resources taken to read and familiarise themselves with any resources. More detail on familiarisation costs is provided here: [Business Impact Target: appraisal of guidance - assessments for regulator-issued guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

- software development.

5.3. How far has the project progressed along the route to impact? (later stage outcomes and impacts)

The evidence we have collected so far, indicated that the project is progressing well along its intended route to impact. At this stage, we cannot provide high levels of confidence that all the intended impacts will be achieved, but we are able to draw out areas where there are strong indications of progress. These are highlighted in blue boxes below.

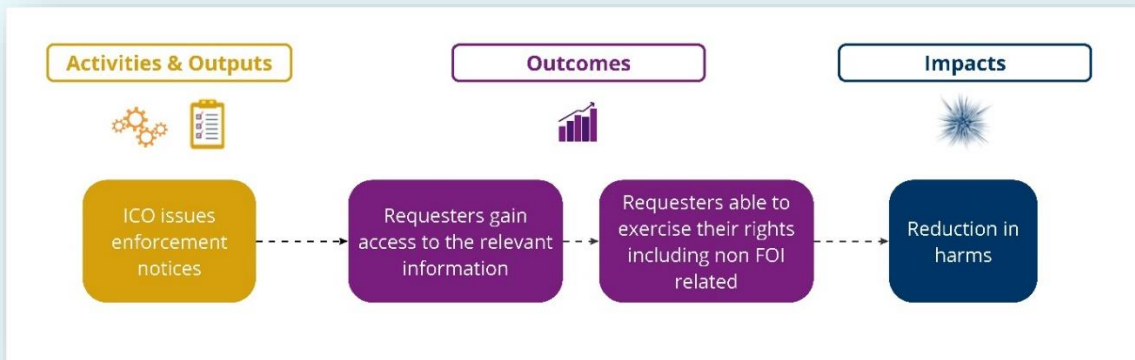
Route to impact: Development of resources

The survey evidence shows some practitioners are already changing their processes which is a strong indicator that changes will follow for requesters. The fact that we have such an early stage indicator of this is likely due to the practical nature of some of the resources delivered. Tools such as templates and trackers were designed to be instantly applicable for practitioners. By engaging them with draft versions and ideas early on in the process through the reference group, there was a higher degree of confidence that these would actually be useful. It is difficult to prove that the use of ICO resources is leading to changes for requesters and wider society, particularly at this early stage, but we will continue to monitor this for the final evaluation.

Route to impact: Enforcement notices

The route to impact where we have evidence of the furthest progress along the theory of change is the enforcement action undertaken by the team. The enforcement notices are focused on a small number of authorities that interact with a large number of people, receive lots of requests, and have met the thresholds for enforcement due to high levels of non-compliance. The 11 enforcement notices published by the FOI upstream team have over **3,800 FOI requests** linked to them. Team members have confirmed that all notices to date have been complied with, meaning that those requesters will now gain access to the information they requested. The theory of change infers that this will enable them to exercise their rights (later stage outcome) and lead to potential reductions in harm (impact), as outlined below. We will look to gather further insights on this route to impact for the final evaluation.

Figure 9: Route to impact for enforcement notices



Source: ICO Economic Analysis.

There are also other outcomes we would expect to see from this such as the **dissuasive effect of enforcement** on other authorities. Although we do not yet have conclusive representative evidence of this happening, anecdotally, conversations that team members have had with FOI practitioners through engagement activities, indicates that they are taking notice of the enforcement notices and practice recommendations and are making changes to their processes based on what they read.

There is also a direct consequence for the ICO’s resources, in that where an enforcement notice is issued, the ICO does not then have to issue individual decision notices on all outstanding complaints. It could also prevent some requests from becoming complaints to the ICO in the future. Team members have suggested that if even a small proportion (less than 1%) of the requests linked to the enforcement notices became complaints to the ICO, the resources involved with dealing with them would outweigh those linked to the FOI upstream project. This is a large **saving in terms of ICO staff time** that can be allocated to reducing harms elsewhere.

5.4. Summary

The key messages around outcomes are summarised below.

Key messages – delivering change

Usefulness of resources: The majority of respondents felt that resources were extremely useful. Newsletters and workshops were particularly useful in keeping up to date with requirements and FOI resources provided adequately covered their role in meeting FOI requirements. Where feedback on events was collected, it was overwhelmingly positive.

