

Guildford Borough Council

Report to: Corporate Governance and Standards Committee

Date: 15 June 2023

Ward(s) affected: Not applicable

Report of Director: Community Wellbeing

Author: Ciaran Ward, Information Governance Officer

Tel: 01483 444072

Email: ciaran.ward@guildford.gov.uk

Lead Councillor responsible: Angela Goodwin

Tel: 01483 824616

Email: angela.goodwin@guildford.gov.uk

Report Status: Open

Freedom of Information Compliance: Update

1. Executive Summary

- 1.1 This is a regular report to monitor the Council's performance in dealing with Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests.
- 1.2 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 2021-22 and 2022-23 financial years.

2. Recommendation to Committee

- 2.1 That the Committee notes the improved response rates and officer actions and continues to receive regular updates.

3. Reason(s) for Recommendation:

- 3.1. To ensure that the Committee is kept up to date with developments in the FOI/EIR framework.
- 3.2. 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.
- 3.3. To assist with learning lessons and improving performance following requests for information made to the Council.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 The Committee has requested this report to ensure the Council improves its response timescales for FOI and EIR requests and maintains standards.

6. Strategic Priorities

- 6.1. To promote openness and transparency in Council policy and decision-making in order to uphold public confidence within the Borough and improve prosperity and well-being as outlined in the Strategic Framework – i.e. the Council “will be open and accountable”.
- 6.2. Effective compliance with information governance, including the management of the Council’s FOI/EIR regime plays a key part in achieving this objective.

7. Update on Progress 2022-23

- 7.1. 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.

- 7.2. The Council received 691 FOI/EIR requests during the financial year 2022-22 (April 2022 – March 2023). Of these, 92.7% were responded to within the 20-working day deadline, compared to the very similar figure of 92% for 2021-22. Both of the previous years' figures indicate a steady improvement when compared with the 2020-21 financial year when 82% of requests were answered within the target. The Council therefore has now exceeded the Information Commissioner's performance indicator of 85%, and the 90% target agreed by Corporate Management Board for two consecutive years.
- 7.3. Furthermore, following the Committee's request to monitor, as an additional target, response rates dealt with promptly within 10 working days, we can report that, during 2022-23, 253 requests (36.5% of the total) were responded to within 10 or fewer working days.
- 7.4. Planning received the most requests over the twelve-month period with a total of 116 (almost 16% of the total requests received across all service areas). A creditable 91% of these requests were responded to in time.
- 7.5. The second busiest service area was Environmental & Regulatory Services which received 111 requests, followed by Human Resources with a total of 53.
- 7.6. A total of 22 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.
- 7.7. The most frequently used exemption under the Freedom of Information Act for withholding requested information (either partially or completely) was section 21 (information available by other means), which was used on 47 occasions - marking a similar trend to previous years. This is largely due to the information being readily available on the [Disclosure Log](#) section of the Council's website – e.g. information on expenditure, procurement, business rates, public health funerals, planning applications, houses in multiple occupation (HMOs).

7.8. The highest proportion of requests during the stated period came from private companies (35% of all FOI/EIR requests), closely followed by members of the public at 33.5% of the total. See table below for full figures – which reveals a broadly similar pattern to that of previous years.

Figure 1 – Categories of Requester, 2022-23

Correspondent Group	No. of requests	%
Private Company	242	35%
Charity/Campaign Group	28	4%
Media	76	11%
“WhatDoTheyKnow”	59	8.5%
Member of the Public	234	34%
Other (includes Legal/trade unions/political parties/ local authorities/academics)	52	7.5%

8. Appeals/Reviews

8.1 Five internal reviews were received during 2022-23 (slightly up on the previous 2021-22 year’s total of four). Three reviews upheld the original decision. In one case the appeal was allowed in part and in another allowed in full. Details are contained in the table below.

Figure 2 – Internal Reviews, 2022-23

Case ref	Case Title	Information requested	Received	Exemption	Outcome
IR2022/00343	Empty Properties	List of vacant properties in Shere	19/04/22	FOIA S31 (law enforcement)	Original decision upheld
IR2022/00052	Council spending data	Annual spending data for the past 3 years along with all invoices and receipts that match this data	19/01/23	FOIA section 12 (Cost of compliance exceeds appropriate limit)	Original decision upheld

Case ref	Case Title	Information requested	Received	Exemption	Outcome
IR202/01056	Animal Protection correspondence	Copies of all correspondence between GBC and Animal Protection Agency / World Animal Protection in relation to Surrey Reptile & Amphibian Society (SRAS) Breeders Meetings, for the period 1 January 2021 to 1 October 2022.	20/10/22	FOIA S30 - Investigations & proceedings conducted by public authorities	Original decision partially overturned
IR2022/00920	Planning Applications	All information on planning applications (Referenced) (includes corresponding planning committee meeting held on 16/06/22, site visits made and enforcement complaints	09/09/22	FOIA S21 - The information had already been provided	Original decision upheld
IR2023/00265	Correspondence between GBC and Ole & Steen bakery on state of building	Correspondence between GBC and the Ole and Steen bakery regarding the state of the building in the lead up to its opening	08/03/23	FOIA S.43 - Commercial interests	Original decision overturned

9. Data Subject Access Requests (DSARs)

9.1 The Council received 12 DSARs (requests for personal information relating to an individual) during 2022-23. All requests were dealt with within the standard time limit.

10. Consultations

10.1 Not applicable.

11. Key Risks

11.1 Poor performance rates run the risk of reputational damage for the Council and would affect public confidence and transparency.

12. Financial Implications

12.1 There are no financial implications to this report.

13. Legal Implications

13.1 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.

14. Human Resource Implications

14.1 Not applicable.

15. Equality and Diversity Implications

15.1 Not applicable.

16. Climate Change/Sustainability Implications

16.1 Not applicable.

17. Conclusion

17.1 Now that performance levels are exceeding 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 and to improve performance rates further.

17.2 These measures include:

- Continuing to closely monitor approaching deadlines and enforce if necessary.
- Directors ensuring that 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.

18. Background Papers

None.

19. Appendices

Appendix 1: FOI/EIR Requests received by service area (2022-23)