

1 April 2019

TITLE OF REPORT: **Annual Report – Freedom of Information Act Procedure 2019**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and Governance**

Summary

This report details the number of requests for information received by the Council under the provisions of the Freedom of Information Act 2000 from 1 January 2018 to 31 December 2018. The report provides a background to the Act highlights the number of requests received and provides information resulting from analyses of the requests.

Background

1. This is the 13th annual report relating to requests received under the Freedom of Information Act 2000 and covers the period 1 January 2018 to 31 December 2018. The request handling procedure was developed in response to the Freedom of Information Act 2000, which placed legal obligations on public authorities to deal with written requests for information held by them, in recorded form at the time a request is made.

Procedure

2. The procedure has three steps, the first of which is ‘providing the information’ requested within the statutory timescale of 20 working days. There is an electronic tracking system in which to log requests. This tracking system provides a full audit trail of how the request has been handled and provides template response letters, which fulfil the statutory requirements of the Act.
3. The first stage relies on quickly providing the information requested, subject to the application of any exemption and payment of any necessary fee. The second stage requires the Council to have an internal review process so that, if a requester is dissatisfied, they have an avenue of complaint, which is separate from the corporate complaints process. The review stage involves the requester writing to the Strategic Director, Corporate Services and Governance within 40 days of receiving a response, to request an independent review of the matter.
4. The third stage gives the requester a right of appeal to the Information Commissioner if he/she is still dissatisfied, following the internal review.
5. Over the period 1 January 2018 to 31 December 2018 the number of requests received was 1332, which represents a 17.63% decrease on requests received in the previous year and a 549.76% increase since the implementation of the Act in 2005.

6. Of the requests received 90.54% were dealt with within the 20-day timescale. This represents an increase of 0.06% in performance on the 2017 figure of 90.48% but is still high among other councils. Sunderland 98%, Newcastle 84.10 % and Redcar and Cleveland 85.82%, with only Sunderland performing better.
7. Five were subject to internal review. The original decision maker's decision was upheld in all cases.
8. Five requesters have exercised the right of appeal to the Information Commissioner. The Information Commissioner upheld our decision to treat one applicant as vexatious. The applicant has now appealed to the First Tier Tribunal. The other four relate to treating the requester as vexatious. We are awaiting a decision from the Information Commissioner
9. The table below details how many requests have been received by Gateshead Council and its neighbouring authorities in 2017/18: -

Local Authority	2016/ 17	2017/18
Gateshead	1617	1332
Redcar & Cleveland	1092	1157
North Tyneside	1255	
Northumberland	1309	
South Tyneside	1234	1383
Sunderland		1571

10. Most requests come in by email now, 1328 by email 4 by letter.
11. Requests for information vary considerably and are difficult to categorise. We receive a lot about Brexit preparedness, lots from campaigners, some asking for policies and information about how decisions have been made. Many requests are becoming increasingly more complex with requesters asking for a lot of cross cutting information as part of a single request.
12. Requests have varied. A lot of requests have sought information about council contracts, policies about car parking, staff sickness levels, what contingencies we have in case of no deal Brexit.
13. In 2018 requests appeared to be mainly from the press, particularly from junior reporters. However, it is not always possible to identify the source of a request as the requester need only give a name and return address.
14. Because of reducing resources and in an effort to continue to improve the timeliness of responses and minimise the impact of any increase in requests the following measures have been taken: -
 - (a) Services are now proactively publishing more information online, as information published online is exempt from disclosure under the Act as it is 'information easily accessible by other means', all staff have to do is send the requester a link to where they can obtain the information. An example of where this has diminished the number of FOI requests is in finance where

- they now publish data about outstanding business rates on a monthly basis, we also publish information about public health funerals.
- (b) Published data as required by the 'Transparency Agenda'.
 - (c) Trained more information champions in November 2018 to replace staff who have left, another session is booked in April 2019.

Recommendation

The Corporate Resources Overview and Scrutiny Committee is asked to note the report and assure themselves that FOI is operating effectively.

CONTACT: Tanya Rossington

extension: 2192