Driving changes to processes: The majority of respondents reported an improvement in their confidence in dealing with FOI related issues. Almost a

third of respondents stated that they had already started making changes, with others planning to make changes soon or hoping to revisit this in the future. These included improving information on external website, changes to templates and training and awareness raising internally.

All respondents attributed at least some proportion of the changes to the FOI upstream resources with 39% of respondents attributing the changes to the resources 'completely' or 'to a large extent'. This provides evidence of causality that the resources are driving impacts.

Costs and Benefits: The majority of respondents hadn't yet incurred any costs or benefits or were unsure, but more reported experiencing benefits than costs. Where benefits had arisen, these included reduced time needed to provide internal support and releasing resource for other work. Some of the costs highlighted included staff time, the resource cost of publishing information on websites and software development.

Route to impact: The project is progressing well along its intended route to impact. The evidence shows some positive indicators of early outcomes such as requesters gaining access to relevant information and authorities changing their processes, linked to the development of resources and the publication of practice recommendations and enforcement notices. This has the potential to enable later stage outcomes such as enabling people to exercise their rights, reducing FOI-related harms, and potential cost reductions for the ICO and public authorities.

6. FOI upstream: initial findings and lessons learnt

In this section we set out some initial findings and lessons learned. These will be revisited in more detail for the final evaluation as we will have gathered more evidence at that point and more time will have passed to allow us to better understand our outcomes journey.

6.1. Initial findings

The aim set out in the theory of change for the project (see Table 1) was that the ICO needed to provide regulatory oversight, assurance and expert advice for the FOI Act. The rationale for intervention was based on addressing information asymmetry and ineffective delivery of public-good market failures and the potential for societal harms. The evidence presented in Sections 4. and 5. provides confidence that the project is progressing well against its aims at this point in time. Testing the theory of change for the project in this way has allowed us to draw out some interim findings and learnings that we present here.

Even at this early stage, the FOI upstream project is able to demonstrate early to medium stage outcomes. This is often not the case for an interim evaluation given they occur at the later stages of the theory of change. The sequencing of the project has meant that it was able to ramp up quickly and has been steadily delivering outputs for a sustained period of time. Another driver of the ability to deliver outcomes quickly was the fact that stakeholders had already been asking for more upstream support that the ICO was unable to deliver due to resource constraints. This meant that when the additional funding was made available through the CSR, public authorities were ready to receive the support. Having the demand identified from the outset was helpful in evidencing the potential for additional impacts when the request for funding was made.

Complimenting support and resources with practice recommendations and enforcement action is another driver of success for the project. It has meant that each of these activities are able to deliver greater outcomes than would have been possible on their own. This is a strong example of the ICO drawing on the full spectrum of tools in the regulatory toolbox in a way that creates synergies and efficiencies that drive efficiency and effectiveness.

Although it is too early to say definitively, the project appears to be delivering good value for money given the positive feedback received to date and the steady stream of outputs. This will be investigated further at the final evaluation stage.

6.2. Lessons learnt

Our review of the available evidence to date suggests the project is on course to deliver against its objectives and generate positive impacts for society. The learning points for the project are focused on ensuring the continuation of the work and enhancing its potential impact and ability to demonstrate impact:

- **Maximising impact:** The enforcement notice activity appears, at this stage, to be delivering more benefits for the associated effort (or at least demonstrating more evidence of the benefits). This should be considered when planning future activities for the project.
- **Leveraging reach to enable impact:** The data on visitors to the FOI upstream resources indicate that the learning from decision notices was the most popular resource by a large margin, with high reported usage amongst survey respondents. This contrasts with the response templates which survey respondents reported relatively modest awareness of and low usage. The team should review this data and investigate whether this indicates that certain types of products should be prioritised over others to meet demand, or whether comms activity should be better focused on the products that are not reaching as wide an audience.
- **Continuation of funding:** The initial phases of this project drew on additional funding from government. There is evidence to suggest that it is delivering, and will continue to deliver, good value for money. There were a number of activities recommended by the scoping research which were not taken forward. For the project to expand on its success, or indeed continue to deliver successfully, additional funding to ensure its continuation, at least into the medium term, should be sought. This would allow the project team to plan more effectively and maximise potential future benefits.
- **Quantifying affected groups:** Work should be done to try to understand the size of the affected groups, in particular, the number of public authorities and FOI practitioners. Currently, there are no reliable estimates of the number of public authorities or FOI practitioners. This would be a difficult task and it may not be possible to deliver a precise estimate, but even a low to medium confidence estimate would prove useful for planning purposes and help understand what proportion of the affected group the FOI team is reaching.
- **Enhanced tracking of resources:** To bolster our value for money findings, further tracking of resources would be helpful. Currently, it is difficult to verify whether resources, particularly in terms of staff time, provided from outside of the core FOI upstream team matched initial commitments or expectations. This is a lesson that could be applied more widely across the organisation.
- **Dissemination of good practice:** There are a number of successes for the project that could be useful outside of the FOI upstream project and should be shared with the wider organisation. This has already begun to

