

EAST RENFREWSHIRE COUNCILCABINET6 April 2017Chief Officer - Legal and ProcurementFREEDOM OF INFORMATION:
ANNUAL STATISTICAL REPORT FOR 2016**PURPOSE OF REPORT**

1. To submit for noting a statistical report on the enquiries received by East Renfrewshire Council in the calendar year 2016 under the Freedom of Information (Scotland) Act and the Environmental Information Regulations.

RECOMMENDATION

2. It is recommended that the 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 the requests received and how the Council has dealt with them have been prepared since 2006.

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.

6. The report also examines performance by each Council department and section and outlines steps being taken to make improvements in this area.

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.

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 volume of information requests received in 2016 was considerably greater than that received in any previous year and the performance of the Council in dealing with requests - both in terms of the proportion answered within the statutory timescale and also in terms of the average times of responses - has consequently dipped. Work to ensure improvements is ongoing.

RECOMMENDATION

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

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Freedom of Information

Report on information requests received in 2016

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1 Summary

East Renfrewshire Council continues to receive a large number of information requests under the Freedom of Information (Scotland) Act 2002 and the associated Environmental Information Regulations 2004.

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

The volume of requests was considerably higher than in any previous year, and there has been a corresponding dip in the performance of the Council in dealing with requests.

2 Volume of requests

During the calendar year 2016 East Renfrewshire Council (including the HSCP and the Trust) dealt with 878 requests under the Freedom of Information (Scotland) Act 2002 and 304 under the Environmental Information Regulations (Scotland) 2004, a total of 1182 requests.

As detailed in figure 1 this figure represents an increase of 17% on 2015 and is 15% higher than the largest previous total.

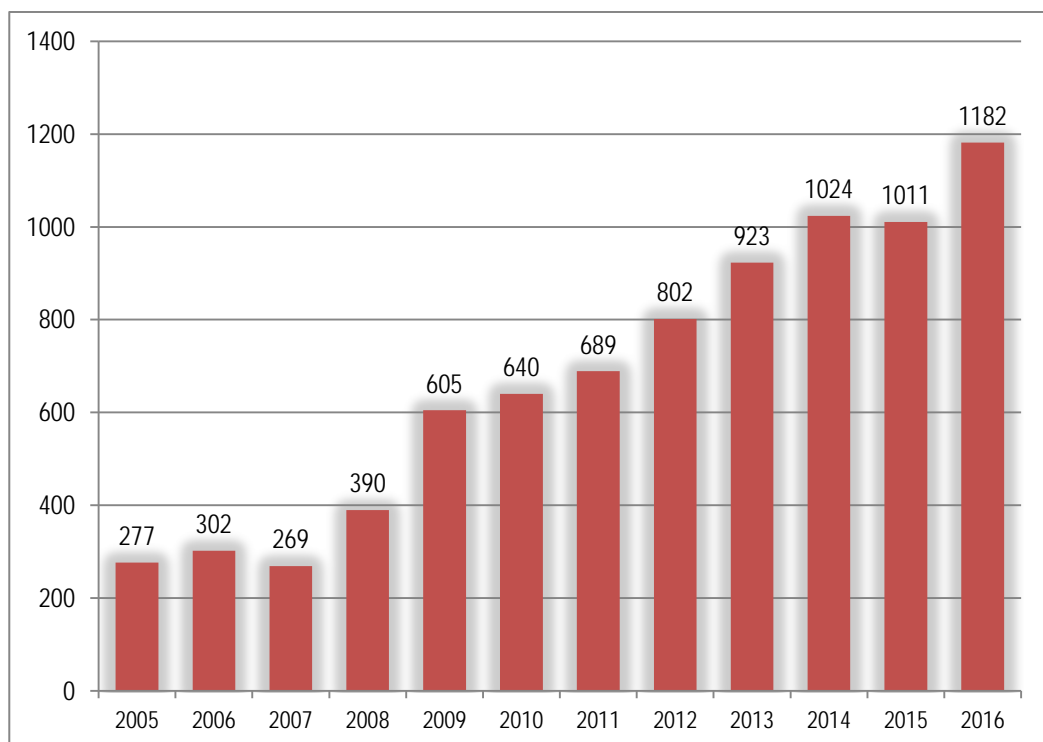


Figure 1

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 2016
<ul style="list-style-type: none"> • Taxi licensing details • Deaths with no next of kin • Suppliers of IT equipment • Dog fouling fines • Supply teachers • Cyber security expenditure • Non-domestic rates • School placing requests • Recycling of plastic bags • Empty residential properties • Vandalism in schools • Road maintenance details • Asylum-seeking children • PREVENT strategy

Figure 2

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

	2012	2013	2014	2015	2016
Individual	53%	51%	49%	53%	50%
Business	19%	19%	15%	15%	15%
Media	12%	13%	18%	15%	15%
MPs / MSPs / Elected Members	10%	11%	10%	9%	11%
Community / Campaign Groups	5%	5%	7%	6%	7%
Public Authorities	1%	1%	1%	1%	1%

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.

