

Corporate Governance and Standards Committee Report

Ward(s) affected: not applicable

Report of Director of Resources

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Freedom of Information 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 2017, to date there have been:

- 330 Freedom of Information/Environmental Information requests
- 37 Environmental Information Regulations requests

As at 10 July, the Council's performance rate for delivery of FOIs/EIRs stands at 91.5%. The Key Performance Indicator (KPI) of 90% set by the Corporate Management Team has therefore been exceeded.

89.5% 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 updates 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”.
- 2.2 Effective compliance with information governance, including the management of the Council’s FOI/EIR regime plays a key part in achieving these objectives.

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 2017 (as at 10 July) are included in the Appendix.

Update on progress in 2017

- 3.3 As at 10 July 2017, the Council had received 357 FOI/EIR requests during the current calendar year. By comparison, 388 requests were received at this stage during 2016. 336 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. The Council’s performance time currently stands at 91.5% of requests being closed within the statutory time frame, compared with a figure of 89.5% at this time in 2016.
- 3.4 The current figure also compares favourably with the overall figure for 2016, which was 89%.

4 Requests received by Directorate, January – June 2017 (up to 10 July)

- 4.1 Resources received the most requests with a total of 135 (33% of the total requests received). 92% of these requests were answered within the 20 working day time scale. The best performing directorate has been Community which answered 93% of its requests on time.
- 4.2 Four directorates – Environment, Community, Development and Resources – are currently performing above the ICO’s minimum performance target of 85%. It is not currently possible to compare these figures with previous years due to the corporate restructure which took place in 2016. However, future reports will aim to cover this.

Fig 1 – Pie of requests received by directorate

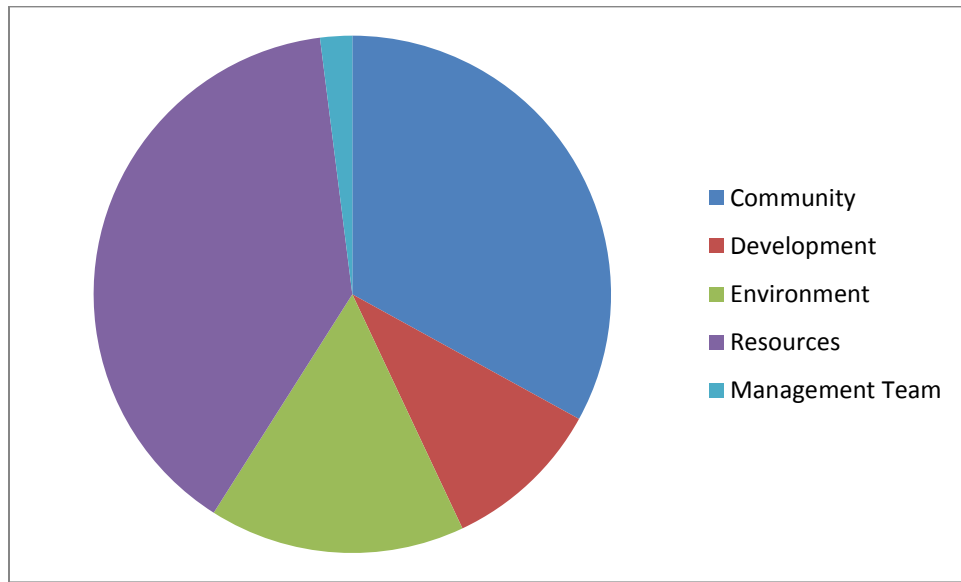


Fig 2 – Table of Requests received by directorate and percentage answered in time

Directorate	Number of requests received	Requests answered in time	Percentage answered in time
Environment	58	53	91%
Resources	134	124	92%
Management Team	5	4	80%
Community	103	96	93%
Development	36	32	89%

Requests received by service area

- 4.3 Out of 29 service areas which received FOI/EIR requests during the period covered, 20 have responded to 90% or more requests in time. So 69% of service areas therefore have a compliance rate of 90% or more. This compares very favourably with the overall figures for 2016, where only 12 service areas had a 90% compliance rate. Thirteen service areas (44.8%) currently have a 100% response rate. See appendices for full details.
- 4.4 Health and Community Care Services received the most requests – 65 in total, with an impressive compliance rate of 92%. This was followed by Business Rates, which received 41 requests and achieved an outstanding compliance rate of 100%.

5. Exemptions

- 5.1 The most frequently used exemption under the Freedom of Information Act was section 21 (information available by other means), which was used on 20 occasions to date this calendar year. Twelve of these requests were allocated to the Business Rates area. This is largely due to business rates information being readily available on the Council's website. Other examples of frequently requested information include public health funerals, empty commercial properties and financial information, which can be easily obtained via the Council website. The greater the amount of pro-actively published online information, the less time and effort will be required of FOIs. Accordingly, a project to set up a disclosure log whereby responses to FOIs/EIRs would be published online and available for public perusal is currently in the pipeline.
- 5.2 The next most commonly applied exemption was section 40 (personal information) which was used 8 times.

6. Internal Reviews and cases referred to the ICO

- 6.1 Seven requests so far this year have gone to internal review stage. Of those, three were upheld, one was overturned and three are still currently open.
- 6.2 Three cases have been referred to the Information Commissioner's Office (ICO). Two of these relate to EIR, the other relates to a Subject Access Request (SAR) for personal information. The SAR case was upheld by the ICO. Of the two EIR cases, one was withdrawn by the complainant and the other case is currently still open.

7. Equality and Diversity Implications

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

8. Financial Implications

- 8.1 There are no financial implications to this report.

9. Legal Implications

- 9.1 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.

10. Human Resource Implications

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

11. Summary of Actions

- 11.1 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 kept up and, if possible, exceeded.

12. Conclusion

- 12.1 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 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. FOI training has recently been delivered across services and will be continued so that staff will have a good understanding of what is required under the legislation.

13. Appendices

Appendix 1: Requests received by service area, 01/01/17 – 10/07/17

Appendix 2: Bar chart of Requests received by Service Area

Appendix 1 - Requests received by service area, 01/01/17 – 10/07/17

Service Area	Total requests	Total answered in time	Percentage answered in time
Asset Development	7	6	85.50%
Benefits	5	5	100%
Bereavement	2	2	100%
Business Improvements	1	1	100%
Business Rates	41	41	100%
Cleansing/Recycling	19	19	100%
Council Tax	11	10	91%
Customer Service	3	3	100%
Democratic	3	3	100%
Electoral	1	1	100%
Engineers	1	1	100%
ePayment	4	4	100%
Facilities Management	3	2	66.6%
Financial	10	9	90%
Fleet & Waste	3	2	67%
Health & Community	65	61	92%
Housing Advice	22	1	95%
HR	15	2	87%
ICT	22	20	91%
Investigations	1	1	100%
Legal	19	15	79%
Major Projects	3	2	67%
Neighbourhood & Housing Management	11	9	82%
Parking	17	14	82%
Parks & Countryside	14	13	93%
Payroll	2	2	100%
Planning	27	25	92.5%
Policy & Partnership	2	2	100%
PR & Marketing	2	1	50%

Appendix 2 – Bar chart of Requests received by Service Area