happen with project team members sharing their approach with others in the wider executive directorate to inform future initiatives.

- **Scoping research:** Undertaking scoping research at project inception was reported as particularly useful for this project. And team members noted that this should be standard practice for any new initiatives. This aligns well with the [ICO's policy methodology](#), where the second step in the process is research and analysis. This should be taken into account when planning future activities.
- **User feedback panel:** Linked to the scoping research, the reference group of FOI practitioners that was set up has been invaluable to the team. Having an active and engaged group like this in place allows the team to gain greater confidence that the resources they are developing will be useful in practice.
- **Drawing on the full spectrum of regulatory tools:** The combination of upstream engagement and targeted, sustained enforcement activity has been a huge success for the project. It is a good example of the ICO using multiple tools from its regulatory toolkit. On the one hand, providing support to organisations to help them comply, and on the other hand, responding with action to those that don't comply. This has been well received by both public authorities and civil society groups. The approach has also allowed the ICO to demonstrate early outcomes by ensuring that the FOI requests linked to the enforcement action are being answered. This is valuable as it is often difficult to evidence outcomes at the early stages of a project.
- **FOI Impacts:** At present, the ICO has a framework for data protection harms. This is useful in understanding and assessing the impacts of our data protection-related interventions. It may be helpful to explore how a similar resource could be developed for FOI-related work, while acknowledging the significant differences in the legislative regimes.
- **Explicit ownership and accountability:** The project has been delivered by a dedicated FOI upstream team. This enables the team to work on the project's activities without other competing priorities and focus solely on the successful delivery of the project's outputs and outcomes. It also ensures that there is accountability and ownership of the project's successes and failures.

Annex A: Survey respondent characteristics

This annex presents the analysis of the responses to the feedback survey on the ICO's Freedom of Information resources which took place between 25 April and 16 May 2024. The respondents' opinions were collected through an online survey.

The rest of the annex is structured as follows:

- Section A.1: overview of respondents.
- Section A.2: current FOI practices.

The analysis in Section a.1 was carried out to inform the evaluation. The analysis in Section a.2 was carried out to inform future planning and communications surrounding the project and future FOI-related activity but is provided below in case useful to readers.

A.1 Overview of respondents

There were 58 responses to the consultation, fourteen of which were collected via the blog with the remainder responding to an email. Survey respondents were free to choose to answer only the questions they felt were relevant to them. Respondents who skipped a question are recorded as 'N/A'. The majority of responses were from organisation with a presence in England (38, 66%) with 16 (28%) responses from organisations based in Northern Ireland, five (9%) in Wales and one (2%) in Scotland.

Table a-1 provides an overview of responses by organisation type. It is not possible to accurately estimate the number of public authorities or FOI practitioners. However, the Department of Business and Trade collects data on central and local government organisations which can be used as a proxy. In 2023, there were an estimated 12,390 such organisations.¹⁸ Although not directly comparable, in this context, the number of responses is not likely to be representative of the population of public authorities. Although the analysis should be treated with caution, we are still be able to draw useful insights from the findings.

As Table a-1 illustrates, a broad range of organisations responded to the survey. As show, the largest group (41%) of responses was from local authorities, councils, or other local government bodies, with 21% of responses coming from police force or fire authorities and 12% from Government departments or

¹⁸ Department of Business and Trade (2023) *Business population estimates 2023*. Available at: <https://www.gov.uk/government/statistics/business-population-estimates-2023> (Accessed: 06/06/2024)

government agencies. Without data on the population of public authorities, it is difficult to say whether this is representative or not.

