

East Renfrewshire Council - Freedom of Information(FOI) Annual report

Posted by RM64 - 14 Aug 2021 09:26

This is a text transcript of report.

You can read the actual report from Council Website here -

www.eastrenfrewshire.gov.uk/media/5883/C...m=637643792808100000

EAST RENFREWSHIRE COUNCIL

CABINET 26 August 2021

Report by Chief Executive

FREEDOM OF INFORMATION - COUNCIL PERFORMANCE 2020-21

PURPOSE OF REPORT

1. The purpose of this report is to present the annual statistical report on the Council's performance in dealing with Freedom of Information requests.

RECOMMENDATION

2. It is recommended that Cabinet notes the contents of this report.

BACKGROUND

3. Freedom of Information provides a statutory right of access to information held by Scottish public authorities.

4. Statistical reports on how the Council has dealt with information requests have been produced on an annual basis since the Freedom of Information (Scotland) Act 2002 came into force in 2005.

REPORT

5. The Council received 1012 requests received during this period, 821 under Fol(S)A and 191 under the related Environmental Information Regulations (Scotland).6.

The Covid-19 pandemic had an impact on performance in terms of ensuring that statutory timescales were met, especially during the 1st quarter of the year.

7. The report details Council and departmental performance in responding to these requests, and summarises the use of exemptions, reviews and appeals.

PUBLICATION

8. This report and appendix will be published on the Council's website.

FINANCE AND EFFICIENCY

9. There are no particular financial implications arising from this report.

IMPLICATIONS OF REPORT

10. As this report is primarily a performance update, there are no particular implications in terms of staffing, property, legal, IT, equalities or sustainability.

RECOMMENDATION

11. It is recommended that the Cabinet notes the contents of this report.

Lorraine McMillan, Chief Executive, 0141 577 3009

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Further information can be obtained from Craig Geddes, Senior Information and Improvement Officer on 0141 577 3059 or by email at

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Cabinet contact: Councillor Tony Buchanan, Leader of the Council

Email;

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Tel. 07976 360398 (Mobile)

East Renfrewshire Council

Freedom of Information

Report on information requests received 2020-2021

Contents:

- 1 Introduction
- 2 Volume of requests
- 3 Nature of requests
- 4 Performance
- 5 Exemptions
- 6 Fees

7 Reviews

8 Conclusion

1 Introduction

This report considers the volume of information requests received in the period 1st April 2020 to 31st March 2021 and details performance across East Renfrewshire Council in processing these requests.

It also considers the use of exemptions, fees, reviews and appeals.

The Freedom of Information (FoI) (Scotland) Act 2002 and the associated Environmental Information Regulations (EIR) 2004 provide a statutory right of access to information held by Scottish public authorities. FoI encourages openness and accountability and helps to build trust between the Council and the public that we serve.

2 Volume of requests

East Renfrewshire Council (including the HSCP) received 1,012 requests, compared to 1,257 received in the previous year.

As detailed in figure 1 below this figure represents a decrease of 19% on the total for the previous year. This total comprised 821 requests under the Freedom of Information (Scotland) Act 2002 and 191 under the Environmental Information Regulations (Scotland) 2004.

2005 - 277

2006 - 302

2007 - 269

2008 - 390

2009 - 605

2010 - 640

2011 - 689

2012 - 802

2013 - 923

2014 - 1024

2015 - 1011

2016 - 1182

2017 - 1296

2018/19 - 1463

2019/20 - 1257

2020/21 - 1012

Figure 1 N.B: the figures up to 2017 are calendar years; those for 18-19 onwards are financial years reflecting a change in the reporting period

3 Nature of requests

Requests have been received from a broad range of sources, as illustrated in Figure 2. (Previous year's figures are given in brackets).

Individual - 60% (57%)

Business - 18 % (16%)

Media - 7% (12%)

MP / MSP / Elected Member - 6% (8%)

Community & Campaign Groups - 7% (6%)

Public Authorities - 1% (1%)

Figure 2 Note:

- These figures are indicative only. In particular, it is likely that “individual” will

contain a number of applicants who could instead have been recorded under another heading.

The geographical origin of requests (excluding 41% “unknown”) is noted at Figure 3 below. (Previous year’s figures are given in brackets).

