

EAST RENFREWSHIRE COUNCIL**CABINET****26 August 2021****Report by Chief Executive****FREEDOM OF INFORMATION - COUNCIL PERFORMANCE 2020-21****PURPOSE OF REPORT**

1. The purpose of this report is to present the annual statistical report on the Council's performance in dealing with Freedom of Information requests.

RECOMMENDATION

2. It is recommended that Cabinet notes the contents of this report.

BACKGROUND

3. Freedom of Information provides a statutory right of access to information held by Scottish public authorities.

4. Statistical reports on how the Council has dealt with information requests have been produced on an annual basis since the Freedom of Information (Scotland) Act 2002 came into force in 2005.

REPORT

5. The Council received 1012 requests received during this period, 821 under Fol(S)A and 191 under the related Environmental Information Regulations (Scotland).

6. The Covid-19 pandemic had an impact on performance in terms of ensuring that statutory timescales were met, especially during the 1st quarter of the year.

7. The report details Council and departmental performance in responding to these requests, and summarises the use of exemptions, reviews and appeals.

PUBLICATION

8. This report and appendix will be published on the Council's website.

FINANCE AND EFFICIENCY

9. There are no particular financial implications arising from this report.

IMPLICATIONS OF REPORT

10. As this report is primarily a performance update, there are no particular implications in

terms of staffing, property, legal, IT, equalities or sustainability.

RECOMMENDATION

11. It is recommended that the Cabinet notes the contents of this report.

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Freedom of Information

Report on information requests received 2020-2021

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1 Introduction

This report considers the volume of information requests received in the period 1st April 2020 to 31st March 2021 and details performance across East Renfrewshire Council in processing these requests. It also considers the use of exemptions, fees, reviews and appeals.

The Freedom of Information (FoI) (Scotland) Act 2002 and the associated Environmental Information Regulations (EIR) 2004 provide a statutory right of access to information held by Scottish public authorities. FoI encourages openness and accountability and helps to build trust between the Council and the public that we serve.

2 Volume of requests

East Renfrewshire Council (including the HSCP) received 1,012 requests, compared to 1,257 received in the previous year. As detailed in figure 1 below this figure represents a decrease of 19% on the total for the previous year.

This total comprised 821 requests under the Freedom of Information (Scotland) Act 2002 and 191 under the Environmental Information Regulations (Scotland) 2004.

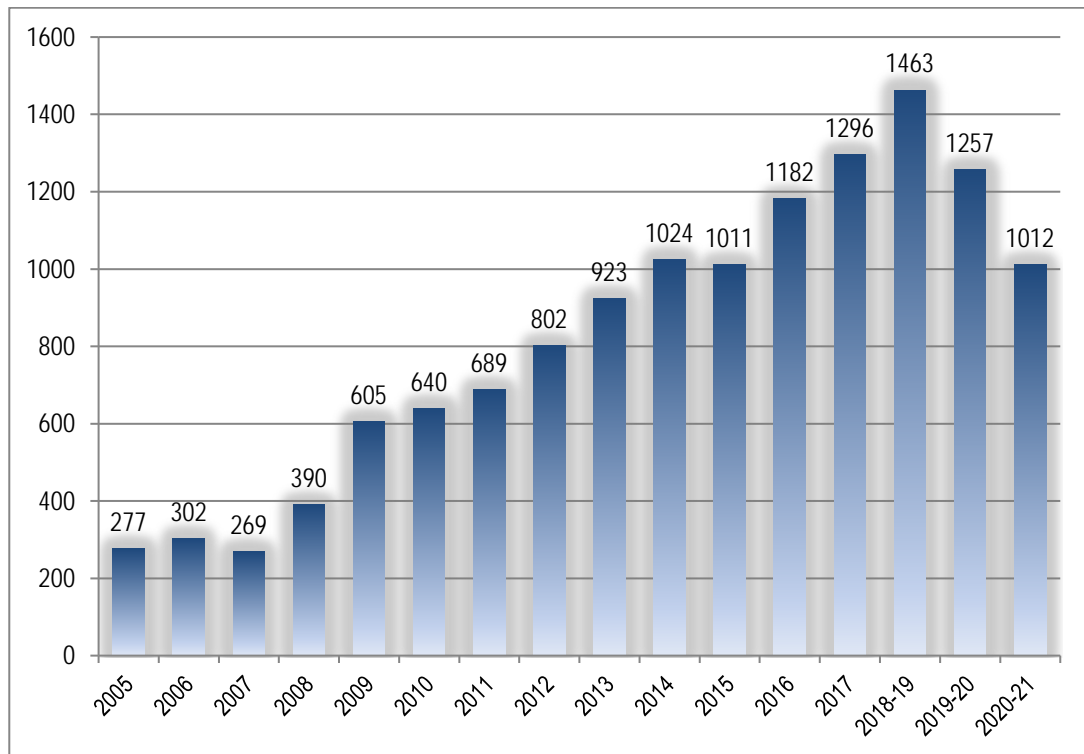


Figure 1
N.B: the figures up to 2017 are calendar years; those for 18-19 onwards are financial years reflecting a change in the reporting period

3 Nature of requests

Requests have been received from a broad range of sources, as illustrated in Figure 2. (Previous year's figures are given in brackets).

| Individual | Business | Media | MP / MSP / Elected Member | Community & Campaign Groups | Public Authorities |
|------------|------------|----------|---------------------------|-----------------------------|--------------------|
| 60% (57%) | 18 % (16%) | 7% (12%) | 6% (8%) | 7% (6%) | 1% (1%) |

Figure 2

Note:

- These figures 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.