Table a-1: Who are you responding on behalf of?

| Organisation type | Number | Percent |
|--|---------------|----------------|
| Local authority, council, or other local government body | 24 | 41% |
| Police force or fire authority | 12 | 21% |
| Government department or government agency | 7 | 12% |
| University | 4 | 7% |
| Health body | 4 | 7% |
| School or other educational institution | 3 | 5% |
| Museum, gallery or other cultural institution | 0 | 0% |
| Publicly owned company | 0 | 0% |
| Other* | 4 | 7% |

*Those that stated other included: 'independent public body', 'small charity', 'myself' and 'NDPB'.

Source: Analysis of ICO feedback survey responses (58 responses)

The majority of the responses (51 or 88%) were on behalf of large organisations (those with 250 members or above); while just three (5%) and 4 (7%) responses were from small and medium or micro-organisations. As with the types of organisations, it is difficult to say whether this is representative or not.

Table a-2: What is the size of your organisation?

| Organisation size | Number | Percent |
|--|---------------|----------------|
| Large organisation (250 members of staff or above) | 51 | 88% |
| Small or medium organisation (10-249 members of staff) | 3 | 5% |
| Micro-organisation (less than 10 members of staff) | 4 | 7% |

Source: Analysis of ICO feedback survey responses (58 responses)

The following Table a-3 illustrates the range of roles employed by survey respondents. The most popular role title was Information Officer (including titles such as compliance, governance etc.) accounting for 38% of all responses, while those who stated FOI officer (including caseworker, team leader etc.) accounted for 22% of all responses.

Table a-3: What is your role? (more than one may apply)

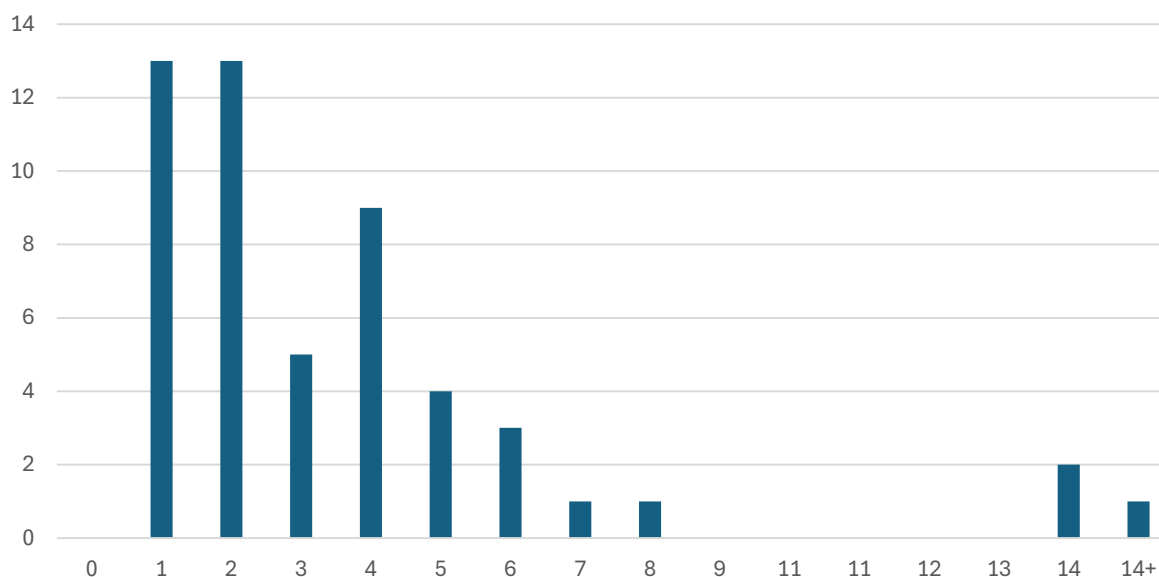
| Job title / role | Number | Percent |
|---|---------------|----------------|
| Data Protection Officer (governance/deputy/executive) | 9 | 16% |

| | | |
|--|----|-----|
| FOI Officer (caseworker/team leader/disclosure officer/coordinator) | 13 | 22% |
| Information Officer (access to information/compliance/governance officer/rights team leader/request officer/case officer/assurance researcher) | 22 | 38% |
| SAR Officer | 1 | 2% |
| Disclosure officer | 0 | 0% |
| Compliance officer | 3 | 5% |
| Other role (secretary/ staff officer/senior manager/responsible officer/legal officer/corporate information/acting chair) | 8 | 14% |
| No response | 6 | 10% |

