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Using freedom of information requests to access novel data sources in health professions education research

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Abstract

Educators and researchers are reliant upon access to data to drive teaching methods, curricular improvements, and progress in medical education research. However, data are not always accessible, due to resource constraints, institutional policies, and privacy concerns. Researchers have attempted to access novel data sources through surveys, semistructured interviews, and databases; however, these methodologies are limited.

To improve access to data, Freedom of Information (FOI) Acts grant researchers the ability to formally request data that any public institute holds. Researchers have been reluctant to use this tool due to negative perceptions, despite its unique benefits.

To increase awareness of this underutilized methodology, we summarize the process of FOI Act requests, its strengths and weaknesses, and the ways in which health professions education can leverage FOI requests within research. We provide examples of the use of FOI requests as a research method within adjacent fields and nascent use within the field of health professions research. In doing so, we hope to highlight how FOI requests can be a useful tool in health professions education researchers and its potential to increase access to unique data sources.

Keywords: research method; freedom of information; data access; data accessibility; quantitative method; qualitative method; triangulation

Introduction

Educators and researchers are reliant upon access to data to drive teaching methods and curricular improvements [1, 2]. Data-driven insights enable educators to identify areas of success and can support education providers in identifying priority groups, monitoring progress, and understanding the effectiveness of interventions to maintain high educational standards [3, 4].

However, data are not always accessible. This is due to resource constraints, institutional policies, and privacy concerns [1]. Organizations may disseminate information through reports, yet, raw datasets are seldom published alongside, which stifles additional analysis and transparency [5].

Increased access to data can increase the depth and breadth of scholarly inquiry [1] and the ability to develop pedagogical practices and policies. Greater access can increase the quality and quantity of research and ‘democratize science’ by reducing inequities between research teams, institutions, and countries. Increased data accessibility encourages researchers and educators to collaborate globally, leading to the exchange of ideas, good practices, and insights, ultimately improving healthcare and education systems [1].

To improve access to data, ~80 countries grant their citizens the right to request access to information held by public authorities through Freedom of Information (FOI) requests [6]. As a consequence, FOI requests are a tool that members of the public can use to request information from institutions. FOI requests have already proved a vital resource within journalism, where news outlets have used the legislation to collect data on patient safety issues [7]. Some academics have embraced FOI requests as a research tool; for example, Savage & Hyde used FOI requests to gather data from 48 national regulators regarding whistle-blowing disclosures in food regulation [7]. Meanwhile, within social sciences, Murray collected data from 152 directors of children’s services to influence policy changes regarding looking after children [8]. However, despite some academic interest, there is an enduring lack of awareness of FOI legislation globally amongst academics, with <5% of FOI requests arising from the academic community [9]. Indeed, there are few health professions education studies that have used FOI requests [10, 11].

In this paper, we summarize the process of FOI requests, its strengths and weaknesses, and the ways in which health professions education leverages FOI requests within research. In doing

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Table 1. An example of the FOI legislature used in the UK [35].

In the UK, there are two FOI act legislations: the Freedom of Information Act (2000) and the Freedom of Information (Scotland) Act (2002). Both legislations are similar, with the major difference pertaining to geographical jurisdiction [36]. Throughout the paper, we refer to our experience with the UK FOI Act; however, such insights are internationally applicable.

The FOI Act gives a right of access to any information held by 'public authorities', which includes government departments, the National Health Service, and public universities [35]. The request is therefore able to tap into a wealth of public data in a range of modalities such as documents, images, audio recordings, email, and text communications, which would not be available ordinarily. This right can be exercised by anyone, submitting a request in writing, with no requirement to say why the request is being made or how the data will be used [15, 35]. The public authority can refuse to provide the data under the following circumstances:

- The cost would be too great to deal with the request (which is capped at £600 for central government or £450 for all other public authorities)^a
- The request is vexatious, where a requester makes repeat requests for the same or very similar information.
- Where all the information requested is already published or available through another source.
- Specified exemptions such as those related to personal information that would breach the Aata Protection Act 2018 or national security. An exhaustive list is available from section 22 to 40 in the FOI Act [31]

In the likely circumstance that the request is appropriate, the public body must respond within 20 days.

^aAuthorities are entitled to charge the requester if the expenditure is deemed excessive. Public authorities should calculate the time spent on permitted activities at the flat rate of £25 per person, per hour [37].

so, we hope to highlight how FOI requests can be a useful tool in health professions education research and its potential to increase access to unique data sources.

