

**TITLE OF REPORT:** Annual Report –Freedom of Information Act Procedure 2016

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

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### **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 2016 to 31 December 2016. 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. Cabinet has referred the report to the Corporate Resources Overview and Scrutiny Committee as part of the performance management process, in order to ensure that the process is operating satisfactorily.
2. This is the 11<sup>th</sup> annual report relating to requests received under the Freedom of Information Act 2000 and covers the period 1 January 2016 to 31 December 2016. 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**

3. 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 fulfill the statutory requirements of the Act.
4. 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.

5. The third stage gives the requester a right of appeal to the Information Commissioner if he/she is still dissatisfied, following the internal review.
6. Over the period 1 January 2016 to 31 December 2016 the number of requests received was 1200, which represents a 0.58% decrease on requests received in the previous year and a 450.95% increase since the implementation of the Act in 2005. Most Councils experiencing a decrease might be due to increased transparency.
7. Of the requests received 94.25% were dealt with within the 20 day timescale. This represents a decrease of less than 0.1% in performance on the 2016 figure of 94.84%.
8. Four requests were subject to internal review. The original decision maker's decision was upheld in all four cases.
9. Two requesters have exercised his right of appeal to the Information Commissioner. The Information Commissioner has not yet made a decision about the appeals.
10. The table below details how many requests have been received by Gateshead Council and its neighboring authorities in 2015:-

| <b>Local Authority</b> | <b>2015</b> | <b>2016</b> | <b>% increase/decrease</b> |
|------------------------|-------------|-------------|----------------------------|
| Gateshead              | 1206        | 1200        | 0.58% decrease             |
| Redcar & Cleveland     | 995         | 1459        | 31.8% increase             |
| North Tyneside         | 1323        | 1251        | 5.44% decrease             |
| Northumberland         | 1399        | 1397        | 0.14% decrease             |
| Sunderland             | 1320        | 1420        | 7.58% increase             |
| Newcastle              | 1371        | 1360        | 0.8% decrease              |
| Darlington             |             | 1217        | No comparative data        |

|                      |      |      |                |
|----------------------|------|------|----------------|
| South Tyneside       | 1133 | 1118 | 1.34% decrease |
| Hartlepool           | 1084 | 1051 | 3.04% decrease |
| Stockton             | 1043 | 1133 | 8.63% increase |
| Newcastle University | 316  | 373  | 18.4% increase |

## Issues

11. The burden of dealing with requests has affected some groups more than others.

| <b>Service</b>                           |            |
|--|------------|
| <b>Care Wellbeing and Learning</b>       | <b>275</b> |
| <b>Corporate Resources</b>               | <b>226</b> |
| <b>Communities and Environment</b>       | <b>334</b> |
| <b>GHC</b>                               | <b>41</b>  |
| <b>Corporate Services and Governance</b> | <b>324</b> |

12. Requests for information vary considerably and are difficult to categorise. Requests are becoming increasingly more complex with requesters asking for a lot of cross cutting information as part of a single request.
13. Requests have varied. A lot of requests have sought information about Council contracts, particularly in relation to ICT contracts and contracts pertaining to services we offer as traded services.
14. In 2016 most of our requests appeared to be from individuals or from companies wanting contractual information rather than from the press, interns or campaign groups. However, it is not always possible to identify the source of a request as the requester need only give a name and return address.
15. As a result 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:-
- Services are now proactively publishing more information online, as information published on line 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.
  - Published data as required by the 'Transparency Agenda'.

- c. Identified more information champions to replace staff who have left.
- d. Re-established the Information Rights Working Party.

**Recommendation**

The Corporate Resources Overview and Scrutiny Committee is asked to endorse the information in the annual report attached as appendix one, and satisfy themselves that the Freedom of Information Act procedure is operating satisfactorily.

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