

EAST RENFREWSHIRE COUNCILCABINET13 August 2020Report by Chief ExecutiveFREEDOM OF INFORMATION - COUNCIL PERFORMANCE 2019-20**PURPOSE OF REPORT**

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

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 produced on an annual basis since the Freedom of Information (Scotland) Act came into force in 2005.

REPORT

5. This year was another busy one in terms of dealing with Freedom of Information, with 1257 requests received during this period. As with all aspects of Council business, the situation was made more challenging with the start of the disruption caused by the Covid-19 pandemic

6. The report details Council and departmental performance in responding to these requests, and summarises the use of exemptions, reviews and appeals.

PUBLICATION

7. This report and appendix will be published on the Council's website.

FINANCE AND EFFICIENCY

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

IMPLICATIONS OF REPORT

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

RECOMMENDATION

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

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Freedom of Information

Report on information requests received 2019-2020

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1 Introduction

This report considers the volume of information requests received in the period 1st April 2019 to 31st March 2020 and details performance across the Council in processing these requests. It also considers the use of exemptions, fees, reviews and appeals.

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

2 Volume of requests

East Renfrewshire Council (including the HSCP) received 1257 requests, less than the 1463 received in the previous year (although note that previous reports also included requests dealt with by the Trust). As detailed in figure 1 below this figure represents a decrease of 14% on the total for the previous year.

This total comprised 978 requests under the Freedom of Information (Scotland) Act 2002 and 279 under the Environmental Information Regulations (Scotland) 2004.

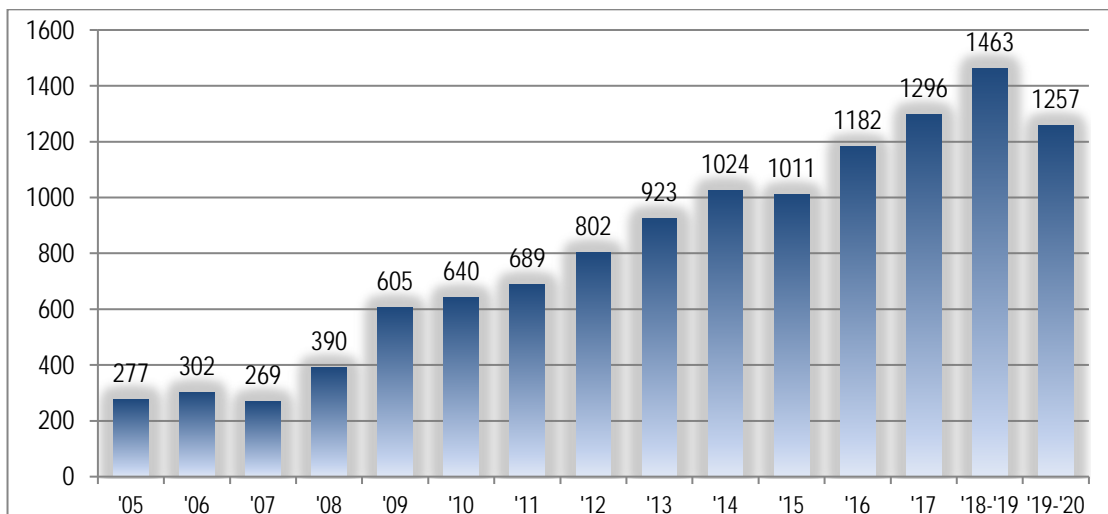


Figure 1

N.B: the figures from 2005 to 2018 are calendar years; those for 2018-19 and 2019-20 are financial years reflecting a change in the reporting period

3 Nature of requests

Requests have been received from a broad range of sources:

Individual	Business	Media	MP / MSP / Elected Member	Community & Campaign Groups	Public Authorities
57%	16%	12%	8%	6%	1%

Figure 2

Note:

- These figures are indicative only. In particular, it is likely that “individual” will contain a number of applicants who could instead have been recorded under another heading.

The geographical origin of requests (excluding 33% “unknown”) is noted at figure 3 below.

East Renfrewshire	18%
outwith East Renfrewshire, within Scotland	48%
outwith Scotland, within UK	34%
outwith UK	0%

Figure 3

4 Performance

82% of requests were answered within the statutory 20-day timescale during the period of this report, and the average response time was 13.7 working days. These figures, with comparisons from previous years, are given in figure 4 and those for individual departments are detailed in figure 5.

FoI performance: Council-wide	2016	2017	2018-19	2019-20
Percentage of requests answered within timescale	85%	85%	85%	82%
Average response time (in working days)	13.3	13.1	12.3	13.7
Failed to respond	9	3	27	46

Figure 4

Note:

- A request is marked as “failed to respond” where it is more than 20 working days late beyond the statutory deadline. On a few occasions, a response is subsequently issued by the Department but, in line with Council policy, this does not amend the designation of “failed to respond”.

FoI performance: by department	no. of requests	% within time (20 working days)	average response time (working days)	withdrawn requests	failed to respond
Chief Executive's Office	65	94%	11	0	0
Corporate & Community Services	275	94%	13	0	0
Education Department	202	68%	17	11	5
Environment Department	447	82%	12	1	19
HSCP	188	65%	17	1	23
Cross Departmental	80	99%	12	0	0

Figure 5

5 Exemptions

The majority of requests (83%) resulted in full disclosure of the information sought, with partial disclosures in a further 11% 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 6.

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

Exemptions/Exceptions cited		
S.25 Reg.6(1)b	Information otherwise available	116
S.17 Reg.10(4)a	Information not held	47
S.38 Reg.11	Personal information	24
S.33 Reg.10(5)e	Commercial interests and the economy	8
S.12	Excessive cost of compliance	8

S.30	Prejudice to conduct of public affairs	8
S.39	Health and Safety	2
S.36 (2) Reg.10(5)d	Confidentiality	2
Reg. 10(4)d	Draft material in the course of completion	1
S.27	Future publication	1

Figure 6

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*

6 Fees

The Freedom of Information (Scotland) Act 2002 makes limited provision for refusing requests which incur an excessive cost, and for partially recharging those that would cost the authority more than £100 to process. The Environmental Information Regulations allows for the full recharge of the cost of dealing with requests.

During the period of this report, the Council refused 8 requests on the grounds that answering them would exceed the statutory cost ceiling and 4 fee notices were issued, none of which were paid.

7 Reviews & Appeals

Of the 1257 information requests received, the applicant formally asked the Council to review its decision on 24 occasions. These reviews were determined as detailed in figure 7.

Requests for reviews	
Number of requests for reviews	24
...of which the review upheld the Council's original decision:	9
...of which the review partially upheld the original decision:	4
...of which the review overturned the Council's original decision:	9
...withdrawn by the applicant or void	1
...still open	1

Figure 7

If an applicant is dissatisfied with the outcome of a review they have the right to appeal to the Scottish Information Commissioner. A total of three requests

were referred to the Scottish Information Commissioner. None of these have to date been determined by the Commissioner.

8 Conclusion

Freedom of Information remains an important element of the Council's commitment to transparency and accountability. Performance has undoubtedly been impacted by the present pandemic, but it is hoped that ongoing work on policy, training and systems can improve both the Council's performance and our customer experience.

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July 2020

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