

Corporate Governance and Standards Committee Report

Ward(s) affected: n/a

Report of Strategic Services Director

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## **Freedom of Information Compliance: Annual Report 2021**

### **Executive Summary**

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

Following a drop in performance rates during 2020, largely due to the Covid pandemic lockdown and corporate restructures, performance rates for timely delivery of FOI/EIR requests have returned to more normal levels in 2021.

The figure for 2021 (January–November) is 92% compared with 80% for 2020.

### **Recommendation to Committee**

That Corporate Governance and Standards Committee notes the officer actions and continues to receive six monthly 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 public 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 564 FOI/EIR requests during the calendar year 2021. This marks a broadly similar trend to 2020 when the corresponding figure was 536.
- 3.2 The Council’s performance rate for the first eleven months of 2021 (January–November) is 92% (of requests being closed within the statutory period of 20 working days), compared with a figure of 80% for 2020 and 94% for 2019. It is also worth noting that 34% of all requests were answered within 10 working days (i.e. half the required time limit).
- 3.3 In order to maintain current performance rates upcoming deadlines will continue to be closely monitored with line manager involvement if necessary.

## **4. Requests received by Service Areas, January– November 2021**

- 4.1 Planning received the most requests with a total of 67 (almost 13% of the total requests received across all service areas). Of these Planning-related requests, an impressive 92.5% were answered within the 20 working day time-scale.
- 4.2 The second busiest service area was Business Rates which received 56 requests, accounting for just under 11% of the total. A remarkable 96% of these requests were dealt with on time.
- 4.3 Nineteen service areas have exceeded the Management Team’s performance target of 90%. Notably, 10 service areas deserve special commendation for achieving a 100% compliance rate. See table in Appendix 1 for full details.

## 5. Exemptions

- 5.1 The most frequently used exemption under the Freedom of Information Act – i.e. for withholding requested information (either partially or completely), was section 21 (information available by other means), which was used on 45 occasions during 2021, marking a very similar trend to last year's figure of 51.
- 5.2 This is largely due to the information being readily available on the Council's website – e.g. information on expenditure, procurement, public health funerals, planning applications, houses in multiple occupation (HMOs), but mostly business rates, which accounted for 36 of the total of 51.
- 5.3 The next most commonly applied exemptions were section 31 (law enforcement/prevention of crime), which was used on 11 occasions, and section 40 (where third-party personal data is involved) which was used on 7 occasions.

## 6. Categories of Requester

- 6.1 The highest proportion of requests during 2021 came from members of the public, accounting for 37% of all FOI/EIR requests. This was followed by private companies at 30% of the total. See table below for full figures – which reveals a broadly similar pattern to that of 2020.

Correspondent Group	No. of requests	%
Member of the Public	207	37%
Private Company	163	30%
Professional body	54	9.5%
"WhatDoTheyKnow"	45	8%
Media	43	7.5%
Academic	16	3%
Campaign Groups/Political	13	2%
Charity	11	2%
Other local authorities	8	1%

## 7. Internal and External Reviews

- 7.1 Four FOI/EIR requests went to internal review stage in 2021 compared with five during 2020,

## 8. Subject Access Requests (SARs)

- 8.1 The Council received 20 SARs (i.e. requests from data subjects for their own personal information), in 2021 compared with 12 during 2020 and 18 during 2019. All requests were dealt with within the standard 30 calendar day time limit.

## 9. Equality and Diversity Implications

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

## **10. Financial Implications**

10.1 There are no financial implications to this report.

## **11. Legal Implications**

11.1 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.

## **12. Human Resource Implications**

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

## **13. Conclusion**

13.2 The Council's overall performance has improved over the last 12 months and has achieved the target level. To maintain current standards approaching deadlines will continue to be monitored closely and enforced if necessary.

13.3 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.

## **14. Background Papers**

None

## **15. Appendices**

Appendix 1: FOI/EIR Requests received by service area, 01/01/21 – 30/11/21