This year, for the first time, the geographical origin of requests was recorded and the results are noted at figure 4 below.

East Renfrewshire	11%
outwith East Renfrewshire, within Scotland	37%
outwith Scotland, within UK	22%
outwith UK	0.2%
[unknown]	29%

Figure 4

4 Performance

In 2016, only 85% of requests were answered within the statutory 20-day timescale, and the average response time this year was 13.3 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.

Council-wide response times	2012	2013	2014	2015	2016
Percentage of requests answered within timescale	90%	89%	85%	89%	85%
Average response time (in working days)	10.7	11.9	12.2	11.6	13.3

Figure 5

FoI performance: by department	No. of requests	% within time	average response time	Failed to respond
Chief Executive	69	94%	11.3	-
Corporate & Community	284	88%	14.3	-
Education	240	75%	15.6	-
Environment	365	90%	11.0	-
HSCP	144	72%	15.1	9
Cross Departmental	73	99%	11.0	-
Trust	7	86%	13.0	-

Figure 6

Note:

- Several of the "failed to respond" requests were indeed answered after several months but these responses were issued after the statutory statistical report to the Scottish Information Commissioner beyond which our record is not amended.

FoI PERFORMANCE: by section				
Department	Section	No. of requests	% within time	average response time
Chief Executives	Accountancy	14	100%	11
	Legal	38	95%	9
	Procurement	17	88%	18
Corporate and Community	Community Services	26	92%	11
	Democratic Services	10	90%	14
	General & Admin	23	100%	9
	HR	75	89%	16
	ICT	40	98%	15
	Revenues	110	80%	15
Environment	Cleansing	34	91%	11
	Housing	56	88%	16
	P&TS	21	81%	13
	Parks	13	100%	8
	Planning	52	94%	8
	Protective Services	117	90%	10
	Roads	71	87%	11

Figure 7

Note:

- HSCP and Education do not record to sectional level
- Data for sections with less than 10 requests have not been included here.

The dip in performance figures can be attributed to the considerable increase in the volume of requests. This was particularly evident in departments which had previously coped very well with the lower number of requests but which this year experienced difficulties dealing with the larger volume.

It is hoped that these performance issues can be addressed with the development of new Lagan functionality, the continued roll-out of the Records Management Plan, and the development of the Council's open data program. Training, guidance and advice continues to be available from Legal Services.

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

(76%) resulted in a full disclosure of the information requested, with partial disclosures in a further 15% of requests.

Exemptions applied to information requests, in order of frequency of use during 2016, 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			
		2013	2014	2015	2016
S.17 Reg.10(4)a	Information not held	83	89	82	115
S.25 Reg.6(1)b	Information otherwise accessible	39	45	76	96
S.38 Reg.11	Personal information	18	34	30	40
S.12	Excessive cost of compliance	6	11	9	11
S.33 Reg.10(5)e	Commercial interests and the economy	3	10	8	11
S.30	Prejudice to conduct of public affairs	4	3	4	7
S.27	Future publication	-	1	5	6
S.35(a) Reg.10(5)b	Prevention or detection of crime etc.	-	-	4	3
S.36(2) Reg.10(5)d	Confidentiality	4	2	2	3
S.39(1) Reg.10(5)a	Health and safety	-	-	1	2
S.36 (1)	Legal confidence	-	2	3	1
S.26	Statutory prohibition on disclosure	-	-	-	1
S.14(1)	Vexatious request	1	2	6	-
S.31(1)	National security	-	-	3	-
S.14(2)	Repeated request	2	3	1	-
S.18	Refusal to confirm or deny	-	-	1	-

Figure 8

Notes:

- 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 2016, the Council refused 11 requests on the grounds that answering them would exceed the statutory cost ceiling. In addition, 12 fee notices were issued. None of these were paid and these requests were therefore deemed to have been withdrawn.

7 Reviews & Appeals

Of the 1182 information requests dealt with in 2016, the applicant formally asked the Council to review its decision on 15 occasions. These reviews were determined as detailed in figure 9.

Requests for reviews	
Number of requests for reviews	15
...of which the review upheld the Council's original decision:	4
...of which the review partially upheld the original decision:	7
...of which the review overturned the Council's original decision:	3
...withdrawn by the applicant	1

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 was one appeal from a 2015 request not yet determined at the time of the last annual report, and one new appeal in 2016. These were determined as detailed in figure 10.

Ref.	Request	Commissioner's Decision
7029 (2015)	Information about the Council's PREVENT strategy.	The Commissioner partly upheld the appeal.
409	Information re. a complaint made against Thornliebank Community Council.	The Commissioner upheld the Council's decision.

Figure 10

Craig Geddes, 7/3/2017