Source: Analysis of ICO feedback survey responses (58 responses, 62 answers in total)

In response to the question 'how many FTE staff members do you have working on activities related to FOI requests' an open text box was provided. While some responses were outliers (two separate responses stated 1,000 and 285 FTE staff); the average of all responses was 3 FTE members of staff, with the majority of respondents (50%) stating they had either one or two FTE staff members working on FOI requests.

Figure a-1: Approximately how many full-time equivalent staff members (FTEs) do you have working on activities related to FOI requests (on average)?



Source: Analysis of ICO feedback survey responses (52 responses)

Survey respondents were asked a series of questions to gauge and measure any changes in FOI knowledge and practices over the interim and final evaluation term. As illustrated in Table a-4, 50 (86%) respondents felt they had either a high or very high knowledge of FOI legislation, while just one respondent (2%)

felt their knowledge was low. At the moment, this serves only as a baseline but will be revisited for the full evaluation.

Table a-4: How would you describe your current knowledge of FOI legislation?

| Job title / role | Number | Percent |
|------------------|--------|---------|
| Very High | 14 | 24% |
| High | 36 | 62% |
| Moderate | 7 | 12% |
| Low | 1 | 2% |

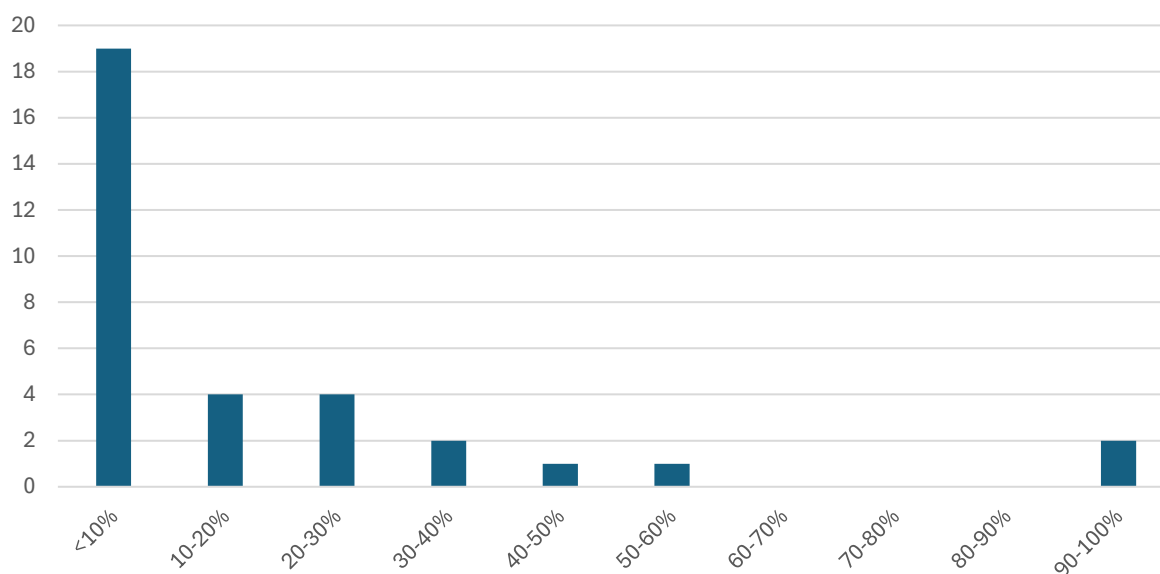
Source: Analysis of ICO feedback survey responses (58 responses)

A.2 Current FOI practices

The amount of FOI requests received by organisations varied quite widely, with 10 organisations (17% of the 52 responses received to this question) having received less than 200 over the last year, while 28 organisations (48%) received over 1,000 FOI requests.

