

Corporate Governance and Standards Committee Report

Ward(s) affected: n/a

Report of Director of Strategic Services

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Date: 23 September 2021

Freedom of Information Compliance: Update Report

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.

Following a fall in performance standards during 2020-21 largely due to the Covid pandemic lockdown and recent corporate restructures, performance rates for timely delivery of FOI/EIR requests have since improved over the period of the first half of the calendar year 2021.

Recommendation to Committee

That the Committee notes the officer actions and continues to receive regular updates.

Reasons for Recommendation:

- To ensure that the Committee is kept up to date with developments in the FOI/EIR framework.
- To ensure that the Committee has the necessary information to enable requests for information to be made easily to the Council and properly responded to .
- To assist with learning lessons and improving performance following requests for information made to the Council.

Is the report (or part of it) exempt from publication? No

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 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”.

- 1.3 Effective compliance with information governance, including the management of the Council’s FOI/EIR regime plays a key part in achieving these objectives.

2. Background

- 2.1 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.

3. Update on progress in 2021

- 3.1 The Council received 299 FOI/EIR requests during the first half of 2021. This marks a 21% increase in volume from the equivalent period last year when 247 requests had been received.
- 3.2 The Council’s performance rate for 2021 so far (figures covering January to June 2021) stands at 93% of FOI/EIR requests being answered on time. This compares favourably with the overall figure of 80% for the calendar year of 2020. The Council therefore now exceeds both the Information Commissioner’s performance indicator of 85%, and the 90% target agreed by Corporate Management Team.
- 3.3 To tackle the fall in performance rates last year new measures were introduced – upcoming deadlines were more closely monitored and where necessary line managers were involved. Underperforming service areas were investigated, and their performance was discussed at monthly Information Risk Group (IRG) meetings with input from the Council’s Senior Information Risk Owner (SIRO). The improved statistics demonstrate that these measures have so far been successful.

4. Requests received by Service Areas, January – June 2021

- 4.1 Planning received the most requests over the six-month period with a total of 39 (13% of the total requests received across all service areas).
- 4.2 The second busiest service area was Environmental Health/Licensing which received 29 requests, followed by Business Rates with a total of 28.
- 4.3 21 service areas have exceeded the Information Commissioner’s Office regulatory performance target of 85%. Notably, 11 service areas deserve special commendation for achieving a 100% compliance rate.
- 4.3 17 service areas are currently performing above the target of 90% as set by Corporate Management Team. See table in Appendix 1 for full details.

5. Exemptions

- 5.1 The most frequently used exemption under the Freedom of Information Act used for withholding requested information (either partially or completely) was section

- 21 (information available by other means), which was used on 28 occasions - marking a very similar trend to previous years.
- 5.2 This is largely due to the information being readily available on the Council's website – e.g., information on expenditure, procurement, business rates, public health funerals, planning applications, houses in multiple occupation (HMOs).
- 5.3 The next most commonly applied exemptions were section 31 (law enforcement/prevention of crime), which was used on 9 occasions, and section 40 (where third party personal data is involved) – used on 5 occasions.

6. Categories of Requester

- 6.1 The highest proportion of requests during the first six months of 2021 came from private companies accounting for 40% of all FOI/EIR requests. This was followed by members of the public at 35% of the total. See table below for full figures – which reveals a broadly similar pattern to that of previous years.

Fig 1 – Categories of Requester

Correspondent Group	No. of requests	%
Private Company	120	40%
Charity/Campaign Group	10	3.5%
Media	23	8%
“WhatDoTheyKnow”	26	8.5%
Academic	9	3%
Member of the Public	106	35%
Legal/trade unions/political	5	1.5%

7. Subject Access Requests (SARs)

- 7.1 The Council received 8 SARs (i.e. requests for personal information relating to an individual) in the first six months of 2021. All requests were dealt with within the standard time limit.

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. Conclusion

12.1 Now that performance levels have improved and reverted to expected standards in terms of target attainment, it is imperative that these standards are maintained. The appropriate measures will continue to be carried out in order to achieve this.

12.2 Approaching deadlines will continue to be closely monitored and enforced if necessary.

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

13. Background Papers

None

14. Appendices

Appendix 1: FOI/EIR Requests received by service area, 01/01/21 – 30/06/21