The geographical origin of requests (excluding 41% "unknown") is noted at Figure 3 below. (Previous year's figures are given in brackets).

| | |
|--|-----------|
| East Renfrewshire | 25% (18%) |
| outwith East Renfrewshire, within Scotland | 39% (48%) |
| outwith Scotland, within UK | 36% (34%) |
| outwith UK | 0% (0%) |

Figure 3

4 Performance

80% of requests were answered within the statutory 20 working day timescale during the period of this report, and the average response time was 15.1 working days. These figures, with comparisons from previous years, are given in Figure 4. Details of performance for individual departments for 2020/2021 are detailed in Figure 5.

| FoI performance: Council-wide | 2016 | 2017 | 2018-19 | 2019-20 | 2020-21 |
|--|------|------|---------|---------|----------------|
| Percentage of requests answered within timescale | 85% | 85% | 85% | 82% | 80% |
| Average response time (in working days) | 13.3 | 13.1 | 12.3 | 13.7 | 15.1 |
| Number of "Failed to respond" | 9 | 3 | 27 | 46 | 18 |

Figure 4

| Fol performance: by department | Number of requests | Percentage of requests answered within timescale(20 working days) | Average response time (working days) | Number of "failed to respond" |
|---|--------------------|---|--------------------------------------|-------------------------------|
| Chief Executive's Office | 79 | 94% | 11 | 0 |
| Corporate & Community Services | 229 | 84% | 16 | 0 |
| Education Department | 139 | 83% | 15 | 0 |
| Environment Department | 399 | 76% | 15 | 8 |
| HSCP | 121 | 73% | 19 | 10 |
| Cross Departmental | 45 | 89% | 10 | 0 |

Figure 5

The impact of coronavirus on staff workload and related working from home have certainly had an impact on performance, especially in the first quarter of the year.

5 Exemptions

The majority of requests (83%) resulted in full disclosure of the information sought, with partial disclosures in a further 11% of requests (the same figures as for 2019-20). However, certain information is exempt from disclosure under the legislation. Fol exemptions and EIR exceptions applied, in order of frequency of use, are detailed in Figure 6.

It should be noted that most "refusals" are "refused" only because the information sought is not held or because it is otherwise available.

| Exemptions/Exceptions cited | | Number. of times cited |
|-----------------------------|---------------------------------|------------------------|
| S.25, Reg.6(1)b | Information otherwise available | 82 |
| S.17, Reg.10(4)a | Information not held | 50 |
| S.38, Reg.11 | Personal information | 17 |

| | | |
|----------------------|--|---|
| S.33, Reg.10(5)e | Commercial interests and the economy | 8 |
| S.12 | Excessive cost of compliance | 2 |
| S.39 | Health and Safety | 2 |
| S.35, Reg.10(5)b | Law Enforcement | 2 |
| Reg. 10(5)f | Interests of the supplier of the information | 2 |
| S.36 (2), Reg.10(5)d | Confidentiality | 1 |
| S14 (1), Reg. 10(4)b | Vexatious/manifestly unreasonable | 1 |
| S.26 | Statutory Prohibition | 1 |
| S.34 | Investigations | 1 |
| Reg. 10(4)c | Request formulated in too general a manner | 1 |
| S.27 | Future publication | 1 |

Figure 6

Note:

- *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 was applied*

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 £100.00 to process. The Environmental Information Regulations allows for the full recharge of the cost of dealing with requests.

During the period of this report, the Council refused 2 requests on the grounds that answering them would exceed the statutory cost ceiling and 2 fee notices were issued, neither of which were paid.

7 Reviews and Appeals

Of the 1,012 information requests received, the applicant formally asked the Council to review its decision on 17 occasions. These reviews were determined as detailed in Figure 7.

| | |
|--|----|
| Requests for reviews 2020/21 | |
| Number of requests for reviews | 17 |
| ...of which the review upheld the Council's original decision: | 9 |
| ...of which the review partially upheld the original decision: | 1 |
| ...of which the review overturned the Council's original decision: | 2 |
| ...withdrawn by the applicant or void | 0 |
| ...unresolved at the time of report | 5 |

Figure 7

8 Conclusion

Freedom of Information remains an important element of East Renfrewshire Council's commitment to transparency and accountability. Performance has undoubtedly been impacted by the Covid-19 pandemic, especially in the first quarter of 2020-21, but it is hoped that ongoing work on policy, procedures, training and systems can improve both the customer experience and the Council's performance.

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May 2021

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