

EAST RENFREWSHIRE COUNCILCABINET5 April 2018Report by Chief Officer (Legal & Procurement)Freedom of Information Annual Report 2017**PURPOSE OF REPORT**

1. The enclosed statistical report considers the information requests received by East Renfrewshire Council in the calendar year 2017.

RECOMMENDATIONS

2. It is recommended that Members note the contents of the report

BACKGROUND

3. The Freedom of Information (Scotland) Act 2002 and the related Environmental Information Regulations (Scotland) 2004 provide a statutory right of access for members of the public to access information held by the Council.

4. Each year the Council reports on the volume and nature of requests received and examines our performance in dealing with them.

REPORT

5. The enclosed report details the requests received, examines their volume, origin and type, and considers the use of exemptions and exceptions in responding. The report also examines performance by each department and section of the Council.

FINANCE AND EFFICIENCY

6. The continued growth in the volume of requests is having a financial implication on the Council in terms of demands on the staffing resource. This has not been formally quantified but the impact is considered in the report.

CONSULTATION

7. No formal consultation was undertaken in the production of this report.

PARTNERSHIP WORKING

8. No joint working with community planning partners has been undertaken in developing this report.

IMPLICATIONS OF THE PROPOSALS

9. This report is for information only. There are no significant staffing, property, legal, IT, equalities or sustainability issues arising from this report.

CONCLUSIONS

10. The volume of requests received continues to grow. This year the Council dealt with 1296 information requests, up 10% on the previous highest total. Nonetheless, performance was maintained, with 85% of requests dealt with within the statutory timescale.

11. The report details the type of enquirer and their geographical origin. It also considers the use of exemptions and exceptions used by the Council in responding to requests.

RECOMMENDATIONS

12. It is recommended that Members note the contents of the report.

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Freedom of Information

Report on information requests received in 2017

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<i>1.0</i>	<i>12/3/18</i>	<i>Finalised for submission to CMT</i>	<i>CG</i>
<i>1.1</i>	<i>20/3/18</i>	<i>Minor typos, amended section on fees re. financial impact. Amended HSCP details, finalised for submission to Cabinet</i>	<i>CG</i>

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1 Summary

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.

This report considers the volume of requests received in 2017, their nature and origin and the performance across the Council in dealing with them. It also considers the use of exemptions and fees, and details reviews and appeals to the Scottish Information Commissioner.

The volume of requests received this year was considerably higher than in any previous year. However, the performance of the Council in dealing with them has been maintained.

2 Volume of requests

During 2017 East Renfrewshire Council (including the HSCP and the Trust) dealt with a total of 1296 requests - 972 under the Freedom of Information (Scotland) Act 2002 and 324 under the Environmental Information Regulations (Scotland) 2004.

As detailed in figure 1 this total represents an increase of 10% on the number received in any previous year.

