

Freedom of Information Act 2000

Background

The Freedom of Information Act – FOI – came fully into force on 1 January 2005.

This report will provide a summary of how we have managed the requests and will give a statistical breakdown of the requests over the last calendar year.

Underlined key words in this report link to further information.

Management of requests: January 2012 – December 2012

Briefly, the central FOI team handle all non ‘business as usual’ requests. Working practices changed during 2011 due to organisational restructure. The FOI team now contact officers directly to provide information in relation to a request. When it is not clear which directorate and/or team is responsible for a request Director’s secretary will support the team in identifying correct individuals.

Towards the latter part of the year The Leader of the Council requested that the FOI team add text to each formal FOI response indicating the true cost to the Council of compliance.

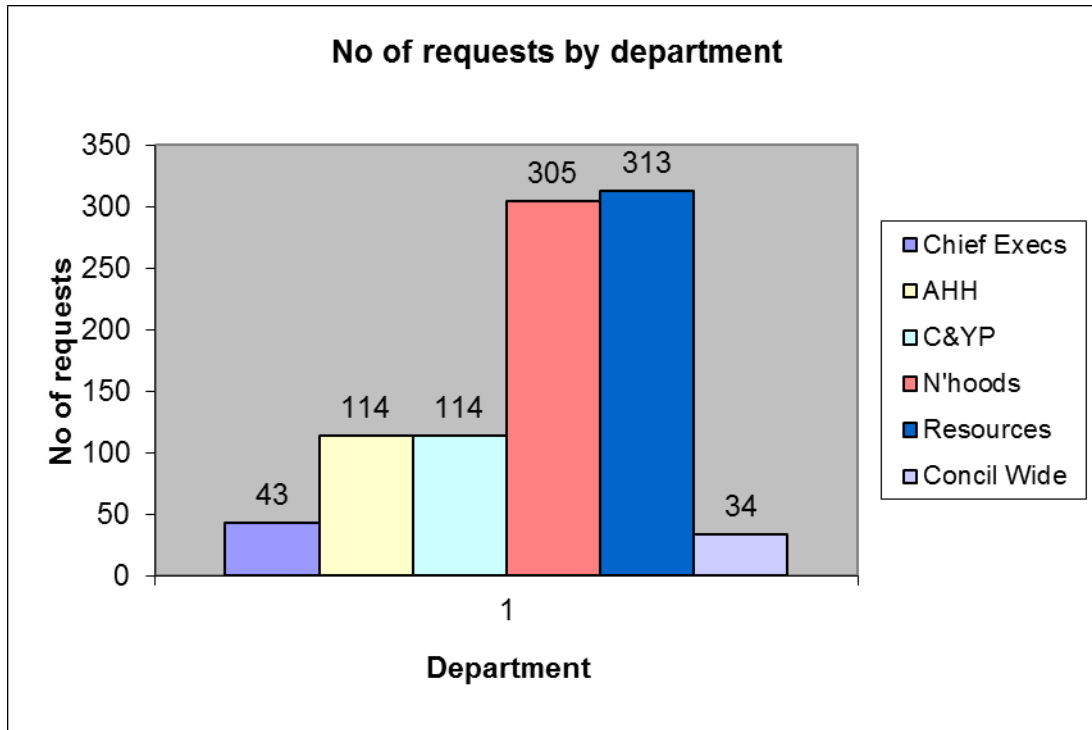
We also maintain a [register](#) published on iDerby.

We also maintain an external facing register on our website. We are still one of a few authorities to publish such a list of requests. [Click here to see a copy of our public facing register](#). When requests of a similar nature are received the FOI team proactively check to see if a previous response has been provided and deal with the request accordingly. This is a transparent action to the business.

