



APPENDIX 5

FREEDOM OF INFORMATION (FOI) ANNUAL REPORT 2019/20

Purpose:	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2019 to 31 March 2020
Policy Framework:	Transformation & Future Council
Consultation:	Access to Services, Legal, Finance.
Report Author:	Sarah Lackenby
Finance Officer:	Janet Morgan
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

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. The FOI process can be found at: <https://www.swansea.gov.uk/freedomofinformation>
- 1.2. 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 Records Management in December 2004.
- 1.3. 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.

- 1.4. 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. The Council's SIRO and the Information Governance Unit are currently reviewing the process around FOI Reviews to increase capacity and resilience.
- 1.5. Requesters also have a further right of appeal to the Information Commissioner's Office (ICO).

2. Information Request Statistics

Table 1: Information requests received 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	55	0	1	0	56
Social Services (Children Services)	76	69	4	0	149
Social Services (Adult Services)	94	46	6	7	153
Communications	32	6	3	0	41
Corporate Building Services	3	0	0	0	3
Corporate Property Services	45	2	2	1	50
Culture & Tourism	63	1	3	1	68
Environment	113	5	1	2	121
Waste Management	46	1	1	0	48
Financial Services	148	9	2	0	159
Human Resources	45	2	1	0	48
Housing	72	8	3	1	84
Legal & Democratic Services	41	7	0	0	48
Planning	70	3	10	4	87
Education	116	14	2	1	133
Commercial Services & Procurement	10	0	0	0	10
Transportation & Engineering	166	23	7	0	196
Totals	1,195	196	46	17	1,454

3. **Table 2: Shows the number of information requests since 2016/17:** Freedom of Information requests (FOI), Environmental Information Regulation requests (EIR), Subject Access requests (SAR)

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

2018/19	1538	+177
2019/20	1391	-147

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

4.1

Financial Year	Answered within 20 days	% answered within 20 days
2016/17	917	74.9%
2017/18	987	75.9%
2018/19	907	65%
2019/20	844	70.6%

4.2 The percentage answered within 20 days does not reflect where further clarification was sought. However, the Council has put measures in place to improve performance in this area. Training has been undertaken with the FOI officer network, new templates have been created to speed up the process, and a decision tree to aid the application of any appropriate exemptions.

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	170
Freelance Journalist	8
Individual	797
Media	144
Not for Profit	25
Politician	26
Solicitors	25
Total	1195

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. 920 of the 1195 (77%) 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	826
Completely Refused	76

Data not held	74
Mainly Granted	94
Mainly Refused	33
Referred to alternative organisation	3
Referred to website for information	9
Not Pursued / Withdrawn	55
Timed Out *	2
Ongoing / Incomplete	23
Total	1195

* 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	48
14	Vexatious & Repeated Requests	0
21	Information accessible to applicant by other means	5
22	Information intended for future publication	2
30	Investigations & Proceedings	0
31	Law Enforcement	8
32	Court Records	0
36	Effective Conduct of Public Affairs	1
38	Health & Safety	0
40	Data Protection	11
41	Information provided in confidence	1
42	Legal professional privilege	1
43	Commercial Interest	30
Totals		107

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

8. Reviews and Appeals

8.1 There were 36 FOI Reviews carried out during 2019/20. Of the reviews conducted, the original decision was upheld in 23 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
	Air Show	Requester contacted ICO as they had not received the information. Information disclosed
	Child and Family	Failed to provide a response within the time frame. ICO asked that we provide a substantive response
	Advocacy services	We reversed our position and released the information
	Child and Family	Not upheld by ICO
	Dog breeding	Not upheld by ICO
	Phone mast, Mayals	Not Upheld by ICO
	Parc Mawr	Not upheld by ICO
	Planning	Not upheld by ICO
	Education	Upheld. Response not provided within the timescale

9. Equality and Engagement Implications

- 9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 9.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on FOI/EIR and SARs already handled and closed. The screening form is attached at Appendix 7.

10. Financial Implications

- 10.1 All costs incurred through dealing with FOI are covered within existing budgets.

11. Legal Implications

- 11.1 None

Background Papers: None

Appendices: None