



**CReport for:
INFORMATION**

Item Number:

Contains Confidential or Exempt Information	NO
Title	Overview of the Council's Freedom of Information performance
Responsible Officer(s)	Director of ICT, IDM and Property Services
Author(s)	Lorraine Cox, Head of Information Governance
Portfolio(s)	Cllr Peter Mason, Leader of the Council
For Consideration By	Standards Committee
Date to be Considered	26th March 2024
Implementation Date if Not Called In	Not applicable
Affected Wards	All
Keywords/Index	Freedom of Information

Purpose of Report:

To present an overview of the Freedom of Information (FOI) enquiries received by the council in 2023, performance in the organisation responding to them, and any issues that have arisen.

1. Recommendations for NOTING

1.1 To note and consider the contents of the report.

2. Volume of Enquiries and Speed of Response

2.1 The FOI team currently consists of two centrally based officers who sit within the ICT and Data Management service area within the Resources strategic directorate of the council. These two officers receive, log, send requests to officers within services areas, receive initial draft responses back, ensure the response is accurate and any applicable exemptions have been applied and then seek approval from the relevant director before sending the final response.

2.2 The statutory timescales for processing and completing a Freedom of Information (**FOI**)/Environmental Information Regulations (**EIR**) request is 20 working days.

2.2.1 The process followed for completing requests is:

Day 0

Entering request onto internal spreadsheet and sending request to relevant service area(s).

Day 1-5

Request dealt with service, which provides response to request.

Day 5-10

Reminder of request response outstanding sent.

Day 10

Reminder of response deadline sent (further chases sent if deadline not met).

Day 11-15

Review of response and dealing with any issues such as further information needed, by sending draft back to service to complete.

If no further information needed, draft sent for approval.

Day 15-19

Await approval for response. Dealing with any further changes/information needed and obtain further approval if required.

Day 20

Complete request by sending approved response.

2.2.2 The process timeline can differ from time to time for the following events:

Clarification

We can ask the requester for further information to help answer with the correct information. This puts the request on hold until the requester replies with clarification.

Extension (EIR)

An extension of a further 20 working days can be asked for if the request is viewed to be large/complex. This extension needs to be submitted before the original 20 working days.

2.2.3 Requests in full or part can become subject to rejection under:

23 FOI Exemptions

There are two types of exemptions – Absolute and Non-Absolute:

- Absolute exemptions do not require consideration of the Public Interest test
- Non-Absolute exemption require consideration of the Public Interest test where we must decide whether it is in the public interest to disclose the information requested or to withhold it.

14 EIR Exceptions

All exceptions are Non-Absolute and are subject to the Public Interest test.

2.3 Comparisons of performance since 2019 is as follows:

FREEDOM OF INFORMATION ACT 2000 ENVIRONMENTAL INFORMATION REGULATIONS 2004	2019	2020	2021	2022	2023
Total number of FOI/EIR requests	2,016	1,667	1,674	1,578	1,712
Number completed within statutory timescales	1,861	962	1,087	1,252	1,527
% completed within statutory timescales	92.3%	57.7%	64.9%	79.3%	89.0%

2.4 The service is within the ICT department and works alongside the Data Protection team.

2.5 The number of enquiries received by the Council has increased most years since 2019.

Year	Number	Growth per year
2019	2,016	-4.8%
2020	1,667	-17.3%
2021	1,674	+0.4%
2022	1,578	-5.7 %
2023	1,712	+8.5%

2.6 We received an increase in the number of requests in 2023 to that of 2022. This level of requests continues to place a significant burden on service areas in addition to their daily duties to provide a response. Requests are becoming more detailed and require significant staff time to provide a response. There is an exemption if the request falls under the Freedom of Information legislation and would take over 18 hours per request to complete however 18 hours is still a significant amount of officer time. The same exemption does not apply to requests made under the Environmental Information Regulations and the expectation is that information should be disclosed unless manifestly unreasonable.

2.7 97 requests were received that were not considered a valid request and accordingly were not processed under the relevant legislation. These include requests for clarification or explanations or requests that were dealt with a business-as-usual request within the service area.

