

EAST RENFREWSHIRE COUNCIL

CABINET

7 April 2016

Chief Officer - Legal and Procurement

FREEDOM OF INFORMATION:  
ANNUAL STATISTICAL REPORT FOR 2015

**PURPOSE OF REPORT**

1. To submit to Cabinet for noting a statistical report on the enquiries received by East Renfrewshire Council in the calendar year 2015 under the Freedom of Information (Scotland) Act and the Environmental Information Regulations.

**RECOMMENDATIONS**

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

**BACKGROUND**

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

4. Annual Reports detailing how the Council has dealt with requests have been prepared since 2006 and quarterly returns are made to the Scottish Information Commissioner.

**REPORT**

5. The enclosed report enumerates the volume of requests received, considers their origin and type, and details the use of exemptions and exceptions in responding.

6. The report also examines performance by each Council department and section.

**FINANCE AND EFFICIENCY**

7. There are no financial implications from this report.

**CONSULTATION**

8. No formal consultation was undertaken in the production of this report, although input was received from Fol practitioners across the Council.

## **PARTNERSHIP WORKING**

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

## **IMPLICATIONS OF THE PROPOSALS**

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

## **CONCLUSIONS**

11. The number of information requests received in 2015 was broadly similar to the number received the previous year. The performance of the Council in dealing with requests improved, both in terms of the proportion answered within the statutory timescale and also in terms of the average times of responses. Work to ensure compliance remains ongoing.

## **RECOMMENDATIONS**

12. It is recommended that Cabinet notes the contents of the report.

## **REPORT AUTHOR**

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## **KEY WORDS**

Description: "A report presenting the Annual Freedom of Information statistical report for 2015"; key words "freedom of information", "information management", "statistical report"



## **Freedom of Information**

Report on information requests received in 2015

### **Contents:**

- 1 Summary
- 2 Volume of requests
- 3 Nature of requests
- 4 Performance
- 5 Exemptions
- 6 Fees
- 7 Reviews & Appeals

## 1 Summary

East Renfrewshire Council continues to receive a large number of information requests. This report presents a statistical analysis of the requests dealt with during the last calendar year.

The volume of requests was slightly lower than in previous years, although it remains at a high level. Performance improved across the Council with an improvement in both the percentage of requests dealt with within the statutory timescale and in the average time taken to deal with requests.

## 2 Volume of requests

During the calendar year 2015 East Renfrewshire Council (including the CHCP, IJB and the Trust) dealt with 789 requests under the Freedom of Information (Scotland) Act 2002 and 222 under the Environmental Information Regulations (Scotland) 2004, a total of 1011 requests.

For the first time in a number of years (as detailed in figure 1 below) the volume of requests was not significantly greater than in previous years – indeed the 2015 figure was some 1% lower than that for 2014.

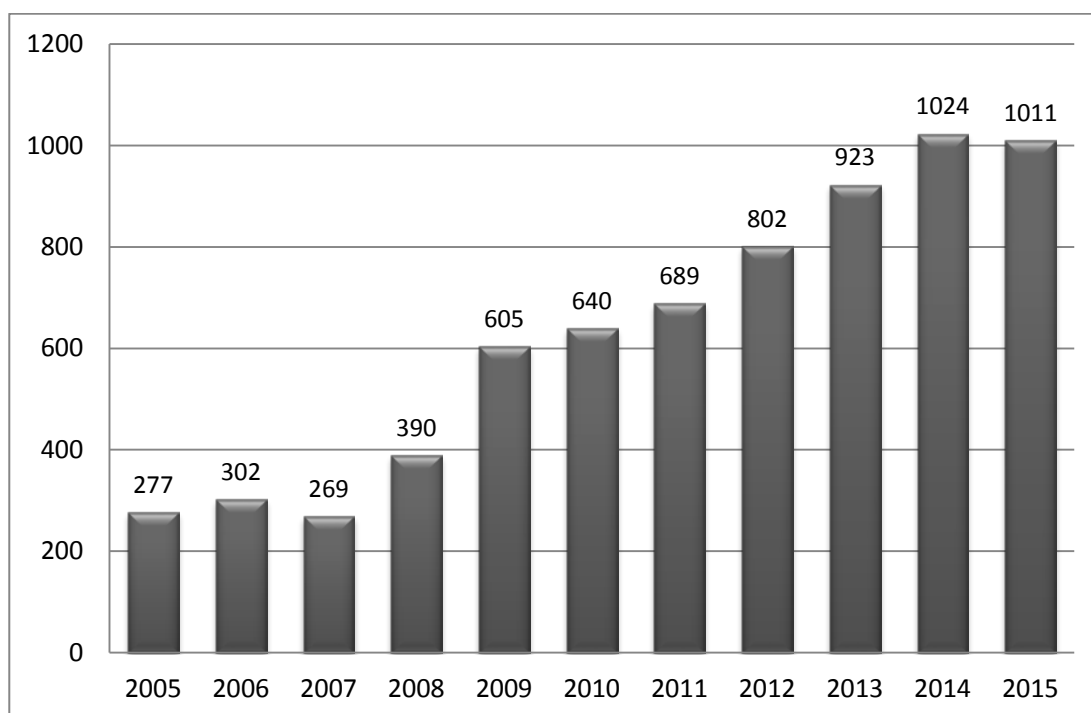


Figure 1

## 3 Nature of Requests

As in previous years, 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 2015

- children taken into care
- expenditure on homecare
- payment times for invoices
- procurement of goods and services
- elected members' expenses
- details of licensed premises
- stress-related illness in staff
- IT procurement and contracts
- school placing requests
- school library provision
- building, planning and housing notices
- windfarm details
- roads repairs and potholes
- deaths with no next of kin
- domestic waste management
- housing provision for refugees
- non-domestic rates information
- factoring and repair costs
- implementation of the anti-radicalisation agenda
- shared service provision