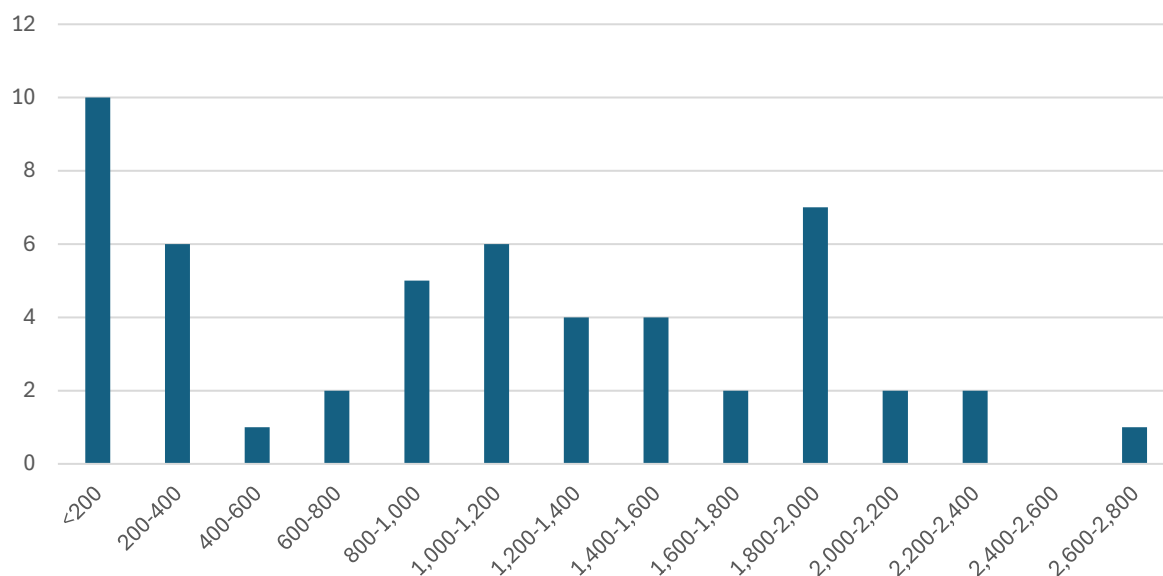
According to 19 organisations (58% as only 33 responded to this question), less than 10% of FOI requests received were related to data already within the public domain. Two organisation felt that between 90%-100% of requests were related to publicly available information; with previous answers indicating that one of these organisations dealing with around 3 FOI requests over the previous year and the other dealing with over 1,000.

Figure a-2: Approximately what proportion of these FOI requests related to data that is already in the public domain and/or available online?



Source: Analysis of ICO feedback survey responses (33 responses)

Figure a-3: Approximately how many FOI requests did your organisation receive in the past year?



Source: Analysis of ICO feedback survey responses (52 responses)

When asked whether the amount of FOI responses received over the past year was manageable, over half of all respondents (52%) said 'yes', while 36% stated 'no' and the remainder stating 'unsure or n/a'.

Table a-5: Do you feel the amount of FOI requests received in the past year was manageable?

| Response | Number | Percent |
|---------------|--------|---------|
| Yes | 30 | 52% |
| No | 21 | 36% |
| Unsure Or N/A | 7 | 12% |

Source: Analysis of ICO feedback survey responses (58 responses)

Commentary provided by respondents outlined some of the key issues around management of FOI requests as follows:

- Need more staff.
- Increased numbers of FOIs are being received year on year.
- Increased complexity of FOI requests has been noted. Requesters appear to have more detailed knowledge of the Act.
- FOIs are getting larger but yet still within cost limit.
- FOI's received were not always relevant to the information held by the organisation.

The survey also asked whether the public availability of information helped or hindered ability to manage caseloads. 23 respondents (40%) felt that it had helped while 31 (53%) stated they were unsure or n/a.