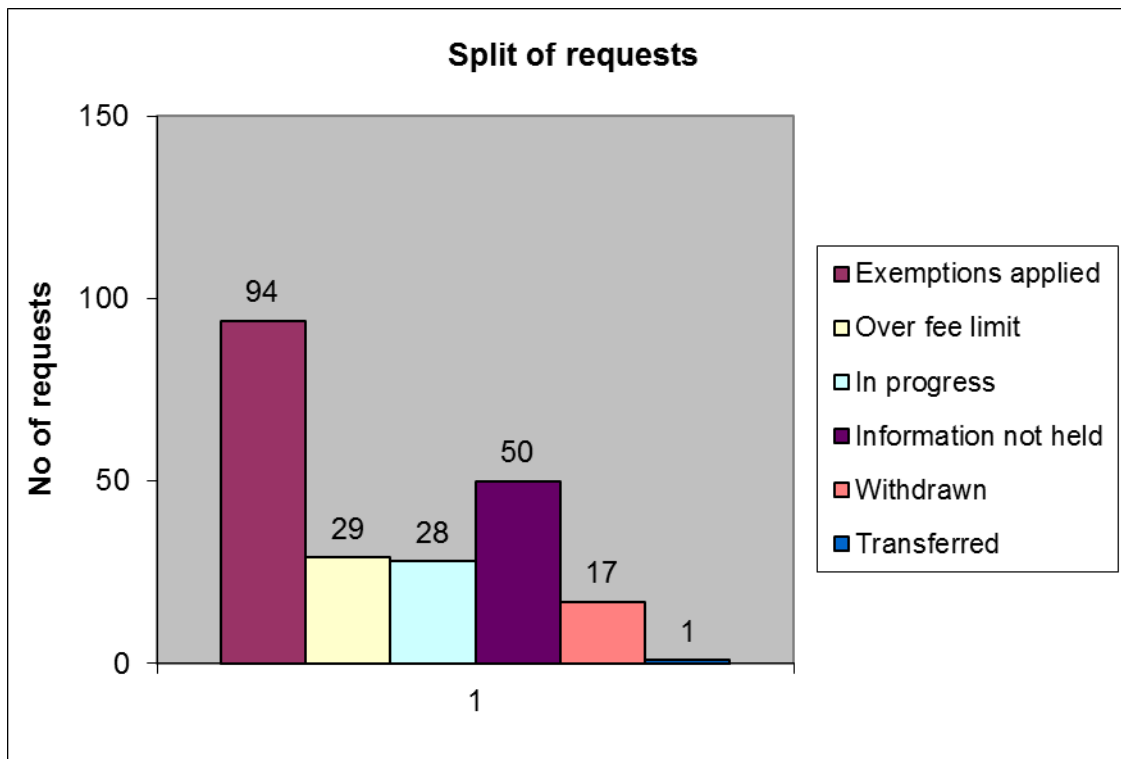
Request statistics

Between 01 January and 31 December we received and logged **695** FOI requests and **228** Environmental Information Regulation – EIR requests [923 in total].

On the next page is a chart that shows the breakdown of number of requests received by department.



Of the 923 requests received 704 requests were completed in full. The chart below shows how the other 219 requests have been handled.

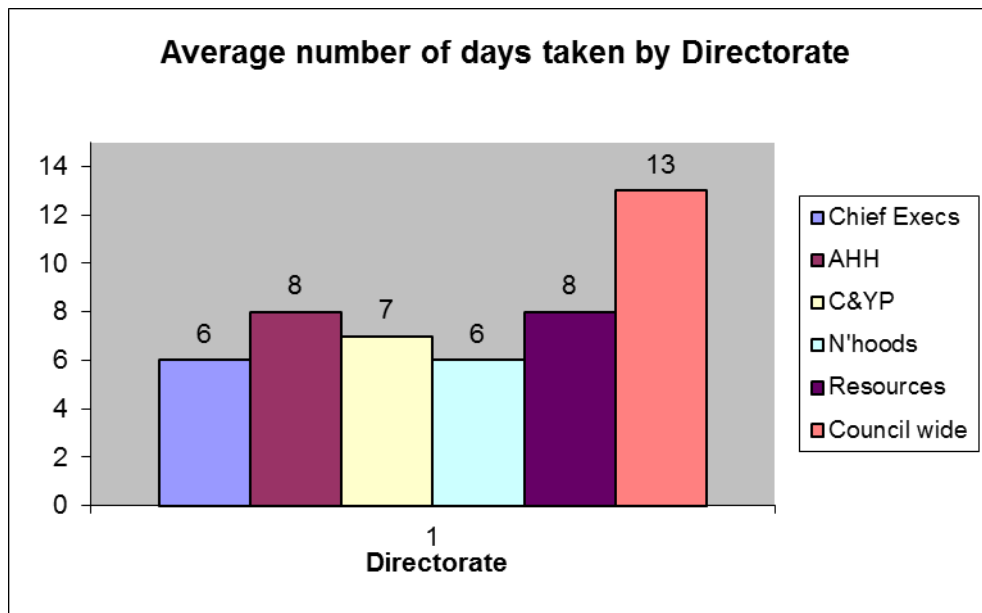


Of the **923** requests received:

