

EAST RENFREWSHIRE COUNCIL

CABINET

4 June 2015

Chief Officer - Legal and Procurement

FREEDOM OF INFORMATION:  
ANNUAL STATISTICAL REPORT FOR 2014

**PURPOSE OF REPORT**

1. To submit to Cabinet for noting a statistical report on the enquiries received by East Renfrewshire Council in 2014 under the Freedom of Information (Scotland) Act and the Environmental Information Regulations.

**RECOMMENDATIONS**

2. It is recommended that 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 which the Council holds.

4. Annual Reports on how the Council has dealt with requests have been presented to Cabinet in previous years.

5. Quarterly returns on FoI and EIR are also made to the Office of the Scottish Information Commissioner.

**REPORT**

6. The enclosed report enumerates the volume of requests received, considers their origin and type, and details the use of exemptions and exceptions in responding.

7. The report also examines performance by each Council Department and Section and considers the costs of dealing with requests

**FINANCE AND EFFICIENCY**

8. There are no financial implications from this report.

**CONSULTATION**

9. No formal consultation was undertaken in the production of this report.

## **PARTNERSHIP WORKING**

10. No joint working with community planning partners has been undertaken in developing this report.

## **IMPLICATIONS OF THE PROPOSALS**

11. This report is for information only. There are no significant staffing, property, legal, IT, equalities or sustainability issues arising from this report.

## **CONCLUSIONS**

12. The volume of requests under Freedom of Information and the Environmental Information Regulations has again increased. The performance of East Renfrewshire Council in dealing with requests dipped somewhat during 2014, both in terms of the proportion answered within the statutory timescale and also in terms of the average times of responses. However, it is hoped that this trend will be reversed in 2015.

## **RECOMMENDATIONS**

13. It is recommended that Cabinet note the contents of the report.

## **REPORT AUTHOR**

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## **KEY WORDS**

Description: "A report presenting the Annual Freedom of Information statistical report for 2012"; key words "freedom of information"; "information management", "statistical report"



## **Freedom of Information**

Report on information requests received in 2014

### **Contents:**

1	Volume of requests
2	Nature of requests
3	Performance
4	Exemptions
5	Fees
6	Cost of requests
7	Reviews & Appeals

## 1 Volume of requests

In the calendar year of 2014 East Renfrewshire Council received 1024 information requests. These were dealt with as:

- 768 requests under the Freedom of Information (Scotland) Act 2002
- 256 under the Environmental Information Regulations (Scotland) 2004.

The total number of requests represents a growth of 11% on the previous year, and is yet again the largest number of requests received in any year. These totals are detailed in figure 1 below.

