

APPENDIX 4

Report of the Cabinet Member for Service Transformation and Business Operations

Cabinet – 19 October 2017

FREEDOM OF INFORMATION (FOI) ANNUAL REPORT 2016-2017

Purpose:	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2016 to 31 March 2017
Policy Framework:	None.
Consultation:	Access to Services, Legal, Finance.
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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, correspondence, reports, minutes of meetings and telephone attendance notes.

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	58		1		59
Social Services (Children Services)	58	10	1	2	71
Social Services (Adult Services)	83	11	1	1	96
Communications	28		1		29
Corporate Building Services	2				2
Corporate Property Services	29				29
Culture & Tourism	56		3		59
Environment	112	1	3	1	117
Waste Management	40	1	1		42
Financial Services	193		3		196
Human Resources	74	4	3		81
Housing	66	8	3		77
Legal & Democratic Services	82	1	5		88
Planning	54	2	5		61
Education	116	9	1		126
Commercial Services & Procurement	7				7
Transportation & Engineering	167	15	6		188
Totals	1225	62	36	4	1327

3.2 Table 2 below shows the rise in information requests since 2009.

Financial Year	Requests Received (FOI, EIR & SAR)	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
2016/17	1327	-27

4. Timeliness of Responses to FOI & EIR Requests

- 4.1 **1225** requests were received during 2016 / 2017 representing a **2.1 %** decrease on last year's figures. Of the requests received this year, (**74.9%**) were responded to within the FOI time limit of 20 working days. The response rate within timescale is an improvement on that of last year (**70.4%** for 2015/16), as a result of recent improvements in administrative processes.

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	184
Freelance Journalist	10
Individual	752
Media	165
Not for Profit	34
Politician	75
Solicitors	5
Total	1225

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.

Table 3 - Type of Response given to FOI Requestor	
Type of Response	No.
Full Disclosure	832
Completely Refused	63
Data not held	75
Mainly Granted	128
Mainly Refused	61
Not Pursued / Withdrawn	47
Timed Out *	8
Ongoing / Incomplete	11
Total	1225

* 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.

Table 4 - Number of and List of FOI Exemption Used		
Section	Exemption	No.
12	Cost of Redacting & Extracting Information	71
14	Vexatious & Repeated Requests	1
21	Information accessible to applicant by other means	1
22	Information intended for future publication	3
30	Investigations & Proceedings	5
31	Law Enforcement	7
32	Court Records	0
36	Effective Conduct of Public Affairs	0
38	Health & Safety	3
40	Data Protection	30
41	Information provided in confidence	2
42	Legal professional privilege	3
43	Commercial Interest	48
Totals		174

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

9. Reviews and Appeals

9.1 There were **36** FOI Reviews carried out during 2016/17. Of the reviews conducted, the original decision was upheld in 17 of those cases.

9.2 The Requester appealed to the Information Commissioner's Office (ICO) in **3** 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
Case 1	Information request relating to Public Health Funerals	The information requested was deemed to be in the public interest and the Authority was instructed to release it the requester
Case 2	Request for information about lifeline equipment	Ongoing
Case 3	Appeal against decision not to release personal information	The Authority breached requirements of the Data Protection Act because it failed to provide a complete response within the prescribed period.

10. Looking Forward

- 10.1 New legislation is being introduced in May 2018 called the General Data Protection Regulation (GDPR). In order to ensure that the Authority is fully prepared for these changes, an Information Governance Unit (IGU) has been created which will focus on the introduction of this legislation and oversee all matters relating to information management across the Authority. The IGU will also be reviewing the processes used 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.

11. Equality and Engagement Implications

- 11.1 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.

12. Financial Implications

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

13. Legal Implications

- 13.1 None

Background Papers: None

Appendices: None