

EAST RENFREWSHIRE COUNCIL

CABINET

15 May 2014

Report by Chief Officer (Legal and Procurement)

FREEDOM OF INFORMATION - ANNUAL STATISTICAL REPORT FOR 2013

PURPOSE OF REPORT

1. The purpose of this report is to present to Cabinet the report on information requests received by the Council in 2013.

RECOMMENDATIONS

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

BACKGROUND

3. Reports on how the Council has dealt with requests under the Freedom of Information (Scotland) Act 2002 and the related Environmental Information (Scotland) Regulations 2004 have been presented each year since the legislation came into force in January 2005.

REPORT

4. The report notes that the volume of requests continues to grow, with the 923 requests dealt with in 2013 representing a growth of 15% on the previous year.

5. The report also details the performance of the Council in dealing with requests within the statutory timescale, and further breaks this down into how well each department has discharged their obligations in this regard.

6. The report also gives examples of the information requested and details the use of exemptions, fee notices, and the outcome of reviews and appeals.

CONCLUSION

7. The Freedom of Information Annual Report for the calendar year of 2013 shows that the Council continues to satisfactorily manage the demands of information requests, despite the continuing increase in the number of requests received.

RECOMMENDATION

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

REPORT AUTHOR

Council Records Manager

Contact: Craig Geddes, Council Records Manager. tel: 0141 577 3059

Cabinet Contact Details

Councillor Jim Fletcher
(Leader of the Council)

Home: 0141 639 0265
Office: 0141 577 3107/8

KEYWORDS

Freedom of Information; Annual Report



Freedom of Information

Report on information requests received in 2013

Contents:

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

1 Volume of requests

In the calendar year of 2013 East Renfrewshire Council received 923 information requests, comprising 615 requests under the Freedom of Information (Scotland) Act 2002 and 308 under the Environmental Information Regulations (Scotland) 2004. This again represents a significant growth (15%) on the previous year, and is by some margin the largest number of requests received in any year. These figures are detailed in figure 1 below.

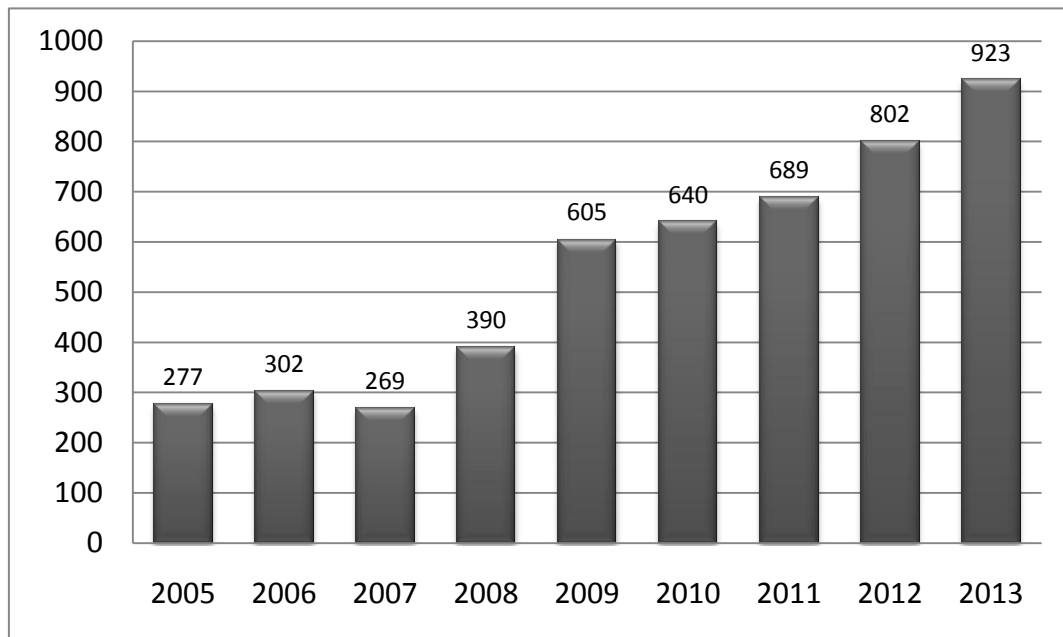


Figure 1

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.

Chief Executives:	
	Community Councils Zero-hour contracts Details of information requests received CCTV coverage
CHCP:	
	Looked-after children Foster care allowances Young persons' residential care Commissioning of adult services
Education:	
	"Cardless" payment in schools Class sizes Placing requests Art collections
Environment:	
	Cowan Park Provision of public toilets Recycling of drinks cans Statutory notices over properties Assaults on staff Asbestos in buildings Cost of Eastwood High Compensatory flood storage
Finance:	
	ICT contracts Bedroom tax Compensation for potholes Discretionary housing payments
Cross Departmental:	
	Charging for services Equal pay claims Use of RIPSAs powers Provision in event of the "zombie apocalypse"

Figure 2

FoI requests in 2013 came from a diverse range of applicants. As detailed in figure 3, the distribution of the “type” of requestor was very similar to that of previous years.

