

Part A

Report to: Audit Committee

Date of meeting: Thursday, 28 July 2022

Report author: Group Head of Democracy and Governance

Title: Freedom of Information Act Requests October 2021 to March 2022

1.0 Summary

1.1 This is the half yearly report of Freedom of Information Act requests received between 1 October 2021 and 31 March 2022

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Requests are not regularly responded to	Complaints by requesters and investigation and potential sanction by the Information Commissioner	CLO's diarise response times and chase responders	treat	4

3.0 Recommendations

3.1 That the report be noted.

Further information:

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4.0 **Detailed proposal**

- 4.1 Since January 2005 when the Freedom of Information Act 2000 came fully into force the council has been obliged to respond to requests for information. These requests should be responded to within 20 working days of receipt. The Act, and public bodies' compliance with it, is overseen by the Information Commissioner who can investigate complaints and can compel the disclosure of information as well as impose fines for failure to meet deadlines.
- 4.2 This committee receives half yearly reports on the council's performance in replying to such requests as well as Environmental Information Regulation (EIR) requests.
- 4.3 For the period 1 October 2021 to 31 March 2022 the council received 356 Freedom of Information Act requests and 0 Environmental Information Regulation request. This was 2 more than the previous half year when the council received 354 requests. Of those 356 requests 73 were not replied to within 20 working days. 4 have not been replied to at all. In the previous half year 61 were replied to outside the time and 7 were not replied to at all.
- 4.4 In relation to one request received back in March 2021 a complaint was made to the ICO in June 2021 that the council had failed to provide the requester with everything it had in its files regarding communications in relation to a planning application. Following and ICO investigation a decision notice was issued on 27 June 2022. A copy of that decision is attached to this report with the name of the complainant redacted. Essentially the ICO was of the view that the council should have treated the request as an EIR request rather than an FOI and that the Council should have disclosed photos held on the case officer's phone, otherwise the redactions made to the information were acceptable. As a result of this decision more training will be given to CLO's on the need to recognise an EIR request even when the requester put FOI in their request. This is training is being organised. Development Management are in the process of providing all DM officers with work issued mobile devices to use when they are on site, therefore going forward officers will not be using their personal mobile phones to take site photos. The devices will be installed with an IDOX app which enables all photos to be added directly to the case file.
- 4.5 Executive and Group Heads continue to be given fortnightly details of requests received and all requests are now registered on Firmstep and can be viewed on Qlik. The requests are attached at Appendix 1

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no financial implications. Services deal with requests from existing resources.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that there are no legal implications in this report.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Information is redacted if it contains personal information.

5.4 **Staffing**

5.4.1 Replies are dealt with within services. The Customer Services Centre manages and responds to requests where it affects multiple services.

5.5 **Accommodation**

5.5.1 N/A

5.6 **Community Safety/Crime and Disorder**

5.6.1 N/A

5.7 **Sustainability**

5.7.1 N/A

Appendices

- Appendix 1 Requests 1 October 2021 to 31 March 2022
- Appendix 2 ICO decision 27 June 2022

Background papers

No papers were used in the preparation of this report.