Method

In Europe, the USA, and Australia, formal requests for information from public bodies are termed 'Freedom of Information Act requests'; however, other countries use terminology such as 'Access to Information Act', 'Right to Information Act' [12], and the 'Official Information Act' [13]. Whilst there are differences between each country's policies [14], each access law shares the same function: to increase the transparency of the public sector and their activities by facilitating access to data.

An understanding of the provisions and jurisdictions of the FOI Act is important to any discussion surrounding its use [15]. We provide an example of the FOI legislature used in the UK in Table 1. We have chosen to use the UK to provide more detail on legislation because it represents a comprehensive framework, illustrating the balance between transparency and data protection. In providing this information in Table 1, we hope to offer insight on who can make an FOI request, what for, and when.

Why use Freedom of Information requests?

FOI requests provide a route to raw information or data sources that may be difficult to access with other methods such as surveys, interviews, or medical education databases. The FOI request can be used to ask for qualitative and quantitative responses to questions or documents and media in their unaltered form such as course handbooks, assessment policies and metrics, protocols, timetables, and curricular information. This access allows researchers to analyse and draw conclusions from the information first-hand and can also be used alongside other methods to validate or triangulate findings.

In Table 2, we present an example of how FOI requests were used to create a robust analysis of teaching by UK medical schools. The data would have been difficult to obtain using other methods. For example, comprehensive curricular datasets are not usually made public, surveys can suffer from low response rates, medical databases (such as the UK Medical Education Database (UKMED)) do not collect curriculum structure and content data, and interviews communicate individuals' perspectives, rather than comprehensive reporting of curriculum information. The data in the Analysis of Teaching of Medical Schools (AToMs) study

were essential for understanding the current practice of medical education in the UK, offering insights that were previously inaccessible. This example shows how FOI requests can increase access to information and support detailed comparative analyses.

Making a successful Freedom of Information request

An in-depth guide to designing FOI Act requests is beyond the scope of this article. For readers who want a full account of FOI Act design and practical guidance, we would recommend 'Making Freedom of Information Requests: A Guide for Academic Researchers' by Bourke et al. [16] and to follow Walby & Luscombe's guidance on good practice in FOI research [17]. Submitting requests can be facilitated through 'whatdotheyknow.com' [18], a comprehensive website that also tabulates data from successful FOI Act requests. For a deeper understanding of the legal framework surrounding the act, we encourage readers to identify and explore in depth the relevant information access laws in their country.

Nevertheless, there are key concepts that should be considered at the core of FOI research, and the principles of good FOI research draw on similarities with good practice survey design [19]. Rigour can be achieved in FOI research by having a well-planned, systematic approach with specific attention given to the request and sampling strategy used [17].

A standardized request should be designed with consideration given to existing literature. Clear questions are paramount in FOI requests, and expert validation can improve clarity and ensure relevance to the research topic [19]. It can also be used to help identify potential biases, errors, or methodological issues. The number of questions should be kept to the minimum needed to answer the research question, as this reduces the burden on the institution and research team alike. Other methodologies such as surveys use formal pilot testing or cognitive interviews with respondents to improve validity. In FOI research, this is often not feasible due to the limited number of institutions and the time and cost limits of the FOI Act—as a consequence, this may impact content and response process validity [11]. Where this is a concern, proxies could be used—for example, people who hold similar roles at the researcher's institution could be asked to review the questions, and cognitive interviews could be completed with them. Rather than using pilot studies, the researcher can sample a small number of institutions initially and review the

Table 2. An example of a health professions education research study that used FOI requests [10].

The ATOMS study by Devine *et al.* [10] used the UK FOI Act to obtain datasets of timetables from 25 UK medical schools. Forty-seven thousand two hundred fifty-eight timetabled teaching events within the academic year 2014–15 were classified and analysed including student-selected components and elective studies. The ATOMS study [10] concluded that there were significant differences in the format and content of teaching between traditional curriculum medical schools and problem-based learning courses. Problem-based learning-focused medical schools allocated more time to problem-based learning, with fewer lectures, more general practice teaching, less surgery, less formal basic science teaching, and more sessions with unspecified content.

