

**Report of the Head of Communications & Customer Engagement**

**Corporate Briefing – 6 October 2016**

**FREEDOM OF INFORMATION (FOI)  
ANNUAL REPORT 2015-2016**

<b>Purpose:</b>	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2015 to 31 March 2016
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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. Information Request Statistics

- 3.1 Table 1 below shows information requests received this year, broken down by Service Area:

TABLE 1 – Information Requests By Service Area					
Service Area	FOI Requests	Subject Access Requests	FOI/SAR Reviews	Appeals to Information Commissioner	Totals
Information/Communication Technologies	47				47
Social Services (Children Services)	63	15			78
Social Services (Adult Services)	63	8	1		72
Communications	31		2		33
Corporate Building Services	6				6
Corporate Property Services	32				32
Culture & Tourism	68	2			70
Environment	196		5		201
Waste Management	29		2		31
Financial Services	176	2	2	1	181
Human Resources	80	3			83
Housing	63	4			67
Legal & Democratic Services	50	1			51
Planning	52		5		57
Education	125	3	1		129
Commercial Services & Procurement	10		1		11
Transportation & Engineering	179	21	4	1	205
<b>Totals</b>	<b>1270</b>	<b>59</b>	<b>23</b>	<b>2</b>	<b>1354</b>

- 3.2 Table 2 below shows the ever increasing demands of dealing with information requests. It is important to note that the administration of information requests has been undertaken since 2009 with no increase in staff resources:

Financial Year	Requests Received	Year on Year Difference
2009/10	607	
2010/11	726	+119
2011/12	838	+112
2012/13	932	+94
2013/14	1154	+222
2014/15	1185	+31
2015/16	1354	+169

#### 4. Timeliness of Responses to FOI Requests

- 4.1 **1270** FOI Requests were received during 2015 / 2016 representing a **9.6 %** increase on last year's figures. Of those requests, 894 were responded to within the FOI time limit of 20 working days (**70.4%**). The response rate within timescale is slightly lower than that of last year (**71.2%** for 2014/15), despite improvements in administrative processes. This is a result of the year on year increases in the numbers of information requests being received, with limited resources available to deal with such requests across the organisation.

#### 5. Type of Applicant

- 5.1 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 2 - FOI Request by Type of Applicant	
Type of Applicant	No.
Commercial Organisation	183
Freelance Journalist	5
Individual	797
Media	115
Not for Profit	54
Politician	104
Solicitors	12
<b>Total</b>	<b>1270</b>

## 6. Responses to FOI Requests

- 6.1 Table 3 below shows a breakdown of the type of response that the Council gave to the FOI Requestor. It is pleasing to note that **991** of the **1270** (78%) were either fully disclosed or mainly granted. This statistic clearly shows the Council's commitment to openness and transparency.

<b>Table 3 - Type of Response given to FOI Requestor</b>	
<b>Type of Response</b>	<b>No.</b>
Full Disclosure	889
Completely Refused	61
Data not held	74
Mainly Granted	102
Mainly Refused	62
Request Withdrawn	27
Not Pursued	36
Ongoing	9
Timed Out *	10
<b>Total</b>	<b>1270</b>

\* The "Timed Out" category is used where an applicant did not respond to a request for clarification, therefore the request could not be processed.

## 8. Responses where Exemptions were necessary to withhold Information

- 8.1 Table 4 below shows a breakdown of the exemptions used under the FOI Act to withhold information.

<b>Table 4 - Number of and List of FOI Exemption Used</b>		
<b>Section</b>	<b>Exemption</b>	<b>No.</b>
<b>12</b>	Cost of Redacting & Extracting Information	72
<b>14</b>	Vexatious & Repeated Requests	1
<b>21</b>	Information accessible to applicant by other means	1
<b>22</b>	Information intended for future publication	
<b>30</b>	Investigations & Proceedings	1
<b>31</b>	Law Enforcement	7
<b>32</b>	Court Records	
<b>36</b>	Effective Conduct of Public Affairs	2
<b>38</b>	Health & Safety	2
<b>40</b>	Data Protection	14
<b>41</b>	Information provided in confidence	5
<b>42</b>	Legal professional privilege	3
<b>43</b>	Commercial Interest	43
<b>Totals</b>		<b>151</b>

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

## **9. Reviews and Appeals**

- 9.1 There were **23** FOI Reviews carried out during 2015/16. The Requester appealed to the Information Commissioner's Office (ICO) in **2** of those cases. Details of the ICO appeals and their outcome is summarised in Table 5 below.

<b>Table 5 - Appeals to the Information Commissioner's Office (ICO)</b>		
	<b>Information Requested</b>	<b>Outcome of Appeal</b>
ICO Case 1	Request for information relating to Lender Option / Borrower Option documents	The information requested was deemed to be in the public interest and the Authority was instructed to release it the requester
ICO Case 2	Request for information about disciplinary proceedings against a member of staff	The information requested was deemed to be personal information and therefore deemed to be exempt from disclosure

## **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