

APPENDIX 4

Report of the Head of Communications & Customer Engagement

Corporate Briefing – 2 September 2014

FREEDOM OF INFORMATION (FOI) ANNUAL REPORT 2013-2014

Purpose:	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2013 to 31 March 2014
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FOR INFORMATION

1. Introduction

- 1.1 The Freedom of Information (FOI) Act 2000 places a duty on all Public Authorities to comply with the general right of access to all types of “recorded” information held by the Authority (unless an exemption applies under the Act). This right of access to information came into force on 1 January 2005.
- 1.2 FOI Requests must be dealt with within 20 working days. Failure to comply may result in a complaint against the Council being investigated by the Information Commissioner. .
- 1.3 The FOI Act is fully retrospective and applies to all information held by the Council. The Council adopted a Corporate Policy on Freedom of Information and on Records Management in December 2004.
- 1.4 The FOI policy sets out the Council’s commitment to making information publicly available unless there are sound operational or public interest reasons for not doing so or there are legal reasons preventing it.
- 1.5 FOI covers all recorded information held by the Authority. Recorded information may be in any format e.g. paper, floppy disk, video and includes both electronic and paper versions of records such as email messages, reports, minutes of meetings and floor plans. It can include such items as Corporate Briefing papers and Officers notes (including those of the Democratic Services Officer).

2. The FOI Process

- 2.1 The Complaints Team logs and monitors requests for information under the Act. All FOI Requests must be in writing, however a request need not state that it is made under the FOI legislation. The information requested must be adequately described. Authorities are under a duty to provide advice and assistance to applicants. It is a criminal offence both personal and corporate to destroy information to prevent its disclosure under FOI.
- 2.2 Once logged, FOI's are allocated a unique number and passed to the appropriate Departmental FOI Officer. The FOI Officer decides whether to call a FOI Panel in order to consider if there is a need to apply an exemption or to release the information requested.
- 2.3 The Complaints Team monitor progress of the request to try and ensure that the 20 working day timescale is adhered to.
- 2.4 The Complaints Manager is ultimately responsible for all FOI Reviews required under the Act, which arise if the requester is unhappy with the response. The FOI decision is reviewed in conjunction with a Legal Officer and where appropriate a representative from the relevant Department.
- 2.5 Requesters also have a further right of appeal to the Information Commissioner's Office (ICO).

3. FOI Statistics

- 3.1 The following table details FOI Requests by Directorate together with the figures for the previous year.

Table 1 - FOI Requests by Directorate														
	Chief Execs		Environment		Education		Regeneration		Soc. Services		Housing		Totals	
	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14
Requests	321	382	332	406	69	95	33	72	93	108	59	60	907	1123
Reviews	5	6	15	18	0	0	0	0	2	0	2	0	24	24
Appeals	0	0	1	7	0	0	0	0	0	0	0	0	1	7
Total	326	388	348	431	69	95	33	72	95	108	61	60	932	1154

4. Timeliness of Responses to FOI Requests

- 4.1 **1123** FOI Requests were received during 2013 / 2014 representing a **23.8 %** increase on last year's figures. Of those requests, **718** were responded to within the FOI time limit of 20 working days (**64.0%**). The response rate within timescale is lower than last year (**81.4%** for 2012/13), reflecting the difficulties in managing the increased workload with reducing resources and despite efforts to streamline working practices employed by FOI officers.

5. Breakdown of FOI Requests by Service Unit

- 5.1 The table below shows the breakdown of FOI Requests received by each Service Unit.

Table 2 - Breakdown of FOI Requests by Service Unit	
Service Unit	No.
Legal Services	66
Corporate Property	22
Procurement	32
Finance	141
Communications	8
Human Resources	72
ICT	42
Education	95
Environment- Planning	44
Environment- Environmental Health	34
Environment- Management & Protection	138
Environment- Transport & Engineering	190
Regeneration	71
Social Services (Child & Family & Elderly & Disabled)	108
Housing/ Corporate Building Services	60
Total	1123

6. Type of Applicant

- 6.1 FOI requests are received from a variety of sources. The table below gives a breakdown of the type of applicant that made the FOI Request.

Table 3 - FOI Request by Type of Applicant	
Type of Applicant	No.
Commercial Organisation	170
Freelance Journalist	15
Individual	685
Media	117
Not for Profit	60
Politician	61
Solicitors	15
Total	1123

7. Responses to FOI Requests

- 7.1 The table below shows a breakdown of the type of response that the Council gave to the FOI Requestor. It is pleasing to note that **814** of the **1123 (72.5%)** were fully disclosed. This statistic clearly shows the Council's commitment to openness and transparency.

Table 4 - Type of Response given to FOI Requestor	
Type of Response	No.
Full Disclosure	814
Completely Refused	87
Data not held	57
Mainly Granted	58
Mainly Refused	77
Request Withdrawn	10
Ongoing	6
Timed Out *	14
Total	1123

* The "Timed Out" category is used where an applicant did not respond to a request by the FOI officer for clarification, therefore the Authority could not proceed with the request.

8. Responses where Exemptions were necessary to withhold Information

- 8.1 Table 5 below shows a breakdown of the exemptions used under the FOI Act to withhold information.

Table 5 - Number of and List of FOI Exemption Used		
Section	Exemption	No.
12	Cost of Redacting & Extracting Information	65
14	Vexatious & Repeated Requests	-
21	Information accessible to applicant by other means	22
22	Information intended for future publication	5
30	Investigations & Proceedings	1
31	Law Enforcement	22
32	Court Records	1
36	Effective Conduct of Public Affairs	11
38	Health & Safety	11
40	Data Protection	24
41	Information provided in confidence	8
42	Legal professional privilege	2
43	Commercial Interest	65
Totals		237

Note: In some cases more than one exemption was used to withhold data requested.

9. Reviews and Appeals

- 9.1 There were **24** FOI Reviews carried out during 2013/14. The Requester appealed to the Information Commissioner's Office (ICO) in only 7 of those cases. A breakdown of the ICO appeals is set out in Table 6 below.

Table 6 - Appeals to the Information Commissioner's Office (ICO)		
ICO Case 1	Information request for detailed plans of domestic drainage layout	Information voluntarily disclosed and ICO closed case.
ICO Case 2	Information request relating to financial details of a land development and associated sale of a lease	Part disclosure. ICO upheld LA decision not to disclose remainder – under the exception in the Environmental Information Regulation (“EIR”). Applicant further appealed to First Tier Tribunal which upheld LA decision not to disclose.
ICO Case 3	Information request in relation to a planning issue and restriction on use of land.	Part disclosure. ICO upheld LA decision not to disclose remainder – under “EIR”
ICO Case 4	Information request in relation to potholes and inspection regimes	Information partly disclosed & case concluded by informal resolution.
ICO Case 5	Information request relating to financial details of a land development and associated sale of a lease	ICO upheld LA decision not to disclose –confidential information.
ICO Case 6	Information request relating to the activities of the planning enforcement team	Information disclosed. No decision notice was required to be issued by ICO.
ICO Case 7	Information request for details of food inspection reports	Withdrawn & case closed by ICO. Information was disclosed under section 35 of the Data Protection Act(exemption relating to legal proceedings)

10. Equality and Engagement Implications

- 10.1 This report provides a breakdown of information concerning requests for information for the prescribed period as such reflects current practice and involves no changes to service delivery. Consequently there is no requirement for an Equality Impact Assessment.

11. Financial Implications

11.1 All costs incurred through dealing with FOI have to be covered within existing budgets.

12. Legal Implications

12.1 None

Background papers

None

Appendices: None