Table a-6: Do you think making information publicly available helped or hindered your ability to manage FOI caseloads?

| Response | Number | Percent |
|-----------------|---------------|----------------|
| Helped | 23 | 40% |
| Hindered | 2 | 3% |
| Unsure Or N/A | 31 | 53% |
| - | 2 | 3% |

Source: Analysis of ICO feedback survey responses (58 responses)

Annex B: Evaluation period and output milestones

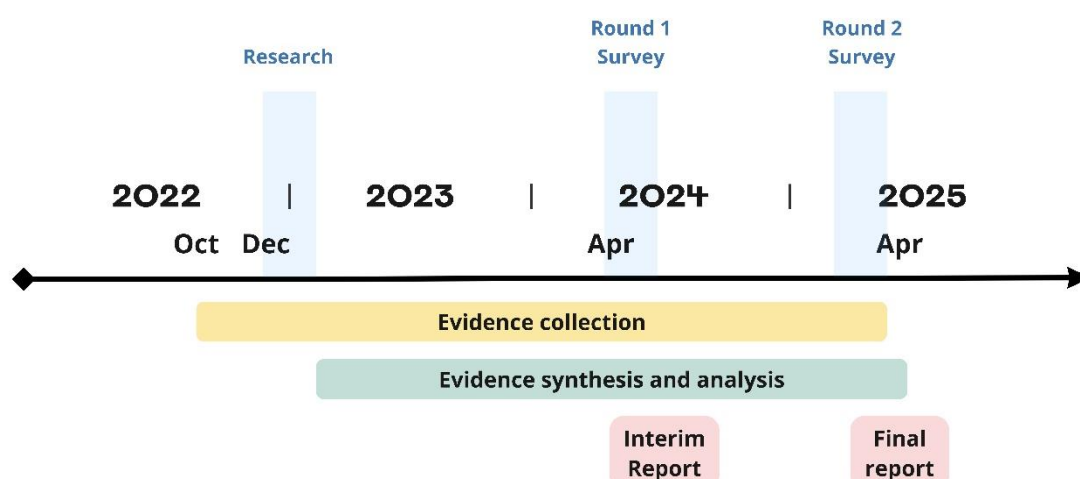
B.1 Evaluation period

The timeframe for the evaluation covers the period spanning the initiation of our strategic plan, ICO25, (October 2022) up to the end of 2024.

- Interim findings in early Summer 2024 (this report) will be used to support decision and case making for a potential bid for further funding in the next corporate spending review (CSR) period. Although the period has not yet been confirmed, we are working on the assumption that it will cover a period beginning in the financial year 2025/26 but that planning for this will start in Summer 2024.
- The final evaluation report will be delivered by April 2025 to support planning and implementation for future options for the FOI upstream project beyond the designated time period and/or other future projects. This will also enable the evaluation report to feed into any review of delivery over the ICO25 period (assumed to end in April 2026) and plans for a post-ICO25 strategy. Timings will be kept under review as the evaluation progresses.

A high-level overview of the timelines for the evaluation alongside some of the key evidence collection points is provided in the figure below.

Figure b-1: FOI upstream evaluation timeline



Source: ICO Economic Analysis

B2. Evaluation outputs

The table below summarises the evaluation outputs intended to be produced. If it is determined that additional outputs are required, the agreed outputs will be revisited as resources allow.

Table b-1: Key evaluation outputs

| Output | Expected timing |
|--|--|
| Interim evaluation report (this report) – to provide an initial review of progress against the theory of change, with key findings from a light-touch process evaluation included where appropriate. | June 2024 to support decision making |
| Final evaluation report – this presents the findings of the evaluation and any conclusions and recommendations | To be completed by April 2025 in line with the corporate spending review period. |

Source: ICO Economic Analysis.

There is a presumption towards openness for evaluation reporting, as per Magenta Book principles. It is intended that the interim and final evaluation reports will be published.

Annex C: Evaluation Questions

The table below provides an overview of the key evaluation questions for the final evaluation from both a process and impact perspective. We touch on some of these within this report but plan to revisit them in full for the final evaluation report.

