

27 JUNE 2016

TITLE OF REPORT: Annual Report – Freedom of Information Act Procedure 2015

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 2015 to 31 December 2015. 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 tenth annual report relating to requests received under the Freedom of Information Act 2000 and covers the period 1 January 2015 to 31 December 2015. 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 2015 to 31 December 2015 the number of requests received was 1206, which represents an 8.16% increase on requests received in the previous year and a 453.21% increase since the implementation of the Act in 2005.
7. Of the requests received 94.84% were dealt with within the 20 day timescale. This represents a decrease of 0.1% in performance on the 2014 figure of 95.53%.
8. Eight requests were subject to internal review. The original decision maker's decision was upheld in all eight cases.
9. One requester has exercised his right of appeal to the Information Commissioner. The Information Commissioner has not yet determined the appeal.
10. The table below details how many requests have been received by Gateshead Council and its neighbouring authorities in 2015:-

Local Authority	2015	2014	% increase/decrease
GATESHEAD	1206	1115	+ 8.16%
REDCAR & CLEVELAND	995	1441	-30.95%
NORTH TYNESIDE	1323	1147	+15.34%
NORTHUMBERLAND	1399	1519	-7.89%
MIDDLESBROUGH		1161	
SUNDERLAND	1320	1255	+5.17
NEWCASTLE	1371	1285	+6.69%
SOUTH TYNESIDE	1133	No comparable data	

Issues

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

Service	% dealt with in 20 working days
Care Wellbeing and Learning	79%
Corporate Resources	90.69%
Communities and Environment	87.25%
GHC	68.75%
Corporate Services and Governance	89.52%
Chief Executives	100%

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 been received about outstanding business rates, who owes the money etc. A number of requests have focused on the use of social work agency staff and information has been sought about Council contracts, particularly in relation to ICT contracts and contracts pertaining to services we offer as traded services. As the roll out of the 20 mile an hour zones has progressed a number of requests have been about the decision making process. As expected every year requests are received about trips and slips, trips abroad and Councillors' expenses.
14. In 2015 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. Information published on line is exempt from disclosure under the Act as it is 'information easily accessible by other means'. It is only necessary to send the requester a link to where they can obtain the information.
 - Published data as required by the 'Transparency Agenda'
 - Trained more information champions

Recommendation

16. 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