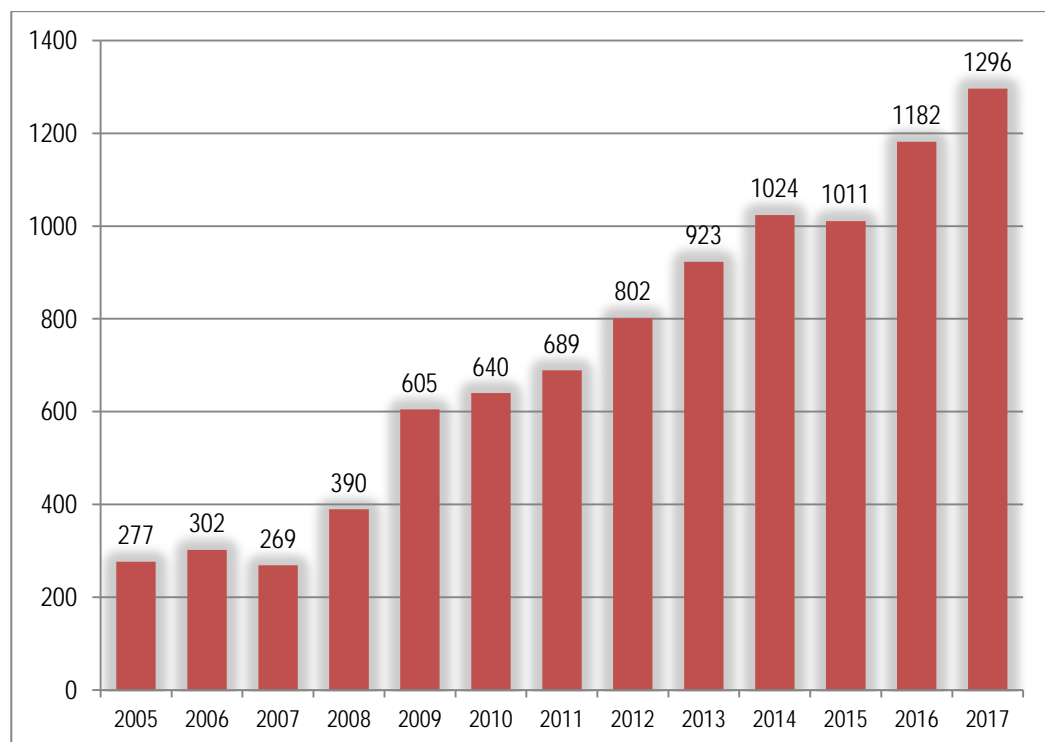


Figure 1

3 Nature of Requests

Each Department of the Council received a broad range of requests during the year. Examples of the information requested are given in figure 2 below.

Examples of the subjects of information requests received in 2017
<ul style="list-style-type: none"> • Taxi Licensing • Elected Members' expenses • Elected Members' Council Tax arrears • Non-domestic rates • Details of loans and budgets • CCTV systems • Supply teacher vacancies • Placing request information • Council factoring provision • Deaths with no next of kin • Trust Board minutes • IT Procurement details • Potholes and road maintenance

Figure 2

The breakdown of requests by type of enquirer has remained consistent over recent years, as detailed in figure 3 below.

	2013	2014	2015	2016	2017
Individual	51%	49%	53%	50%	51%
Business	19%	15%	15%	15%	15%
Media	13%	18%	15%	15%	13%
MPs / MSPs / Elected Members	11%	10%	9%	11%	13%
Community / Campaign Groups	5%	7%	6%	7%	7%
Public Authorities	1%	1%	1%	1%	1%

Figure 3

Note:

- The Council is not able to enquire into the "type" of the applicant or into the reason for their request. These figures, therefore, 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 is noted at figure 4 below.

	2016	2017
East Renfrewshire	11%	14%
outwith East Renfrewshire, within Scotland	37%	38%
outwith Scotland, within UK	22%	24%
outwith UK	0.2%	0.3%
[unknown]	29%	23%

Figure 4

4 Performance

In 2017, 85% of requests were answered within the statutory 20-day timescale, and the average response time was 13.1 working days. These figures, with comparisons from previous years, are given in figure 5; those for individual departments in figure 6; and the figures for each section (where these are recorded) are given at figure 7.

FoI performance: Council-wide	2013	2014	2015	2016	2017
Percentage of requests answered within timescale	89%	85%	89%	85%	85%
Average response time (in working days)	11.9	12.2	11.6	13.3	13.1

Figure 5

FoI performance: by department	No. of requests	% within time	average response time	Failed to respond
Chief Executive	73	96%	10.8	-
Corporate & Community	319	92%	13.8	-
Education	242	78%	14.5	-
Environment	449	84%	12.1	-
HSCP	148	70%	14.3	3
Cross Departmental	53	100%	12.0	-
Trust	12	83%	6.8	-