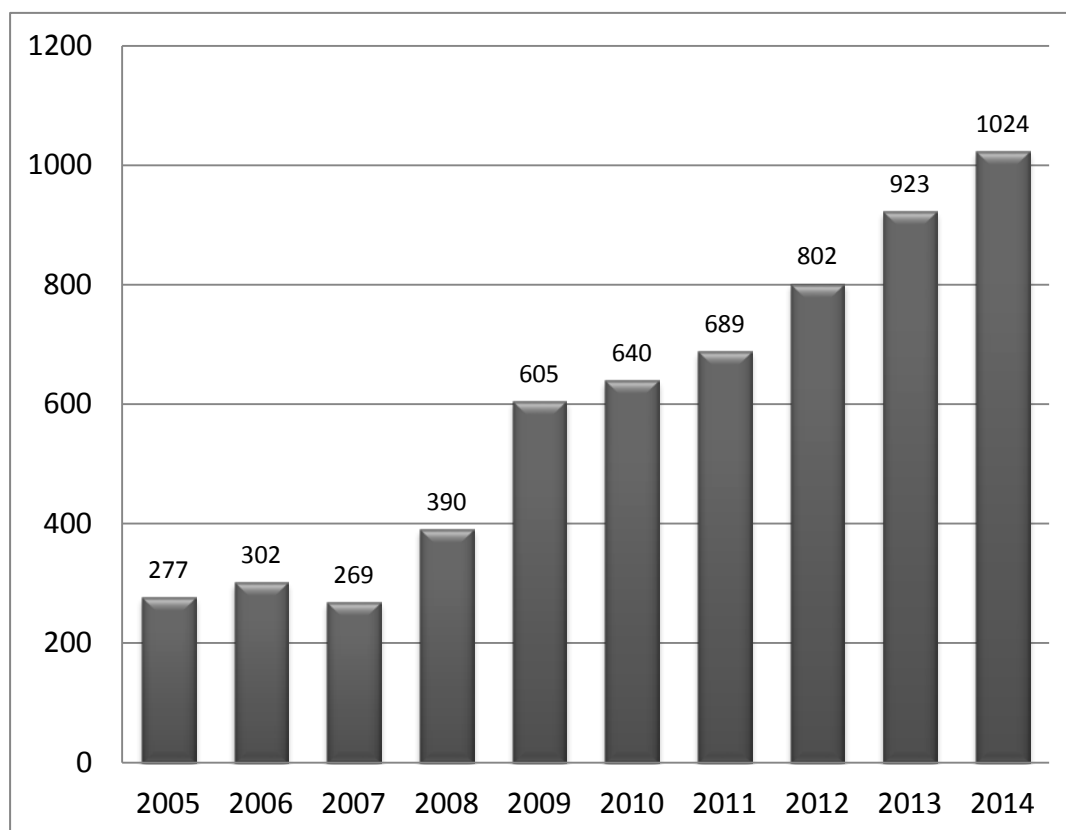


Figure 1

## 2 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 2014
<ul style="list-style-type: none"> <li>• non-domestic rates information</li> <li>• wind farm planning applications</li> <li>• public health funerals</li> <li>• IT procurement and contracts</li> <li>• factoring and repair costs</li> <li>• education placing requests</li> <li>• children in care</li> <li>• homecare services</li> <li>• inappropriate use of social media</li> <li>• roads repairs and potholes</li> <li>• licensing of taxi drivers</li> <li>• Barrhead High School plans</li> <li>• Community Council information</li> </ul>

Figure 2

FoI requests in 2014 came from a diverse range of applicants. As detailed in figure 3, the distribution of the “type” of requestor was somewhat similar to that of previous years, although there were more media requests and a smaller proportion of the total came from businesses.

	2011	2012	2013	<b>2014</b>
Individual	49%	53%	51%	<b>49%</b>
Business	16%	19%	19%	<b>15%</b>
Media	19%	12%	13%	<b>18%</b>
MPs / MSPs / Elected Members	8%	10%	11%	<b>10%</b>
Community / Campaign Groups	6%	5%	5%	<b>7%</b>
Public Authorities	2%	1%	1%	<b>1%</b>

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.*

### 3 Performance

In 2014, 85% of requests were answered within the statutory 20-day timescale, and the average response time this year was 12.2 working days. These figures, with comparisons from previous years, are given in figure 4.

<b>Response Times</b>	2011	2012	2013	<b>2014</b>
Percentage of requests answered within timescale	87%	90%	89%	<b>85%</b>
Average response time (in working days)	12.4	10.7	11.9	<b>12.2</b>

Figure 4

The figures for responses within timescale were disappointing. This is partly a result of the increase in the volume of requests, but also because of various changes in personnel and departmental reorganisation. The issue has been addressed by targeted training and amended departmental notification. As a result, the response rate had improved significantly by the end of the year: rising from 83% in Jan - Sept to over 91% in Oct - Dec.

The performance figures for each department are given in figure 5, and those for individual sections are given in figure 6. The latter are presented separately from the departmental figures as several sections were moved between departments during the year.

<b>Department</b>	<b>No. of requests received</b>	<b>Proportion answered within time</b>	<b>Average response time</b>
CHCP	139	72%	15.1
Chief Executive's	116	95%	10.2
Corporate & Community Services	148	86%	11.4
Education	140	96%	10.4
Environment	357	82%	12.5
Finance	82	84%	13.7
Cross-departmental	42	100%	11.2

Figure 5

Section	No. of requests received	Proportion answered within time	Average response time
Cleansing	17	65%	16.1
Community Services	23	91%	11.1
Democratic Services	22	100%	9.0
Housing	67	78%	15.6
Human Resources	43	84%	12.8
ICT	47	96%	12.5
Insurance	10	100%	5.0
Legal	59	98%	8.4
Parks	18	83%	15.8
Planning	49	90%	9.8
Procurement	20	100%	10.9
Property Technical	18	83%	10.3
Protective Services	110	81%	12.7
Revenues	99	77%	14.3
Roads	78	85%	10.3

Figure 6

Note:

- The data departments where information is not recorded to sectional level (CHCP and Education) are not included here.
- Sections with less than ten requests have not been included here.