- **704** were completed in full
- **28 are still in progress**
- **94** were refused because an Exemption applied
- **50** were refused because we did not hold the information requested
- **29** were refused because the request would take longer than 18 hours to retrieve, extract and supply the information requested
- **17** requests were withdrawn
- **1** request was transferred to another public authority

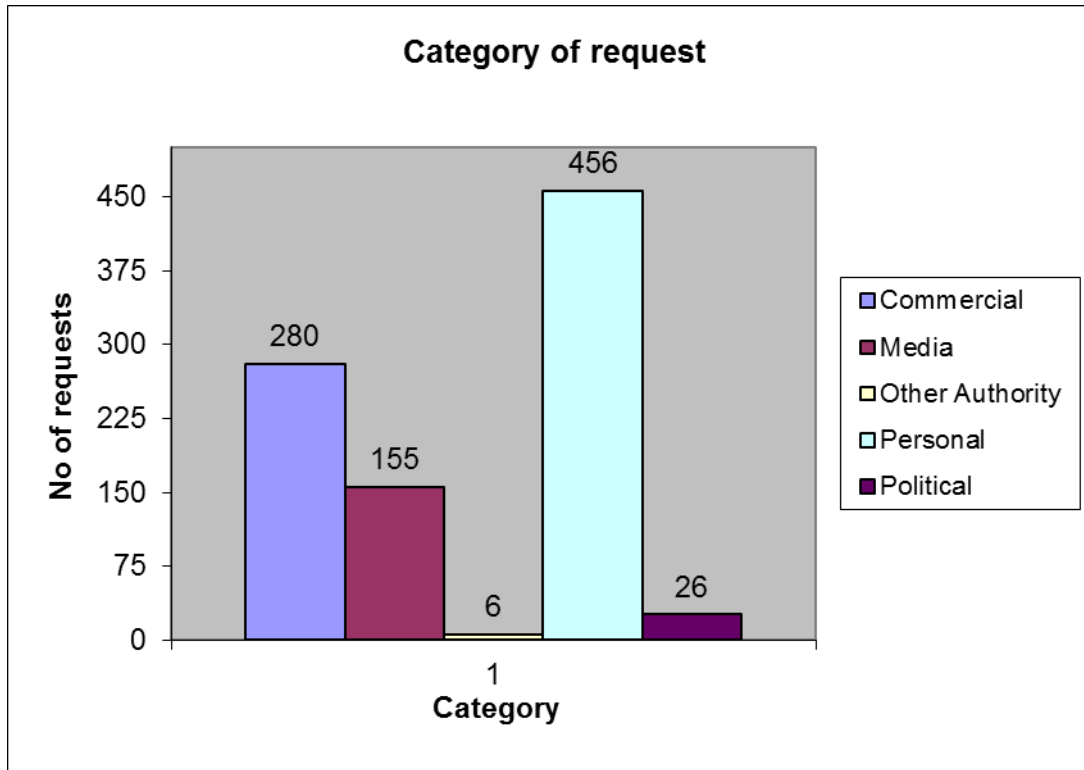
The FOI team proactively responded to a further 35 requests that are not included in these figures where the request was the same or substantially similar to previously provided and published responses.

The next chart shows the average number of days it has taken to complete requests, broken down by directorate.