Table c-1: Key evaluation questions

| Process review: What can be learned from how the project was delivered? | Impact: What different has the project made? | Value for money: was this a good use of resources? |
|--|--|--|
| <ul style="list-style-type: none"> • Was FOI upstream delivered as intended internally and externally? • What worked well, or less well, for whom and why? What could be improved? • What can be learned from the delivery methods used? • Were there enough resources? • Could the activities have been delivered via a different process? | <ul style="list-style-type: none"> • Did the project achieve the expected outcomes/impact? To what extent? • What would have happened anyway? • What causal factors resulted in the observed impacts? • To what extent can the impact be attributed to the project? How confident can we be that the project caused the observed changes? • How has the context and external factors influenced outcomes? | <ul style="list-style-type: none"> • What were the costs of delivering the project? • How cost-effective was the project? (compared to alternatives and compared to doing nothing) • What are the costs and benefits? Did the benefits outweigh the costs? • What was the value for money of the project? • Was the project the best use of resources? Could the resources have been used more effectively elsewhere? |

- Has our project resulted in any unintended outcomes/impacts?
- To what extent have different groups been impacted in different ways, how and why?
- How did external factors influence the sensitivity and magnitude of impacts for the affected groups?
- What generalisable lessons have we learned about impact?

Source: ICO Economic Analysis.

Annex D: Evaluation Evidence

This annex provides the full list of sources used for this interim report and the final evaluation report:

- The evidence base includes primary and secondary research sources which will require a mixture of quantitative and qualitative analysis.
- Table d-1 covers the key evidence sources from the evaluation which are primarily led by the Economic Analysis team.
- Table d-2 lists the main metrics that will be measured by the project delivery team and reviewed by the Economic Analysis team.

The evidence base includes primary and secondary research sources which will require a mixture of quantitative and qualitative analysis.

Table d-1: Key evidence sources (primarily led by EA)

| Evidence | Detail | Collection period | Lead | Related outputs |
|-------------------------|---|---|------|--|
| Primary research | Two rounds of surveys with public authorities. Given the project will still be developing and delivering activities, the surveys will focus on shorter term outcomes that provide insight into potential future outcomes and impacts, as well as high level process feedback. | Round 1: April and May 2024 to support an interim evaluation report in June 2024; and Round 2: early 2025 to support the final April 2025 evaluation report. | EA | Round 1 – Interim report Round 2 – Final report |

| | | | | |
|----------------------------|--|---|----|---------------------------|
| Internal Interviews | Interviews with key FOI upstream team members and internal stakeholders to discuss progress and gather thoughts on impacts and commentary on how the theory of change has progressed in practice. | Lighter touch interviews in June 2024 with more extensive interviews in early 2025. | EA | Interim and final reports |
| External Interviews | Interviews with a selection of external stakeholders to gather an outside perspective. These could be selected from responses to the surveys and/or identified by internal stakeholders. | Early 2025 | EA | Final report |
| Desk review | Review of any evidence gathered through monitoring, enforcement activity or other sources such as feedback surveys from events, consultations on upstream products, monitoring data (see Table d-2). | May 2024 and early 2025 | EA | Interim and final reports |

Source: ICO Economic Analysis

Table d-2: Monitoring metrics

| ToC Element | Potential metrics | Frequency | Source |
|--------------------|---|-------------------|-----------------------------|
| Input | Expenditure | Quarterly | Finance |
| Input | Staff time | Quarterly | Line management information |
| Activity | Number of upstream products | Quarterly | ICO website |
| Activity | Number of events contributed to | Quarterly | ICO project documentation |
| Activity | Number of tribunal reviews/significant decisions published | Quarterly | ICO website |
| Activity | Number of practice recommendations and enforcement notices issued | Quarterly | ICO website |
| Output | Event feedback and attendance | Quarterly | Host led feedback |
| Output | Number of views or downloads of products | Monthly | SilkTide |
| Output | Average time on webpages | Monthly | SilkTide |
| Output | Number of subscribers to newsletter | Quarterly | Comms monitoring data |
| Output | Number of video views | Monthly | YouTube/Vimeo |
| Outcome | Number of PAs (public authorities) adopting recommendations and complying with enforcement work | interim and final | Survey |

| | | | |
|----------------|---|-------------------|---|
| Outcome | Survey of use and usefulness of products | interim and final | Survey |
| Outcome | Number of PAs adopting standardised data | Ad hoc | Survey Dip sample practitioner monitoring data |
| Outcome | Number of PAs publishing statistics | Ad hoc | Survey Dip sample practitioner monitoring data |
| Outcome | Number of calls to the helpline regarding FOI | Quarterly | ICO Internal data |
| Outcome | Number of FOI complaints and outcomes of complaints | Quarterly | ICO Internal data |

Source: ICO Economic Analysis