Figure 2

As detailed in figure 3, requests came from a wide range of applicants:

	2011	2012	2013	2014	<b>2015</b>
Individual	49%	53%	51%	49%	<b>53%</b>
Business	16%	19%	19%	15%	<b>15%</b>
Media	19%	12%	13%	18%	<b>15%</b>
MPs / MSPs / Elected Members	8%	10%	11%	10%	<b>9%</b>
Community / Campaign Groups	6%	5%	5%	7%	<b>6%</b>
Public Authorities	2%	1%	1%	1%	<b>1%</b>

Figure 3

Note:

- *The legislation does not permit the Council 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.*

## 4 Performance

In 2015, 89.4% of requests were answered within the statutory 20-day timescale, and the average response time this year was 11.6 working days. These figures, with comparisons from previous years, are given in figure 4; those for individual departments in figure 5, and the figures for each section (where these are recorded) are given at figure 6.

The improvement in performance can be attributed to a review of the Council's FoI procedures, to the development of the Council's Records Management Plan, and to the continuing good work of officers across the Council. Training, guidance and advice continues to be available from Legal Services.

<b>Response Times</b>	2011	2012	2013	2014	<b>2015</b>
Percentage of requests answered within timescale	87%	90%	89%	85%	<b>89.4%</b>
Average response time (in working days)	12.4	10.7	11.9	12.2	<b>11.6</b>

Figure 4

<b>FoI PERFORMANCE: by department</b>			
	No. of requests	% within time	average response time
CHCP	143	80%	12.6
Chief Executive	69	93%	10.0
Corporate & Community	239	84%	13.6
Education	171	97%	10.3
Environment	337	91%	11.0
Cross Departmental	52	100%	10.1

Figure 5

Note:

- Requests for the Trust have only been separately recorded since 1/1/16. For the calendar year 2015 they are included within Education

<b>FoI PERFORMANCE: by section</b>			
	No. of requests	% within time	average response time
Accountancy	9	89%	9.8
Legal	34	94%	8.1
Procurement	25	92%	12.1
Community	22	91%	10.9
Democratic	16	100%	8.3
General & Admin	13	92%	9.5
HR	56	93%	15.1
ICT	31	94%	12.2
Insurance	10	100%	5.1
Revenues	87	68%	16.2
Cleansing	24	88%	10.6
Housing	55	95%	14.4
P&TS	13	85%	13.9
Parks	12	100%	7.4
Planning	54	94%	9.6
Protective	119	87%	10.6
Roads	60	93%	10.0

Figure 6

Note:

- CHCP and Education do not record to sectional level
- Data for sections with less than nine requests have not been included here.

## 5 Exemptions

While the Council attempts to be as open as possible, certain information is exempt from disclosure under the legislation. The majority of requests (78%) result in a full disclosure of the information requested, with partial disclosures in a further 12% of requests.

Exemptions applied to information requests, in order of frequency of use during 2015, are detailed in figure 7 along with comparative figures for previous years.

Exemptions/Exceptions cited		Year		
		2013	2014	2015
S.17 Reg.10(4)a	Information not held	83	89	<b>82</b>
S.25 Reg.6(1)b	Information otherwise accessible	39	45	<b>76</b>
S.38 Reg.11	Personal information	18	34	<b>30</b>
S.12	Excessive cost of compliance	6	11	<b>9</b>
S.33 Reg 10(5)e	Commercial interests and the economy	3	10	<b>8</b>
S.14 (1)	Vexatious request	1	2	<b>6</b>
S.27	Future publication	-	1	<b>5</b>
S.30	Prejudice to effective conduct of public affairs	4	3	<b>4</b>
S.35 (a)	Prevention or detection of crime	-	-	<b>4</b>
S.31 (1)	National security	-	-	<b>3</b>
S.36 (1)	Legal confidence	-	2	<b>3</b>
S.36 (2) Reg.10(5)d	Confidentiality	4	2	<b>2</b>
S18	Refusal to confirm or deny	-	-	<b>1</b>
S39 1	Health and safety	-	-	<b>1</b>
S.14 (2)	Repeated request	2	3	<b>1</b>

Figure 7

Notes:

- Most of the “refusals” were technical, either due to the information not being held or because it was otherwise available.
- 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.
- The exemption at S39(2), which simply means that an Fol is being dealt with under EIR, is not noted above.

## 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 2015, the Council refused 9 requests on the grounds that answering them would exceed the statutory cost ceiling. In addition, 10 fee notices



were issued. None of these were paid and these requests were therefore deemed to have been withdrawn.

## 7 Reviews & Appeals

Of the 1011 information requests dealt with in 2015, the applicant formally asked the Council to review its decision on 21 occasions. These reviews were determined as detailed in figure 8.

<b>Requests for reviews</b>	
Number of requests for reviews	20
...of which the review upheld the Council's original decision:	5
...of which the review partially upheld the original decision:	9
...of which the review overturned the Council's original decision:	6
...as yet undetermined	1

Figure 8

If an applicant is not satisfied with the outcome of their review, they have the right to appeal to the Scottish Information Commissioner. These appeals were determined as detailed in figure 9.

<b>Ref.</b>	<b>Request</b>	<b>Commissioner's Decision</b>
6839	Legal advice re. community councils	The Commissioner upheld the Council's decision
7029	Information about the PREVENT strategy	As yet undetermined

Figure 9

Craig Geddes, 23 Feb 2016  
(typo amended 8/3)