By using the UK FOI Act, Devine *et al.* [10] were able to access all individual timetable events from medical schools, which could then be coded in a standardized format by the research team. This enabled meaningful comparisons between medical schools to be made on a nationwide scale. The study opted to use the FOI Act as a result of a previous study [21] that had encountered protracted difficulties after relying upon informal requests to medical schools. An individual medical school subsequently disputed the data published with the journal to no eventual outcome.

Following the success of the ATOMs study [10], a companion paper, MedDifs [38], analysed whether the differences in medical schools translate into tangible differences in postgraduate outcomes such as exam performance, speciality choice, and fitness to practise outcomes [38].

preliminary data. This can identify issues with understanding and further refining of the questions [7, 17].

Many researchers often want large volumes of data [16], from numerous different sources, resulting in needing to make a series of requests. Therefore, researchers should develop a clear plan for how they will send and track requests and store responses and data. Researchers should ensure they have the capacity to handle the volume of communications and expertise within their team to review, extract, and analyse the requested data.

A note on ethics

As with any research, care should be taken to ensure ethical research design. Walby *et al.* [20] argue that ethical approval should not be needed for FOI requests. This is because of the existing built-in bureaucratic mechanisms, which already provide a legal framework for institutions to review (and reject) requests. An additional review by an ethics board would be unfair as it can result in ‘double jeopardy’—whereby the request is reviewed twice through similar processes—and this could also infringe upon a citizen’s legal rights [20].

Secondly, the information obtained through FOI requests is considered published material; its sheer presence in the public domain mitigates the potential for harm or privacy concerns from its use within research. Nevertheless, some UK ethical review boards have begun to treat FOI requests as inherently risky and in need of independent ethical scrutiny [20]. This stance, in our experience, is often characterized by a lack of familiarity with FOI research and risks imposing governance in a manner that creates additional barriers to accessing data—contrary to the act’s original intent.

Ethical review processes are a fluid, subjective construction, and, as such, the ethical evaluation of FOI Act research may differ significantly between committees, review boards, and journal editors. Consequently, for peace of mind, researchers may wish to discuss the project with an ethics board and seek an ethics waiver prior to starting any FOI research.

Discussion

To evaluate when and how to appropriately use FOI requests as a research tool, we need to consider the strengths, constraints, and boundaries of its use. Here, we explore the strengths of FOI research including being supported by a legal framework, creating high response rates, and increasing accessibility.

All methods also have inherent weaknesses, and some are more critical than others. We also consider constraints including the perception of FOI as a confrontational tool, unintended costs,

poor-quality responses, and delays. Finally, we consider when a project may be better served by an alternative approach, to assist researchers in weighing the options in their ‘toolbox’ of methods.

Strengths of Freedom of Information research Legal framework

The FOI Act provides both researchers and institutions with a well-defined framework to follow when requesting and handling information. The FOI Act serves as a mediating mechanism that balances the interests of stakeholders to reach an agreeable, legally supported outcome.

Researchers can encounter difficulties when obtaining information from large public authorities, as it is not always clear who has the right to access and disseminate data. For example, Devine *et al.* previously encountered issues when universities initially voluntarily provided information via interviews but later challenged the authors’ right to publish the material [10, 21]. Any data provided through FOI requests is considered explicitly in the public domain, meaning there should be no subsequent disputes in its use [22].

The FOI Act also protects public authorities, who have a right to protect their service users and by extension their data. The FOI Act, functioning as a robust legal framework, equips institutions with clear, well-supported avenues to reject vexatious requests, protect personal information, monitor the data they release, and reduce unnecessary resource allocation.

High response rate

A high response rate is important as it improves validity, generalizability of conclusions, and the statistical power of quantitative data [23]. Studies that use FOI requests have a very high response rate, for example, two studies that used FOI requests in medical education research both achieved a 100% response rate from the universities they approached [11, 21]. This is in direct contrast to surveys, which are susceptible to low response rates [24], which can introduce a nonresponse bias and affect the validity of conclusions [23]. For example, a similar survey-based study of economics teaching at universities received a response rate of 35% [25]. The legal right to access data is unique to the FOI Act, and this considerably increases response rates.

Accessibility

Research projects often have limited resources to invest in data collection. All data accessible by an FOI request have already been collected by the public authority. The FOI response from the institution simply provides that information to the person requesting it. This reduces duplication of work and FOI requests are therefore

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