

Report of the Head of Communications & Customer Engagement

Corporate Briefing – 1 October 2015

FREEDOM OF INFORMATION (FOI)
ANNUAL REPORT 2014-2015

| | |
|------------------------------------|---|
| Purpose: | To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2014 to 31 March 2015 |
| Report Author: | Andrew Taylor |
| Legal Officer: | Tracey Meredith |
| Finance Officer: | Carl Billingsley |
| Access to Services Officer: | Sherill Hopkins |

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 | |
| | 13/14 | 14/15 | 13/14 | 14/15 | 13/14 | 14/15 | 13/14 | 14/15 | 13/14 | 14/15 | 13/14 | 14/15 | 13/14 | 14/15 |
| Requests | 382 | 482 | 406 | 347 | 95 | 80 | 72 | 78 | 108 | 112 | 60 | 60 | 1123 | 1159 |
| Reviews | 6 | 8 | 18 | 13 | 0 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 24 | 25 |
| Appeals | 0 | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 1 |
| Total | 388 | 491 | 431 | 360 | 95 | 81 | 72 | 79 | 108 | 114 | 60 | 60 | 1154 | 1185 |

4. Timeliness of Responses to FOI Requests

- 4.1 **1159** FOI Requests were received during 2014 / 2015 representing a **2.8 %** increase on last year's figures. Of those requests, 825 were responded to within the FOI time limit of 20 working days (**71.2%**). The response rate within timescale is an improvement on last year (**64%** for 2013/14), reflecting the improved communication between the Complaints Team and Departmental FOI Officers in dealing with requests despite reducing resources.

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 | 52 |
| Corporate Property | 45 |
| Procurement | 38 |
| Finance | 184 |
| Communications | 25 |
| Human Resources | 79 |
| ICT | 59 |
| Education | 80 |
| Environment- Planning | 48 |
| Environment- Environmental Health | 117 |
| Environment- Management & Protection | 40 |
| Environment- Transport & Engineering | 142 |
| Regeneration | 78 |
| Social Services (Child & Family & Elderly & Disabled) | 112 |
| Housing/ Corporate Building Services | 60 |
| Total | 1159 |

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 | 129 |
| Freelance Journalist | 22 |
| Individual | 790 |
| Media | 129 |
| Not for Profit | 27 |
| Politician | 54 |
| Solicitors | 8 |
| Total | 1159 |

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 **791** of the **1159** 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 | 791 |
| Completely Refused | 52 |
| Data not held | 57 |
| Mainly Granted | 89 |
| Mainly Refused | 78 |
| Request Withdrawn | 38 |
| Ongoing | 54 |
| Timed Out * | 0 |
| Total | 1159 |

* 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 | 58 |
| 14 | Vexatious & Repeated Requests | 0 |
| 21 | Information accessible to applicant by other means | 10 |
| 22 | Information intended for future publication | 4 |
| 30 | Investigations & Proceedings | 0 |
| 31 | Law Enforcement | 9 |
| 32 | Court Records | 0 |
| 36 | Effective Conduct of Public Affairs | 8 |
| 38 | Health & Safety | 5 |
| 40 | Data Protection | 25 |
| 41 | Information provided in confidence | 6 |
| 42 | Legal professional privilege | 6 |
| 43 | Commercial Interest | 54 |
| Totals | | 185 |

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

9. Reviews and Appeals

- 9.1 There were **25** FOI Reviews carried out during 2014/15. The Requester appealed to the Information Commissioner's Office (ICO) in only 1 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 details of any spending on magazine advertising by the Authority | The requester revised his request and was satisfied with the information subsequently provided by the Authority |

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