Figure 6

	Fol performance: by section			
Department	Section/Function	No. of requests	% within time	average response time
Chief Executives	Accountancy	9	89%	9
	Audit	3	100%	14
	Legal	41	98%	9
	Procurement	20	95%	14
Corporate and Community	Community Services	21	67%	14
	Communications	8	100%	18
	Customer First	2	100%	18
	Democratic Services	12	100%	12
	General & Admin	11	100%	8
	HR	85	89%	16
	Insurance	9	100%	2
	ICT	34	100%	13
	Revenues	137	93%	13
Environment	Cleansing	33	100%	7
	Economic Development	5	100%	12
	Housing	95	77%	15
	P&TS	33	76%	14
	Parks	18	89%	11
	Planning	72	97%	10
	Protective Services	107	84%	13
	Roads	86	81%	11

Figure 7

Note:

- HSCP and Education do not record to sectional level

5 Exemptions

The majority of requests (73%) resulted in full disclosure of the information sought, with partial disclosures in a further 17% of requests. However, certain information is exempt from disclosure under the legislation. Exemptions applied, in order of frequency of use during 2017, are detailed in figure 8 along with comparative figures for previous years.

It should be noted that most “refusals” are in fact technical in nature, with the request “refused” only because the information sought is not held or because it is available elsewhere.

Exemptions/Exceptions cited		Year			
		2014	2015	2016	2017
S.25 Reg.6(1)b	Information otherwise available	45	76	96	143
S.17 Reg.10(4)a	Information not held	89	82	115	115
S.38 Reg.11	Personal information	34	30	40	57
S.12	Excessive cost of compliance	11	9	11	17
S.33 Reg.10(5)e	Commercial interests and the economy	10	8	11	8
S.27	Future publication	1	5	6	6
S.30	Prejudice to conduct of public affairs	3	4	7	5
S.14 (2)	Repeated request	3	1	-	4
S.26	Statutory prohibition on disclosure	-	-	1	2
S.35 (a) Reg.10(5)b	Prevention or detection of crime etc.	-	4	3	2
S.36 (2) Reg.10(5)d	Confidentiality	2	2	3	1
S.39(1) Reg.10(5)a	Health and safety	-	1	2	1
Reg.10(5)g	Protection of the environment	-	-	-	1
Reg.10(5)f	Third Party interests	-	-	-	1
S.14 (1)	Vexatious request	2	6	-	1
S.31 (1)	National security	-	3	-	-
S.18	Refusal to confirm or deny	-	1	-	-
S.36 (1)	Legal confidence	2	3	1	-

Figure 8

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/exception 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. The Environmental

Information Regulations allows for the full recharge of the cost of dealing with requests for environmental information.

During 2017, the Council refused 17 requests on the grounds that answering them would exceed the statutory cost ceiling. In addition, 8 fee notices were issued. None of these were paid and these requests were therefore deemed to have been withdrawn.

Further guidance on the use of fees is being developed and the issue is being considered by Cabinet.

It is difficult to accurately quantify the financial impact of FoI but in terms of man hours, the 1296 requests received in 2017 may have cost the equivalent of approximately 4 FTE “man/years”.

7 Reviews & Appeals

Of the 1296 information requests dealt with in 2017, the applicant formally asked the Council to review its decision on 22 occasions. These reviews were determined as detailed in figure 9.

Requests for reviews	
Number of requests for reviews	22
...of which the review upheld the Council’s original decision:	9
...of which the review partially upheld the original decision:	5
...of which the review overturned the Council’s original decision:	6
...withdrawn by the applicant	2

Figure 9

If an applicant is not satisfied with the outcome of their review, they have the right to appeal to the Scottish Information Commissioner. There were 3 appeals determined by the Commissioner in 2017. These are detailed in figure 10.

Ref.	Request	Commissioner’s Decision
1087	Car Parking Consultation	The Commissioner upheld the appeal and ordered the disclosure of further information.
1582	Councillors in Council Tax Arrears	The Commissioner partially upheld the appeal, ordering the disclosure of the name of one elected member.
1611	Roofing Tender Bids	Application withdrawn.

Figure 10

Craig Geddes, 20/3/2018