



## Appendix 4

### Freedom of Information (FOI) Annual Report 2018-2019

<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 2018 to 31 March 2019
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Legal, Finance.
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#### 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 The FOI process can be found at:  
<https://www.swansea.gov.uk/freedomofinformation>
- 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 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.
- 1.6 Requesters also have a further right of appeal to the Information Commissioner's Office (ICO).

## 2. Information Request Statistics

- 2.1 Table 1: 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	61	0	3	0	64
Social Services (Children Services)	65	30	2	0	97
Social Services (Adult Services)	106	53	5	2	166
Communications	9	1	1	0	11
Corporate Building Services	4	3	0	0	7
Corporate Property Services	51	0	3	0	54
Culture & Tourism	71	0	4	0	75
Environment	118	3	3	1	125
Waste Management	65	4	0	0	69
Financial Services	204	7	1	0	212
Human Resources	55	2	1	0	58
Housing	90	6	2	0	98
Legal & Democratic Services	61	1	2	0	64
Planning	77	3	11	1	92
Education	177	7	4	0	188
Commercial Services & Procurement	7	0	0	0	7
Transportation & Engineering	182	15	5	1	203
<b>Totals</b>	<b>1403</b>	<b>135</b>	<b>47</b>	<b>5</b>	<b>1590</b>

3. Table 2 : Shows the rise in information requests since 2016/17.

Financial Year	Requests Received (FOI, EIR & SAR)	Year on Year Difference
2016/17	1327	-27
2017/18	1361	+34
2018/19	1538	+177

4. Table 3: Timeliness of Responses to FOI & EIR Requests

- 4.1

Financial Year	Answered within 20 days	% answered within 20days
2016/17	917	74.9%
2017/18	987	75.9%
2018/19	907	65%

- 4.2 The decrease in responses within statutory timescales, can only be attributed to a perfect storm of increased demand (11%) with less resources available within service areas.

## 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 4 - FOI Request by Type of Applicant	
Type of Applicant	No.
Commercial Organisation	229
Freelance Journalist	5
Individual	810
Media	212
Not for Profit	93
Politician	52
Solicitors	2
<b>Total</b>	<b>1403</b>

## 6. Responses to FOI Requests

- 6.1 Table 5 below shows a breakdown of the type of response that the Council gave to the FOI Requestor. **1073** of the **1403** (76%) were either fully disclosed or mainly granted. This statistic clearly shows the Council's continued commitment to openness and transparency.

Table 5 - Type of Response given to FOI Requestor	
Type of Response	No.
Full Disclosure	936
Completely Refused	103
Data not held	99
Mainly Granted	137
Mainly Refused	46
Not Pursued / Withdrawn	63
Timed Out *	3
Ongoing / Incomplete	16
<b>Total</b>	<b>1403</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.

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

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

Table 4 - Number of and List of FOI Exemption Used		
Section	Exemption	No.
12	Cost of Redacting & Extracting Information	53
14	Vexatious & Repeated Requests	2
21	Information accessible to applicant by other means	10
22	Information intended for future publication	1
30	Investigations & Proceedings	2
31	Law Enforcement	9
32	Court Records	0
36	Effective Conduct of Public Affairs	2
38	Health & Safety	1
40	Data Protection	22
41	Information provided in confidence	1
42	Legal professional privilege	1
43	Commercial Interest	40
<b>Totals</b>		<b>144</b>

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

## 8. Reviews and Appeals

- 8.1 There were **37** FOI Reviews carried out during 2018/19. Of the reviews conducted, the original decision was upheld in **32** of those cases.
- 8.2 The Requester appealed to the Information Commissioner's Office (ICO) in **9** of those cases. Details of the ICO appeals and their outcome is summarised in Table 5 below.

Table 5 - Appeals to the Information Commissioner's Office (ICO)		
	Information Requested	Outcome of Appeal
	Taxi Licensing	We reversed our position and released the information in an amicable agreement
	Taxi Licensing	We reversed our position and released the information in an amicable agreement
	Pay for Care Work	We reversed our position and released the information in an amicable agreement
	Employment	We reversed our position and released the information.
	Employment	Not upheld by ICO– though more clarification required when responding

Child & Family	Not Upheld by ICO
Trees	We reversed our position and released the information.
Call Recording	Not upheld by ICO
S106 Agreement	Not upheld – clarification sent

## **9. Looking Forward**

- 9.1 The IGU and Complaints Team will review it's processes in the handling of information requests with a view to further improving both the quality of responses and the percentage of cases replied to within 20 working days.

## **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 are covered within existing budgets.

## **12. Legal Implications**

- 12.1 None

**Background Papers:** None

**Appendices:** None