

EAST RENFREWSHIRE COUNCILCABINET5th September 2024Report by Chief ExecutiveFREEDOM OF INFORMATION - COUNCIL PERFORMANCE 2023-24**PURPOSE OF REPORT**

1. The purpose of this report is to present the annual statistical report on the Council's performance in dealing with requests under Freedom of Information.

RECOMMENDATION

2. It is recommended that Cabinet notes the contents of this report.

BACKGROUND

3. Freedom of Information provides a statutory right of access to information held by Scottish public authorities.
4. Statistical reports on how the Council has dealt with information requests have been presented to Cabinet on an annual basis since the Freedom of Information (Scotland) Act 2002 came into force in 2005.

REPORT

5. The Council received 1,420 requests during this period, 893 under Fol(S)A and 527 under the related Environmental Information Regulations (Scotland).

PUBLICATION

6. This report will be published on the Council's website.

FINANCE AND EFFICIENCY

7. There are no particular financial implications arising from this report.

IMPLICATIONS OF REPORT

8. As this report is primarily a performance update, there are no particular implications in terms of staffing, property, legal, IT, equalities or sustainability.

RECOMMENDATION

9. It is recommended that the Cabinet notes the contents of this report.

Steven Quinn, Chief Executive, 0141 577 3009
Steven.Quinn@eastrenfrewshire.gov.uk

Further information can be obtained from Craig Geddes, Senior Information and Improvement Officer on 0141 577 3059 or by email at Craig.Geddes@eastrenfrewshire.gov.uk

Cabinet Contact: Councillor Owen O'Donnell, Leader
Email: Owen.ODonnell@eastrenfrewshire.gov.uk Tel: 0141 577 3107



Freedom of Information

Report on information requests received 2023-2024

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1 Introduction

This report considers the volume of information requests received in the period 1st April 2023 to 31st March 2024 and details performance across East Renfrewshire Council in processing these requests. It also considers the use of exemptions, fees, reviews and appeals.

The Freedom of Information (FoI) (Scotland) Act 2002 and the associated Environmental Information Regulations (EIR) 2004 provide a statutory right of access to information held by Scottish public authorities. FoI encourages openness and accountability and helps to build trust between the Council and the public that we serve.

2 Volume of requests

East Renfrewshire Council received 1420 requests, compared to 1364 received in the previous year. As detailed in figure 1 below this total represents an increase of 4% on the previous year.

This total comprised 893 requests under the Freedom of Information (Scotland) Act 2002 and 527 requests under the Environmental Information Regulations (Scotland) 2004.

