

TITLE OF REPORT: **FREEDOM OF INFORMATION ANNUAL REPORT 2016**

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

Purpose of the Report

1. The report details the number of requests received by the Council under the Freedom of Information Act 2000 for the period 1 January 2016 to 31 December 2016. The report provides an analysis of the requests received during the year and details how the Council has complied with its statutory obligations under the Act.

Background

2. The Freedom of Information Act came into force on 1 January 2005. The Act places statutory obligations on local authorities to deal with requests for information within 20 working days of receipt. It provides members of the public with access to information held by public authorities, which they previously had no right of access to.

Proposal

3. To agree the annual report and refer it to the Corporate Resources Overview and Scrutiny Committee on 3 April 2017 for consideration.

Recommendations

4. Cabinet is asked to
 - (i) Agree the Freedom of Information Annual Report for 2016 as set out in Appendix 1
 - (ii) Agree that the report is referred to the Corporate Resources Overview and Scrutiny Committee on 3 April 2017 for consideration.

For the following reason(s)

- (i) To have an effective and timely system for dealing with requests for information which ensures the Council is compliant with the relevant legislation.

Policy Context

1. The Freedom of Information Act (FOI) procedures support the principles set out in Vision 2030, the Council Plan and the Government's transparency agenda.

Background

2. The FOI procedures were introduced in January 2005 to ensure that the Council could meet its legal obligations under the Freedom of Information Act 2000.
3. To meet our e-government targets, FOI applications can be made online and payments, where required, can also be made by a variety of methods to increase customer options and satisfaction.
4. The procedures support the Government's transparency agenda, which aims to make councils more open about activities they undertake. Regulations came into force in October 2014 which made it mandatory for local authorities to publish transparency data either quarterly or annually depending on the type of data. Each set of data has differing publication requirements. A transparency page has been established on the Council's website so that the information required to be published can be accessed by members of the public from one site.
5. To ensure that expertise in information handling is available across the Council there are 55 trained information champions. This represents a decrease of 8 from last year due to officers leaving the Council. Two more information champions are due to leave by the end of March so training is in the process of being arranged for new information champion nominees.
6. There are 20 interactive training modules available for employees to use. These modules are accessed via the intranet and provide staff with training on Freedom of Information, Data Protection, Human Rights and Records Management.
7. Training materials for information champions and a detailed guidance manual for service directors are also available on the intranet.
8. Requests for information are logged on an electronic tracking system. This provides a full auditable trail of how to deal with requests and provides information champions with standard letter templates and management reports.
9. A separate appeals process, as required by the Act, is in place. Requesters can ask in writing for a review by the Strategic Director, Corporate Services and Governance. Following internal review there is a right of appeal to the Information Commissioner.

Number of requests for information

10. During the period 1 January 2016 to 31 December 2016, the Council received 1199 requests for information. This represents a 0.58% decrease on requests received the previous year and a 450.95% increase since the implementation of the Act in 2005.

11. The table below shows how Gateshead Council compares with other public authorities in the region.

Local Authority	2015	2016	% increase/decrease
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

Category of requests

12. The subject matter of requests varies considerably. Requesters often ask multiple questions which fall under more than one category of request, hence the difference in numbers of requests received and categories of request:-

Policy		29	
EIR		6	
Personal		1	
Councillor		0	
Staff		113	
Contracts		85	
Other		1041	

13. Requests are increasingly more complex with requesters often asking for a lot of information as part of a single request as well as the requesting information covering all three access to information regimes (FOI, Environmental Information Regulations and the Data Protection). Since January 2016 a lot of requests have

been focussed on traded services, particularly ICT services, services to schools, school meal provision and trading companies. The information requested about the Council's traded services, is around unit costs and the number of employees etc. performing the contracts.

14. The volume of requests we used to get in relation to business rates have decreased significantly because we now publish that information online.

Method of receipt of requests

E- Mail	1179
Letter	20

15. Most recipients prefer responses by e-mail. The FOI tracking system caters for that by allowing documents to be imported into the system in "read only" format, so that a full record of responses can be maintained. To comply with the Government's transparency agenda responses cannot be provided in PDF format. They must be provided in an open format which allows reuse.

Category of requester

16. Our data suggests that in 2016 most requests were from individuals or companies wanting contractual information, mainly in relation to traded services; rather than from the press, interns or campaign groups. It is not; however, always possible to identify the source of a request as the requester need only give a name and a return address, which can be an e-mail address.

Reviewed requests

17. If a requester is dissatisfied with a decision in relation to a request, they have a right to an internal review by the Strategic Director, Corporate Services and Governance. Four requesters have exercised this right in 2016. The original decision maker's decision was upheld in all four cases.
18. Following the internal review, if still unhappy, the requester has a right of appeal to the Information Commissioner. Two requesters exercised that right; no decisions have been made by the Information Commissioner.

Resolution of requests within target timescales

19. The Council has a statutory target timescale of 20 working days to respond to requests for information. Of the requests received in 2016 94.25% were dealt with within the 20 day timescale. This is less than a 0.1% decrease on last year's figure of 94.84%.

Actions to maintain performance

20. Services are now proactively publishing more information on the Council's website. If the information is published on the website it is exempt from disclosure under the Act as it is "information easily accessible by other means". Information champions are only required to send a requester the web page link to where the

information is held. It is further hoped that the information on the transparency pages will decrease the volume of requests coming in.

Consultation

21. No consultation has taken place on the preparation of this report.

Alternative Options

22. There are no alternative options – this activity is prescribed by statute.

Resources

- (a) **Financial implications** – The Strategic Director, Corporate Resources confirms that the costs arising from providing responses to FOI requests is accommodated from within existing resources. Most of the costs are associated with officer time in collecting the information and co-ordinating responses. Current regulations only allow for charging for photocopying and disbursements such as postage and packing. Currently no charge is made for requests where this cost would be less than £10. Legislation does not require requests to be complied with if they exceed the cost limit of £450. In order to determine whether a request would cost more than £450 the Fees Regulations permit us to use an hourly rate of £25 per hour which equates to 18 hours of officer time. Cabinet determined in 2005 that, given the resource implications, no requests costing more than £450 would be processed. Assistance is, however, given to requesters to reformulate their request so that it falls under the costs limit.
- (b) **Human Resource Implications** – The Council must ensure that sufficient information champions are trained in each service to respond to requests within timescales. This has been achieved from within existing resources.
- (c) **Property Implications** – There are no property implications arising out of this report
23. **Risk Management Implications** – There are now 55 information champions trained to deal with requests as well as support provided centrally from the Information Rights Officer.
24. **Equality and Diversity Implications** - The FOI procedure contributes to the implementation of the Council's Equal Opportunities Policy.
25. **Crime and Disorder Implications** - There are no crime and disorder implications arising out of this report.
26. **Health Implications** - There are no health implications arising out of this report.
27. **Sustainability Implications** - There are no sustainability implications arising out of this report.
28. **Human Rights Implications** - There may be human rights implications in releasing certain information in response to requests. Therefore, having a

formalised procedure for dealing with requests and comprehensive guidance manuals for employees to refer to will assist the Council to carry out its duties under the Human Rights Act 1998.

29. **Area and Ward Implications** - There are no ward implications arising out of this report.

Background Information

30. Not applicable.

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PLAN REF: