

TITLE OF REPORT: Annual Report – Freedom of Information Act Procedure 2017

REPORT OF: Mike Barker, Strategy 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 2017 to 31 December 2017. 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 12th annual report relating to requests received under the Freedom of Information Act 2000 and covers the period 1 January 2017 to 31 December 2017. 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 2017 to 31 December 2017 the number of requests received was 1617, which represents a 34.7% increase on requests received in the previous year and a 685.78% increase since the implementation of the Act in 2005.

6. Of the requests received 90.48% were dealt with within the 20 day timescale. This represents a decrease of 3.77% in performance on the 2016 figure of 94.25%, but is still high among other councils. South Tyneside 76.25%, Durham 71.65%, North Tyneside 96.97%, Northumberland 91.74% and Redcar and Cleveland 87.30%.
7. Two requests were subject to internal review. The original decision maker's decision was upheld in both two cases.
8. Two requesters have exercised the right of appeal to the Information Commissioner. The Information Commissioner upheld our decision to withhold information. One related to pre planning application advice and another to a prosecution case.
9. The table below details how many requests have been received by Gateshead Council and its neighbouring authorities in 2017:-

Local Authority	2016	2017	%increase/decrease
Gateshead	1200	1617	34.75% increase
Redcar & Cleveland	1459	1092	25.15% decrease
North Tyneside	1251	1255	0.31% increase
Northumberland	1397	1309	6.29% decrease
South Tyneside	1118	1234	10.37% increase

10. Most requests come in by email now, 1605 by email 12 by letter.
11. Requests for information vary considerably and are difficult to categorise. We receive a lot about procurement and contracts, some environmental information requests, some asking for information about staff, some asking for policies and information about how decisions have been made. We received none about Elected Members. 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, particularly in relation to ICT contracts and contracts pertaining to services we offer as traded services as well as information about sickness levels.
13. In 2017 requests appeared to be fairly even from individual companies and the press. 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. 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:-
 - (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 March 2018 to replace staff who have left.

Recommendation

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

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