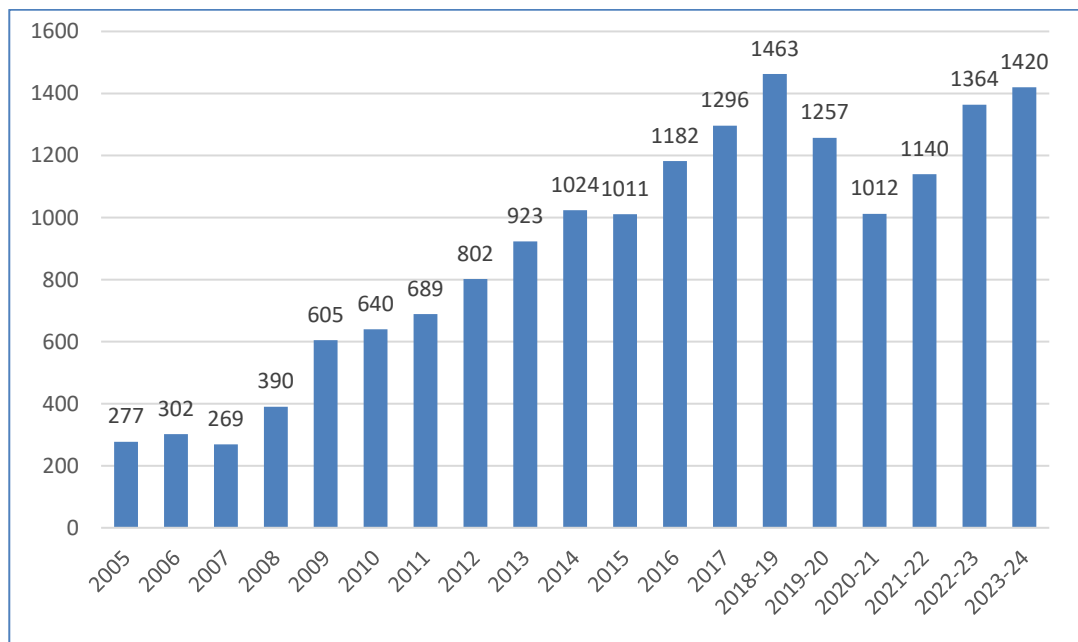


Figure 1

3 Performance

90% of requests received during the period of this report were answered within the statutory 20 working days and the average response time was 12.8 working days. These figures, with comparisons from previous years, are given in Figure 2. Details of performance for individual departments for 2023/2024 are detailed in Figure 3.

FoI performance: Council-wide	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Percentage of requests answered within timescale	85%	82%	80%	85%	93%	90%
Average response time (in working days)	12.3	13.7	15.1	13.7	12.4	12.8

Figure 2

FoI performance: by department	Number of requests	Percentage of requests answered within timescale (20 working days)	Average response time (working days)
Business Operations & Partnerships	271	85%	14
Chief Executive's Office	73	95%	12
Education Department	293	89%	13
Environment Department	561	89%	12
HSCP	104	94%	15
Culture and Leisure Trust	16	100%	6
Cross Departmental	102	99%	9

Figure 3

There can be various reasons for requests not always being answered on time. For example, a request might require information from schools during holidays, performance can be impacted by absence of key staff or changes in personnel, or there may be difficulties in collating responses to more complex requests.

4 Exemptions

The majority of requests (85%) resulted in full disclosure of the information sought, with partial disclosures in a further 10% of requests. However, certain information is exempt from disclosure under the legislation. FoI exemptions and EIR exceptions applied, in order of frequency of use, are detailed in Figure 4.

It should be noted that most “refusals” are “refused” only because the information sought is not held or because it is otherwise available.

Exemptions/Exceptions		Number. of times cited
S.17, Reg.10(4)a	Information not held	61
S.25, Reg.6(1)b	Information otherwise available	21
S.38, Reg.11	Personal information	17
S.12	Excessive cost of compliance	7
S.35, Reg.10(5)b	Law Enforcement	4
S.33, Reg.10(5)e	Commercial interests and the economy	3
S26	Prohibited by enactment	3
S.27, Reg. 10(4)d	Future publication or draft information	2
S 30	Conduct of public affairs	2
S34	Investigations	2
S14	Vexatious or repeated	1
S18	Neither confirm nor deny	1
S31	National Security	1

Figure 4

Note:

- *There have been a number of occasions on which more than one exemption was applied. The total number of exemptions noted, therefore, does not correspond with the total number of requests to which an exemption was applied.*

5 Fees

During the period of this report, the Council refused 7 requests on the grounds that answering them would exceed the statutory cost ceiling and 3 fee notices were issued.

6 Reviews and Appeals

Of the 1,420 information requests received, the applicant formally asked the Council to review its decision on 30 occasions. These reviews were determined as detailed in Figure 5. If the applicant remains dissatisfied after the internal review, they have the right to appeal to the Scottish Information Commissioner. Appeals determined in 2023-24 are detailed in Figure 6.

Requests for reviews 2023/24	
Number of requests for reviews	30
...of which the review upheld the department's original decision	14
...of which the review partially upheld the original decision	14
...of which the review overturned the department's original decision	2

Figure 5

Appeals Resolved 2023/24	
Number of appeals	1
Appeal partially upheld by Commissioner	1

Figure 6

7 Conclusion

Freedom of Information remains an important element of East Renfrewshire Council's commitment to transparency and accountability. It provides an efficient means for the public to access information about the services that the Council provides, and the Council remains committed to delivering a positive and efficient customer experience.

*Report Author:
Craig Geddes, Senior Information and Improvement Officer*

August 2024

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