

Corporate Governance and Standards Committee Report

Ward(s) affected: not applicable

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 2019, as of 30 June there have been:

- 396 Freedom of Information/Environmental Information requests, of which
- 378 were dealt with under the Freedom of Information Act 2000 (FOI)
- 18 were dealt with under the Environmental Information Regulations 2004 (EIRs)

The Council's performance rate for delivery of FOIs/EIRs currently stands at 93.5%. The Key Performance Indicator (KPI) of 90% set by the Corporate Management Team has therefore been exceeded.

92% was 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 maintains or improves on its target 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 2019 (as at 30 June 2019) are included in **Appendix 1**.

Update on progress in 2019

3.3 As at 30 June 2019, the Council had received 396 FOI/EIR requests during the current calendar year. By comparison, 420 requests were received at this stage during 2018.

3.4 As at 30 June 2019, 361 requests had been closed, with 35 requests still currently open. The open requests have not been included in these figures.

3.5 The Council’s performance time currently stands at 93.5% of requests being closed within the statutory time frame – an improvement of 1.5% on last year’s 92% figure – and in fact the highest rating since records began.

4 Requests received by Directorate, January – June 2019 (up to 30 June)

4.1 Finance received the most requests with a total of 109 (30% of the total requests received). The best performing directorate was Planning with 100% of requests being answered within the 20 working day time scale.

Fig 1 – Table of Requests received by directorate and percentage answered in time (01/01/19 – 30/06/19)

Directorate	Number of requests received	Requests answered in time	Percentage answered in time
Environment	77	66	85.5%
Finance	109	105	96%
Management Team	28	26	93%
Community	97	91	94%
Planning & Regeneration	50	50	100%
TOTAL	361	338	93.5%

5. Requests received by service area

- 5.1 Out of 30 service areas which received FOI/EIR requests during the period covered, 18 have responded to 100% of requests in time – i.e. a commendable 60% of service areas have a 100% FOI compliance rate.
- 5.3 Of the service areas Planning and Business Rates received the most requests – with 48 and 41 each respectively. Both areas also scored an impressive 100% compliance rate.

6. Exemptions

- 6.1 The most frequently used exemption under the Freedom of Information Act was section 21 (which applies when the requested information is available by other means), which was used on 37 occasions to date this calendar year. Most of these requests were for information already published on the Council's website. It is expected that this exemption will be applied more often in future, as the Council's internal disclosure log is now live at the following link - <https://quildford.disclosurelog.co.uk/> - and contains transcripts of over 200 FOI/EIR responses.
- 6.2 The next most commonly applied exemption was section 31 (when the requested information consists partially or completely of personal data) which was used 13 times.

7. Internal Reviews

- 7.1 Eight FOI/EIR requests so far this year have gone to internal review stage. In seven of these cases the original decision was either partly or completely upheld. The remaining review is still currently open.

8. Equality and Diversity Implications

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

9. Financial Implications

- 9.1 There are no financial implications to this report.

10. Legal Implications

- 10.1 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.

11. Human Resource Implications

- 11.1 There are no proposals in this report with any direct HR implications.

12. Summary of Actions

- 12.1 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.

13. Conclusion

- 13.1 The Council is currently compliant with the KPI target for FOI/EIR performance figures and performing above the required standard. 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.

14. Background Papers

None

15. Appendices

Appendix 1: Requests received by service area, 01/01/19 – 30/06/19

Appendix 1 - Requests received by service area, 01/01/19 – 30/06/19 (excluding requests which are currently open)

Service Area	Total requests	Total answered in time	Percentage
COMMUNITY			
Community Care	3	2	66.5%
Corporate Property	8	7	87.5%
Environmental Health	26	25	96%
Facilities Management	2	1	50%
Housing Advice	12	12	100%
Licensing	19	18	95%
Neighbourhood & Housing Management	12	11	91.5%
Private Sector Housing	13	13	100%
Repairs & Maintenance	2	2	100%
TOTAL	97	91	94%
FINANCE			
Benefits	5	5	100%
Business Rates	41	41	100%
Council Tax	20	20	100%
Democratic Services	7	7	100%
Financial Services	13	9	69%
ICT	20	20	100%
Web Team	3	3	100%
TOTAL	109	105	96%
ENVIRONMENT			
Bereavement	7	6	86%
Engineers	2	2	100%
Economic Development	3	3	100%
Fleet & Waste	23	15	65%
Legal	10	10	100%
Leisure Services	2	1	50%
Parking	14	14	100%
Parks & Countryside	16	15	94%
TOTAL	77	66	85.5%

Service Area	Total requests	Total answered in time	Percentage
MANAGEMENT TEAM			
HR	17	17	100%
Internal Audit	4	4	100%
PR & Marketing	3	1	33%
Policy & Partnership	4	4	100%
TOTAL	28	26	93%
PLANNING			
Planning	48	48	100%
Major Projects	2	2	100%
TOTAL	50	50	100%
GRAND TOTAL	361	338	93.5%