## 4 Exemptions

While the Council attempts to be as open as possible, certain information is exempt from disclosure under the Freedom of Information (Scotland) Act and the Environmental Information Regulations. The majority of requests - 78% - result in a full disclosure of the information requested, with partial disclosures in a further 13% of requests.

Most of the “refusals” were simply technical, with the request refused either because the information was not held or because it was otherwise available.

Exemptions applied to information requests, in order of frequency of use during 2014, are detailed at Figure 6 along with comparative figures for the previous year

Exemptions/Exceptions cited		Year	
		2013	2014
<b>S.17 Reg.10(4)a</b>	Information not held	83	<b>89</b>
<b>S.25 Reg.6(1)b</b>	Information otherwise accessible	39	<b>45</b>
<b>S.38 Reg.11</b>	Personal Information	18	<b>34</b>
<b>S.12</b>	Excessive cost of compliance	6	<b>11</b>
<b>S.33</b>	Commercial interests and the economy	3	<b>10</b>
<b>S.30</b>	Prejudice to effective conduct of public affairs	4	<b>3</b>
<b>S.14 (2)</b>	Repeated request	2	<b>3</b>
<b>S.36 (2) Reg.10(5)d</b>	Confidentiality	4	<b>2</b>
<b>S.36 (1)</b>	Legal confidence	-	<b>2</b>
<b>S.14 (1)</b>	Vexatious request	1	<b>2</b>
<b>Reg.10(4)c</b>	Formulated in too general a manner	-	<b>1</b>
<b>S.27</b>	Future publication	-	<b>1</b>
<b>Reg.10(4)d</b>	Information in the course of completion	-	<b>1</b>

Figure 7

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.



## 5 Fees

The Freedom of Information (Scotland) Act 2002 makes limited provision for refusing requests which would put the Council to 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 2014, the Council refused 11 requests on the grounds that answering them would exceed the statutory cost ceiling. In addition, 18 fee notices were issued. None of these were paid and these requests were therefore deemed to have been withdrawn.

## 6 Cost of dealing with requests

It is not possible to exactly quantify how much dealing with Fol requests costs. Many are very straightforward; others require a considerable amount of work from several officers. Nonetheless, in 2010 Legal Services estimated that dealing with an average request might cost in the region of £95.

More recently, other authorities have estimated the costs of dealing with requests as follows:

<u>Strathclyde University 2010</u>	£189 / £200
<u>JISC 2012 (universities)</u>	£144.93
<u>Scottish Government 2012</u>	£231
<u>Perth and Kinross 2013</u>	£84

It would be inappropriate to publish details of individual requestors where doing so would breach Data Protection rules. Nonetheless, the following table (figure 8.) - along with the indicative figures above - gives an idea of the financial impact of Fol:

Origin of Request	No. of requests
MSPs and their researchers	89
BBC	26
DC Thomson	22
Daily Mail	22
[Campaign Group]	15
[Individual 2]	12
Digby Brown	11
[Individual 1]	10

Figure 8

## 7 Reviews & Appeals

Of the 1024 information requests dealt with in 2014, the applicant asked the Council to review its decision on 13 occasions. This represents a review being requested for 1.3% of all requests, considerably less than the rate for the previous year (1.8%).

These reviews were determined as detailed in figure 9.

<b>Requests for reviews</b>	
Number of requests for reviews	13
...of which the review upheld the Council's original decision:	5
...of which the review partially upheld the original decision:	2
...of which the review overturned the Council's original decision:	6

*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 to the Commissioner from a 2013 request still outstanding from last year's annual report, and one additional appeal from 2014.

These appeals were determined as follows:

<b>Ref.</b>	<b>Request</b>	<b>Commissioner's Decision</b>
5024	Information relating to land at Eastwood High in relation to the proposed Mosque site	The Commissioner upheld the Council's decision
5224	Information relating to plans for Cowan park	The Commissioner upheld the Council's decision

*Figure 10*

Craig Geddes, 13 March 2015