

Freedom of Information Management Report 1 January – 31 December 2014

Background

The Freedom of Information Act 2000 (FOIA) 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.

The Audit and Accounts Committee receives quarterly updates on data relating to requests made under the Freedom of Information Act.

Management of requests: January 2014 – December 2014

The Information Governance team in Resources handle all non 'business as usual' requests. The team contact officers directly to provide the required information in relation to each FOI request. When it is not clear which directorate and/or team is responsible for a request, the support of the Strategic Directors Pas is enlisted to help the team to identify the correct individuals.

We maintain an external facing register on our website. We are still one of a few authorities to publish such a list of requests. When requests of a similar nature are received, the Information Governance 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. We also maintain a register of all requests which is published on iDerby.

Request statistics

Between 1 January and 31 December 2014, the Information Governance team received and logged 1,360 Freedom of Information (FOI) / Environmental Information Regulation (EIR) requests. The split between the 2 is shown below:

FOI	1,101
EIR	259

The breakdown of the total requests received by each directorate is shown below in Table 1. Figures for 2013 have been included for comparison.

Table 1:

Directorate	Requests 2013	Requests 2014
Adults, Health and Housing	131	149
Chief Executive's Office	53	29
Children and Young People	162	195
Council-wide	24	19
Neighbourhoods	378	436
Public Health	15	25
Resources	446	507

The Information Governance team responded to a further 71 requests that are not included in these figures. These are known as “Archive Other” where the request is similar to a business as usual request i.e. one off pieces of information that is readily available e.g. directorate structures etc.

Table 2 below shows the category of the 1,360 requests received in 2014, with a comparison to the figures from 2013

Table 2:

Category	Requests received 2013	Requests received 2014
Commercial	354	363
Media	160	220
Other Authority	15	18
Personal	633	721
Political	47	35

Table 3 below shows the average number of days it has taken to complete requests, broken down by directorate.

Table 3:

Directorate	Average Response Time (requests)
Adults, Health and Housing	8.75 (112)
Chief Executive's Office	8.43 (23)
Children and Young People	8.61 (132)
Council-wide	8.87 (15)
Neighbourhoods	8.8 (303)
Public Health	5.33 (15)
Resources	9.59 (369)

The average number of days it has taken the Council as a whole to respond to FOI requests is **9** days. This compares to 8.35 days in 2013.

Of the 1,360 requests received, 1,096 requests were completed in full. Table 4 below shows how the other 264 requests have been handled.

Table 4:

Status of requests not fully completed	No of Requests
still in progress	7
Full/part refusal - Exemption applied	172
refusal - information requested not held	52
Request withdrawn/closed due to no clarification being received	28
Request transferred to another public authority	5

Table 5 below shows the breakdown of Exemptions applied to 172 requests.

Table 5:

Exemption Applied	No of requests
Section 12 – Exceeds appropriate limit	58
Section 14 – vexatious or repeated request	1
Section 21 - Information accessible by other means	57
Section 22 – Information intended for future publication	13
Section 24 - National security information other than that covered by the absolute exemption	2
Section 30 - Investigations and proceedings conducted by public authorities	1
Section 31 – Law Enforcement	6
Section 36 - Prejudice to effective conduct of public affairs	2
Section 40 – Personal information	20
Section 41 - Information provided in confidence	1
Section 43 – Commercial Interests	9
Section 44 – Statutory Prohibition on Disclosure of Confidential Information	2

S12 – Exceeds Appropriate Limit - Request exceeds ‘appropriate limit’ under Freedom of Information Act where in order to obtain the information it would exceed the 18 hour limit. This maybe where information is not held centrally and in order to obtain the information would mean trawling through paper records.

S14 – Vexatious or repeated Requests - This exemption was applied as there were a number of repeated and similar requests on the same subject from one individual.

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

S24 – National Security – requests where made with regards to prevent funding DCC receive from the Home Office that falls under National Security.

S30 - Investigations and proceedings conducted by Public Affairs - Requests for information that may result in the local authority taking further action. The information released may be subject to ongoing investigations which may result in legal proceedings and it is considered that premature release of the information may jeopardise or undermine the Council's case.

S31 – Law Enforcement - this exemption was used along side Section 24 National Security with regards to information on funding provided to us by the Home Office.

S36 - Prejudice to effective conduct of public affairs - this was applied as it was relating to confidential briefings not requiring a formal decision or resolution to be given by senior officers to the council's political leadership, and for direction to be given by those elected members.

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 personal injury claims.

S41 – Information provided in Confidence - This exception was applied because the interests of the person(s) providing information and making complaint(s) to the public authority would be adversely affected by disclosure. Disclosure could also have a detrimental effect on an individual's confidence in making such complains in the future and this could have a negative effect on someone's quality of life.

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 exemption was applied as Information was exempt information if its disclosure (otherwise than under this Act) by the public Authority holding it is prohibited by or under any enactment.

Appeals

The independent appeals officer is the Head of Governance & Assurance.

In 2014, 9 appeals were received. Three were upheld, 3 were partially upheld and 3 were not upheld.

One of the requests that were not upheld was appealed to the Information Commissioner's Officer (ICO). The ICO reviewed the request and agreed with the outcome of the internal appeal.

In 2013 and 2014, the Council received a number of Freedom of Information requests about the Council's job evaluation exercise. One of these requests was referred to the Information Commissioner's Office challenging the Council's disclosure that it did not hold certain information requested. The Commissioner's Decision Notice stated that Derby City Council "has correctly confirmed that no further information is held and that it does not hold the information and that in doing so, it complied with section 1(1) of the FOIA." The information requestor then appealed the ICO's decision to the First-tier Tribunal (Information Rights). This was later withdrawn.

However, during an internal audit investigation into the job evaluation process, the auditors found information that would have been covered by the job evaluation FOI requests. The Monitoring Officer wrote to the ICO to explain this. Because the information was held at the time of the request and that individual(s) on behalf of the Council may have deliberately blocked or concealed it from both the requestor and the ICO, this action was viewed by the ICO as contrary to section 77 of the Freedom of Information Act 2000. An internal investigation was undertaken and the relevant documents shared with the ICO. In January 2015, the ICO notified the Council that it would no longer be pursuing a criminal investigation. However this issue has now been passed to the ICO's Performance Improvement Department for them to assess whether any other action may be taken as a result of the Council's handling of information requests brought to the ICO's attention during this investigation.

General information

All requests from and sent to media applicants are copied to the 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 Chief Executive, Strategic 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 1,404 requests processed in full during the year,

Council officers have recorded that they spent 1,895 hours 14 minutes dealing with FOI requests. Based on a cost of £25.00 per hour (the designated cost under the Act) this equates to a total cost for dealing with FOIs of £47,381 (compared to £49,888 in 2013).

Common requested topics/issues in 2014

The list below provides a summary of the most common FOI requests during the year:

1. Business Rates (222)
2. Highways (123)
3. Bedroom Tax/Council Tax (82)
4. Parking (71)
5. Special Educational Needs (66)
6. Next of Kin (60)
7. Complaints (35)
8. Budget (30)
9. Planning (29)
10. Child Protection (27)

Head of Governance & Assurance
January 2015