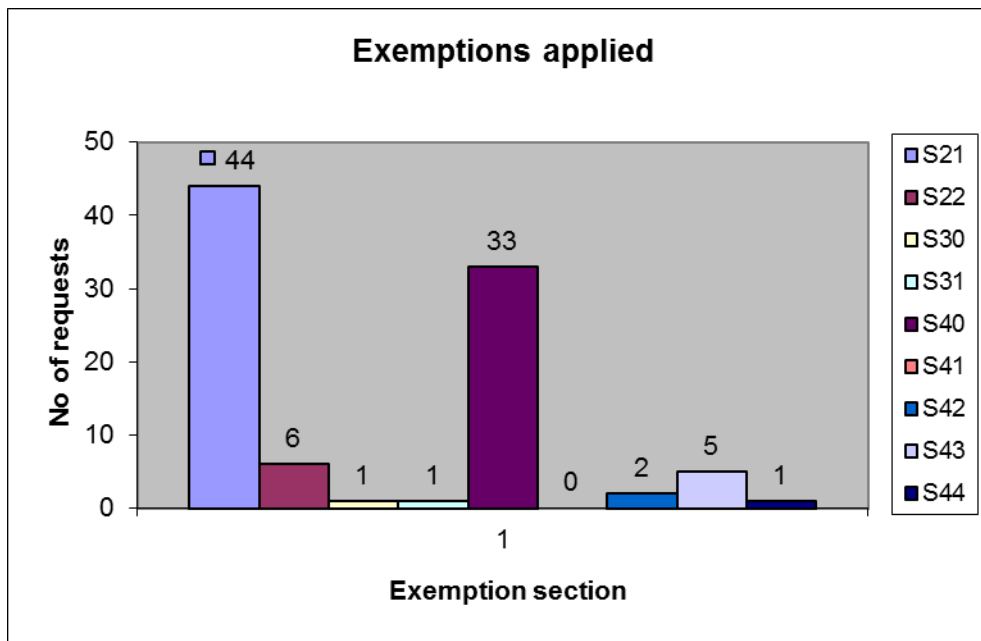


The average number of days it has taken the Council as a whole to respond to FOI requests is **8** days.

The chart below shows the category of requests received.



The chart below shows the breakdown of Exemptions applied to 94 requests.



S21 – Information accessible by other means, the information requested was information already covered by our [Publication Scheme](#) or available from another public authority.

S22 – Information intended for future publication, this was requests for various pieces of information that we intend to publish at a later date

S30 – Investigations and proceedings conducted by public authorities, this was a request for information in relation to a property on Peartree Road that was being investigated by the Food Safety team. To disclose the information at that time could have prejudiced our investigation so this exemption was applied.

S31 – Law Enforcement, these were requests for information on our empty properties. We do not supply details of empty privately owned properties because doing so could potentially lead to significant harm in the form of criminal activity. It is also recognised that organised gangs could use the information for criminal purposes. This is based on a previous Tribunal Notice
<http://www.informationtribunal.gov.uk/DBFiles/Decision/i146/ENgland.pdf>

S40 – Personal information, some of these requests for information were Subject Access Requests under the Data Protection Act and others were where we had to redact personal details from information requested for example environmental health investigation reports.

S42 – Legal Professional Privilege, one of these requests was in relation to the legal advice provided to the team dealing with the Derbyshire Housing Aid demerger and the other was in relation to contracts awarded for the transportation of special needs children and young adults to and from schools in private taxi's.

S43 – Commercial Interests, this exemption was applied primarily when details of contracts were requested and those contracts were subjected to Commercial Confidentiality clauses on full pricing schedules.

S44 – Statutory Prohibition on Disclosure of Confidential Information – this was a request asking for information in relation to investigations carried out on companies by Trading Standards. To disclose the information would have been a breach under Part 9 of the Enterprise Act 2002. Disclosing the names and matters investigated or under investigation could harm the interests of the individuals/companies that are the subject of those investigations. Furthermore, disclosure could compromise the integrity of investigations currently underway.

Appeals

Independent appeals officer is Richard Boneham, Head of Governance & Assurance.

Last year we dealt with 7 internal appeals. 4 were upheld and 3 were not upheld.

General information

All requests from and sent to media applicants are copied to Yvonne Wilkinson, Head of Corporate Communications.

A report is generated on a weekly basis stating what requests have been received and responded to during the week. This is sent to the CEO, Directors and the leaders of each of the political groups.

We also collect and record the time it takes officers to locate, retrieve and prepare the information for disclosure. Of the 875 requested processed in full (28 still outstanding at 31 December) officers took approximately 1353 hours, the FOI team took 875 hours (approx. 1 hour per request) total 2228 hours x £25.00 (the designated cost under the Act) £55,700.

Common requests – Top 10

Resources:

Staffing – numbers of staff, salaries, social worker posts (CYP and Adults), Contractors and Consultants, structure charts

Non Domestic Rates – Rateable values, Empty properties

Finance – Budgets, savings, cuts, investments

Adult Social Care:

Cost cuts, services provided, homecare, enablement, adult disabilities

C&YP

Exclusions, children looked after, school places

Neighbourhoods:

Waste – Waste collections, fines, Sinfin waste site, recycling

Environmental Health – No known next of kin, inspection information, premise licences, taxi licensing

Planning – planning applications, disputes

Parking – Number of penalty notices issued, income generated, notices appealed, car parks.

Regeneration – Council House, sports arena, Sports facilities

Report prepared by Alison Moss
Information Governance Manager
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