

Report of the Cabinet Member for Business Transformation & Performance

Cabinet – 17 January 2019

**Freedom of Information (FOI)  
Annual Report 2017-2018**

<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 2017 to 31 March 2018.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Legal, Finance.
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<b>For Information</b>	

**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	39				39
Social Services (Children Services)	70	5	3		78
Social Services (Adult Services)	76	23	2	1	102
Communications	13				13
Corporate Building Services	8				8
Corporate Property Services	61		1		62
Culture & Tourism	40	1	1		42
Environment	113	1	3		117
Waste Management	44		1		45
Financial Services	172				172
Human Resources	98	3	3		104
Housing	131	5	2	1	139
Legal & Democratic Services	69	1			70
Planning	59	1	4		64
Education	137	3	4		144
Commercial Services & Procurement	15				15
Transportation & Engineering	154	18	5	1	178
<b>Totals</b>	<b>1300</b>	<b>61</b>			<b>1393</b>

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
2017/18	1361	+34

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

4.1 **1300** requests were received during 2017/18 representing a **2.7%** increase on last year's figures. Of the requests received this year, 987 (75.9%) were responded to within the FOI time limit of 20 working days. The response rate within timescale is a 1% increase on that of last year (74.9% for 2016/17).

## 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.

<b>Table 2 - FOI Request by Type of Applicant</b>	
<b>Type of Applicant</b>	<b>No.</b>
Commercial Organisation	174
Freelance Journalist	9
Individual	825
Media	160
Not for Profit	36
Politician	87
Solicitors	9
<b>Total</b>	<b>1300</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. **992** of the **1300** (76%) were either fully disclosed or mainly granted. This statistic clearly shows the Council's continued 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	896
Completely Refused	97
Data not held	81
Mainly Granted	96
Mainly Refused	69
Not Pursued / Withdrawn	61
Timed Out *	
Ongoing / Incomplete	
<b>Total</b>	<b>1300</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.

<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	62
<b>14</b>	Vexatious & Repeated Requests	1
<b>21</b>	Information accessible to applicant by other means	3
<b>22</b>	Information intended for future publication	3
<b>30</b>	Investigations & Proceedings	4
<b>31</b>	Law Enforcement	8
<b>32</b>	Court Records	1
<b>36</b>	Effective Conduct of Public Affairs	0
<b>38</b>	Health & Safety	8
<b>40</b>	Data Protection	28
<b>41</b>	Information provided in confidence	1
<b>42</b>	Legal professional privilege	1
<b>43</b>	Commercial Interest	50
<b>Totals</b>		<b>170</b>

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

## **8. Reviews and Appeals**

- 8.1 There were **25** FOI Reviews carried out during 2017/18. Of the reviews conducted, the original decision was upheld in **13** of those cases.
- 8.2 The Requester appealed to the Information Commissioner's Office (ICO) in **1** 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>
Case 1	Appeal against decision not to release taxi information	The Authority was instructed to release the information

## **9. Looking Forward**

- 9.1 New legislation was introduced in May 2018 called the General Data Protection Regulation (GDPR). In order to ensure that the Authority was 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.

## **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.