

Corporate Governance and Standards Committee Report

Ward(s) affected: n/a

Report of Director of Environment

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Freedom of Information and Subject Access Compliance Update

Executive Summary

This is a regular report to monitor the Council's performance in dealing with Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests.

In 2018, as of 27 June there have been:

- 410 Freedom of Information/Environmental Information requests, of which
- 391 were dealt with under the Freedom of Information Act 2000 (FOI)
- 19 were dealt with under the Environmental Information Regulations 2004 (EIRs)

The Council's performance rate for delivery of FOIs/EIRs currently stands at 92%. The Key Performance Indicator (KPI) of 90% set by the Corporate Management Team has therefore been exceeded.

92% was also the figure for this time last year.

Recommendation to Committee

That the Corporate Governance and Standards Committee notes the officer actions and continues to receive six monthly updates.

Reason for Recommendation: To ensure the Council continues to meet and, wherever possible, to exceed the 90% compliance target.

1. Purpose of Report

- 1.1 The Corporate Governance and Standards Committee has requested this report to ensure the Council improves its response timescales for FOI and EIR requests.

1.2 Appendix 1 contains the performance figures for each service area and a total for the Council, including volume of FOI/EIR requests received and the percentage responded to on time.

2. Strategic Framework

2.1 Promoting openness and transparency in Council policy and decision-making is essential to promote public confidence within the Borough in order to improve prosperity and well-being as outlined in the Strategic Framework – i.e. the Council “will be open and accountable”.

3. Background

3.1 The Council is required to respond to FOI and EIR requests within 20 working days – subject to certain exceptions as long as the requester is kept informed – for example extra time can be taken to consider the Public Interest Test (PIT).

3.2 The performance figures for 2018 (to date as of 27 June) are included in Appendix 1.

Update on progress in 2017

3.3 As at 27 June 2018, the Council had received 410 FOI/EIR requests during the current calendar year. By comparison, 360 requests were received at this stage during 2017. 337 requests had been closed at the time the figures were compiled, with a number of requests still open. The open requests have not been included in these figures.

3.4 The Council’s performance time currently stands at 93.5% of requests being closed within the statutory time frame, compared with a figure of 91.5% at this time in 2017.

4 Requests received by Directorate, January – June 2018 (up to 27 June)

4.1 Community received the most requests with a total of 155 (almost 38% of the total requests received). The best performing directorate was Planning with 100% of requests being answered within the 20 working day time scale.

4.2 All five directorates are currently performing above the Council’s KPI target of 90%, as set by the Corporate Management Team.

Fig 1 – Table of Requests received by directorate and percentage answered in time (1 Jan – 27 June 2018)

Directorate	Number of requests received *	Requests answered in time	Percentage answered in time
Environment	92	85	92%
Finance	93	91	98%
Management Team	34	31	91%
Community	155	143	92%
Planning & Regeneration	36	36	100%
	410	386	94%

(* includes requests which are still open)

5. Requests received by service area

- 5.1 Out of 34 service areas which received FOI/EIR requests during the period covered, 21 have responded to 100% of requests in time – i.e. a commendable 62% of all service areas have a 100% FOI compliance rate.
- 5.2 This compares very favourably with the overall figures for 2017, when only 13 service areas (37% of the total service areas) had a 100% compliance rate.
- 5.3 Housing Advice and Planning received the most requests – with 36 each.

6. Exemptions

- 6.1 The most frequently used exemption under the Freedom of Information Act was section 21 (information available by other means), which was used on 40 occasions to date this calendar year. Most of these requests were for information already published on the Council's website.
- 6.2 The next most commonly applied exemption was section 31 (law enforcement) which was used 8 times, mainly in connection with requests on empty properties.

7. Internal Reviews

- 7.1 Two FOI/EIR requests so far this year have gone to internal review stage. Of those, one was dismissed and the other is still currently open.
- 7.2 One Subject Access Request has so far been the subject of internal review. The investigation is still currently open

8. Categories of Requester

- 8.1 42% of all requests received so far in 2018 have come from members of the public. The next most frequent category was "Other" (which includes private companies such as estate agents and construction firms, professional bodies and other local authorities), which accounts for 32% of all requests. 15% of requests have been received from the media.

9. Subject Access Requests

- 9.1 13 Subject Access Requests have been received in 2018 compared with a total of 7 last year. Since the coming into force of the GDPR on 25 May, a total of 10 requests have been received – more than the entire total for 2017. This increase was somewhat expected as organisations can no longer charge the £10 fee and the GDPR has reduced the time limit from 40 calendar days to one month.

10. Equality and Diversity Implications

- 10.1 No Equality and Diversity Implications apply to this report.

11. Financial Implications

- 11.1 The increase in SARs may have resource implications. Dealing with such requests is a very time-consuming process and, if current trends continue, there may be a case for taking on extra resources.

12. Legal Implications

- 12.1 Failure to respond to FOI/EIR requests within 20 working days is a breach of the respective legislation. Requesters whose FOIs/EIRs have not been answered within the statutory time limit have the right to request an internal review and/or to make a formal complaint to the Information Commissioner's Office (ICO). There are therefore direct legal implications associated with the risk of reputational damage to the Council, adverse publicity and active monitoring by the ICO.

13. Human Resource Implications

- 13.1 See "Financial Implications" above.

14. Summary of Actions

- 14.1 Directors will ensure requests in their service areas remaining overdue or approaching their deadline date are resolved as soon as possible so that current standards can be maintained and, if possible, exceeded.

15. Conclusion

- 15.1 The Council is currently compliant with the KPI target for FOI/EIR performance figures. To maintain this standard, directors should ensure that requests for their services are resolved as efficiently as possible. The Information Rights Officer in liaison with the Senior Information Risk Owner (SIRO) will continue to send reminders to any service areas responsible for requests which are nearing their deadline. Corporate Management Team should continue to monitor progress to drive improvement.

16. Appendices

Appendix 1: Requests received by service area, 01/01/18 – 27/06/18

Appendix 1 - Requests received by service area, 01/01/18 – 27/06/18

Service Area	Total requests	Total answered in time	Percentage
Asset Development	11	11	100%
Community Care	5	5	100%
Licensing	19	19	100%
Environmental Health	13	12	92%
Private Sector Housing	29	26	90%
Public Health	16	16	100%
Housing Advice	36	34	94%
Landlord Services	6	3	50%
Property Services	12	12	100%
PR & Marketing	4	1	25%
Policy & Partnership	9	9	100%
Bereavement	3	3	100%
Fleet & Waste	3	2	66%
Cleansing/Recycling	19	16	84%
Engineers	1	1	100%
Heritage	2	2	100%
Local Economy	4	4	100%
Parking	13	12	92%
Management Team	1	1	100%
Parks & Countryside	18	19	95%
Leisure Services	1	1	100%
Planning	36	36	100%
Benefits	2	2	100%
Exchequer Services	32	32	100%
Council Tax	11	11	100%
Customer Service	6	5	83%
Democratic Services	14	14	100%
ePayments	3	3	100%
Facilities Management	3	0	0%
Financial	9	8	89%
HR	12	12	100%
ICT	9	9	100%
Legal	15	14	93%
Payroll & Insurance	4	4	100%
TOTAL	381	349	92%