2.8 The breakdown of requests received per directorate for 2023 is as follows.

January 2023 – December 2023

Directorate	Requests received	% responded to within statutory timescales	% responded to outside of statutory timescales
SD Adults & Public Health	67	91%	9%
SD Children	206	86%	14%
SD Economy & Sustainability	312	87%	13%
SD Housing & Environment	589	90%	10%
SD Resources	342	92%	8%
SD Strategy & Change	58	93%	7%
Mixed	138	81%	19%
Total	1,712	89%	11%

Remedial measures

2.9 Given the requirement to continually improve the number of requests responded to within the statutory timescales, measures have been put in place, including:

- Regular details of overdue requests are provided to directors so they take the lead within their directorate to ensure a response is provided.
- Performance is now included and reported to SLT quarterly.
- The portfolio holder is appraised of the Freedom of Information statistics and issues at a quarterly update.
- Weekly emails to directors are sent advising of requests due the following week for their directorate to ensure they can escalate within the timescales to elicit a response.

3. Other Performance Information

Internal Reviews

3.1 The number of referrals of requests to be reviewed under Internal Review received since 2019 is as follows:

Year	Number
2019	61
2020	36
2021	39
2022	43
2023	48

The number of Internal Reviews by Directorate are:

Directorate	No of IR requests
Adults & Public Health	0
Children	8
Economy & Sustainability	11
Housing & Environment	15
Resources	7
Strategy & Engagement	1
Mixed	6
Total	48

- 3.2 Internal Reviews are submitted if the requester is unhappy with any response they have received. An Internal Review can be submitted within:
- Two calendar months (FOI)
 - 40 working days (EIR)

The statutory timeframes to process and complete any requests for an Internal Review are as follows:

- 20 working days (FOI)
- 40 working days (EIR)

- 3.3 If a requester is still unhappy with the response, they receive they can contact the Information Commissioners Office (ICO) to lodge a complaint. The ICO will investigate and try to work with the FOI team and the requester to help resolve any complaint regarding a response. If any action taken by the ICO following a complaint is not followed or met, they have the power to instruct the organisation to disclose the information and/or put the organisation on a monitoring list.

ICO Complaints

- 3.4 We received 6 complaints from the ICO in 2023. The breakdown of directorates is as follows:

Directorate	No of ICO requests
Adults & Public Health	0
Children	0
Economy & Sustainability	2
Housing & Environment	4
Resources	0
Strategy & Engagement	0
Mixed	0
Total	6

This is a considerable reduction in complaints, they related to Planning, Parking & Housing.

4. Financial

The FOI team operates within existing staff budgets for the ICT and Property Services Directorate. Responses to Fols within services are managed within existing service budgets.

5. Legal

This is a statutory function. The Freedom of Information Act 2000 and the Environmental Regulations Act 2004 applies to information requests.

The Freedom of Information Act 2000 (FOI Act) and the Environmental Regulations Act 2004 gives the public the right to request any recorded information held by a public authority. The purpose is to promote greater openness and accountability.

6. Value For Money

This is a statutory function and the council is required to dedicate resources to meeting the legislative requirements.

7. Sustainability Impact Appraisal

Not applicable.

8. Risks

8.1 The increasing number and complexity of requests provides a challenge to the council to maintain performance and quality of responses. For example, if internal deadlines are not met, and the FOI team spend time chasing service areas this detracts from time available to process requests. This can result in the final response being sent closer to final statutory deadlines rather than earlier.

8.2 Similarly if the query is allocated to another service area and the corporate team are not advised and this is not the correct area that may hold the information requested this also results in shorter deadlines for internal response.

9. Community Safety

9.1 None.

10. Links to the 3 Priorities for the Borough

10.1 None.

11. Equalities, Human Rights and Community Cohesion

11.1 Not applicable.

12. Staffing/Workforce and Accommodation implications:

12.1 None.

13. Property and Assets

13.1 None.

14. Any other implications

14.1 None.

15. Consultation

15.1 No specific consultation on this report has been undertaken.

16 Timetable for Implementation

16.1 Not applicable.

17. Appendices

17.1 None.

18. Background Information

18.1 None.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal	Edward Axe, Director			
	Helen Harris, Director of Legal and Democratic Services			
	Emily Hill, Strategic Director, Resources			
External	None			

Report History

Decision type:	Urgency item?
For information	No.
Report no.:	Report author and contact for queries:
	Lorraine Cox