	2010	2011	2012	2013
Individual	45%	49%	53%	51%
Business	17%	16%	19%	19%
Media	15%	19%	12%	13%
MPs / MSPs / Elected Members	16%	8%	10%	11%
Community / Campaign Groups	6%	6%	5%	5%
Public Authorities	1%	2%	1%	1%

Figure 3

Note:

- *The legislation does not permit the Council to enquire into the identity 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 2013, 89% of requests were answered within the statutory 20-day timescale, and the average response time this year was 11.9 working days. These figures, with comparisons from previous years, are given in figure 4.

Response Times	2010	2011	2012	2013
Percentage of requests answered within timescale	92%	87%	90%	89%
Average response time (in working days)	11.7	12.4	10.7	11.9

Figure 4

The Office of the Scottish Information Commissioner has started to collect FoI performance statistics from across Scottish local authorities. The ERC figure of 89% is comparable to the latest figure from OSIC of 87%

The performance figures for each department and (where recorded individually) each section, are given in figure 5.

Dept.	Section	No. of requests received	Response within timescale	Average response time (working days)	Failed to respond
CHCP		95	68%	17	1
Chief Executive's		171	95%	9	-
	Community Services	28	96%	7	-
	Democratic Services	12	100%	10	-
	HR	64	91%	12	-
	Legal	55	96%	7	-
	General & Misc.	12	100%	8	-
Education		113	99%	11	-
Environment		376	87%	12	-
	Cleansing, Waste & Vehicles Services	11	73%	14	-
	Housing & Maintenance	63	84%	13	-
	P&TS	26	77%	14	-
	Parks	14	100%	6	-
	Planning & Building Control	90	92%	12	-
	Protective Services	87	82%	13	-
	Roads	85	91%	12	-
Finance		110	90%	12	-
	Accountancy	6	100%	13	-
	E-Govt	26	96%	11	-
	Insurance	10	90%	11	-
	Procurement	10	100%	12	-
	Revenues	58	84%	12	-
Cross-departmental		58	100%	12	-

Figure 5

Notes:

- where sections received only a small number of request (<6), their figures have been aggregated into a "general & misc." Heading.
- Procurement moved to Legal within CX during the year

:

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 - 83% - result in a full disclosure of the information requested, with partial disclosures in a further 10% 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 2013, are detailed at Figure 6.

Exemptions/Exceptions cited		Year				
		2009	2010	2011	2012	2013
S.17 Reg.10(4)a	Information not held	6	28	40	40	83
S.25 Reg.6(1)b	Information otherwise accessible	3	14	23	23	39
S.38	Personal Information	19	12	11	11	18
S.12	Excessive cost of compliance	0	7	0	0	6
S.30	Prejudice to effective conduct of public affairs	2	1	0	0	4
S.36	Confidentiality	3	1	0	0	4
S.27	Information intended for future publication	1	2	0	0	3
S.33	Commercial interests and the economy	5	3	2	2	3
S.14 (2)	Repeated request	0	0	0	0	2
S.14 (1)	Vexatious request	0	0	0	0	1
S.26	Statutory prohibitions on disclosure	2	1	0	0	1
S.35	Law enforcement	1	1	1	1	1
S.39(1)	Health and Safety	0	0	0	0	1

Figure 6

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 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 provision for refusing requests which would cost more than £600 to deal with, 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 2013, the Council refused six requests on the grounds that answering them would exceed the statutory cost ceiling. In addition, 12 fee notices were issued. One of these was paid, the remainder were not and these requests were therefore deemed to have been withdrawn.

6 Reviews & Appeals

Of the 923 information requests dealt with in 2013, the applicant asked the Council to review its decision on 17 occasions. This represents a review being requested for 1.8% of all requests, almost the same proportion as the previous year (1.75%)

According to the figures published by OSIC, the average across Scotland was 2.6%

These reviews were determined as detailed in figure 7.

Requests for reviews	
Number of requests for reviews	17
...of which the review upheld the Council's original decision:	7
...of which the review partially upheld the original decision:	3
...of which the review overturned the Council's original decision:	6
...where the review was subsequently withdrawn	1

Figure 7

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 only one appeal to the Commissioner from a 2013 request. This matter (request ref. 5042, regarding the proposed Mosque) remains with the Commissioner and has not yet been determined.

Craig Geddes, 12 March 2014