East Renfrewshire 25% (18%)

outwith East Renfrewshire, within Scotland 39% (48%)

outwith Scotland, within UK 36% (34%)

outwith UK 0% (0%)

Figure 3

4 Performance 80% of requests were answered within the statutory 20 working day timescale during the period of this report, and the average response time was 15.1 working days.

These figures, with comparisons from previous years, are given in Figure 4.

Details of performance for individual departments for 2020/2021 are detailed in Figure 5.

FoI performance: Council-wide

Percentage of requests answered within timescale

2016 - 85%

2017 - 85%

2018-19 - 85%

2019-20 - 82%

2020-21 - 80%

Average response time (in working days)

2016 - 13.3

2017 - 13.1

2018-19 - 12.3

2019-20 - 13.7

2020-21 - 15.1

Number of “Failed to respond”

2016 - 9

2017 - 3

2018-19 - 27

2019-20 - 46

2020-21 - 18

Figure 4

Fol performance: by department

Chief Executives Office

Number of requests - 79

Percentage of requests answered within timescale(20 working days) - 94%

Average response time (working days) - 11

Number of "failed to respond" - 0

Coprporate & Community services

Number of requests - 229

Percentage of requests answered within timescale(20 working days) - 84%

Average response time (working days) - 16

Number of "failed to respond" - 0

Education Department

Number of requests - 139

Percentage of requests answered within timescale(20 working days) - 83%

Average response time (working days) - 15

Number of "failed to respond" - 0

Environment Department

Number of requests - 399

Percentage of requests answered within timescale(20 working days) - 76%

Average response time (working days) - 15

Number of "failed to respond" - 8

HSCP

Number of requests - 121

Percentage of requests answered within timescale(20 working days) - 73%

Average response time (working days) - 19

Number of "failed to respond" - 10

Cross Departmental

Number of requests - 45

Percentage of requests answered within timescale(20 working days) - 89%

Average response time (working days) - 10

Number of "failed to respond" - 0

Figure 5

The impact of coronavirus on staff workload and related working from home have certainly had an impact on performance, especially in the first quarter of the year.

5 Exemptions

The majority of requests (83%) resulted in full disclosure of the information sought, with partial disclosures in a further 11% of requests (the same figures as for 2019-20).

However, certain information is exempt from disclosure under the legislation. Fol exemptions and EIR exceptions applied, in order of frequency of use, are detailed in Figure 6. It should be noted that most "refusals" are "refused" only because the information sought is not held or because it is otherwise available.

Exemptions/Exceptions cited Number of times cited

S.25, Reg.6(1)b Information otherwise available - 82

S.17, Reg.10(4)a Information not held - 50

S.38, Reg.11 Personal information - 17

S.33, Reg.10(5)e Commercial interests and the economy - 8

S.12 Excessive cost of compliance - 2

S.39 Health and Safety - 2

S.35, Reg.10(5)b Law Enforcement - 2

Reg. 10(5)f Interests of the supplier of the information - 2

S.36 (2), Reg.10(5)d Confidentiality - 1

S14 (1), Reg. 10(4)b Vexatious/manifestly unreasonable - 1

S.26 Statutory Prohibition - 1

S.34 Investigations - 1

Reg. 10(4)c Request formulated in too general a manner - 1

S.27 Future publication - 1

Figure 6 Note:

- There have been a number of occasions on which more than one exemption was applied. The total number of exemptions noted, therefore, does not correspond with the total number of requests to which an exemption was applied

6 Fees

The Freedom of Information (Scotland) Act 2002 makes limited provision for refusing requests which incur an excessive cost, and for partially recharging those that would cost the authority more than £100.00 to process. The Environmental Information Regulations allows for the full recharge of the cost of dealing with requests.

During the period of this report, the Council refused 2 requests on the grounds that answering them would exceed the statutory cost ceiling and 2 fee notices were issued, neither of which were paid.

7 Reviews and Appeals

Of the 1,012 information requests received, the applicant formally asked the Council to review its decision on 17 occasions. These reviews were determined as detailed in Figure 7.

Requests for reviews 2020/21

Number of requests for reviews 17

...of which the review upheld the Council's original decision: 9

...of which the review partially upheld the original decision: 1

...of which the review overturned the Council's original decision: 2

...withdrawn by the applicant or void 0

...unresolved at the time of report 5

Figure 7

8 Conclusion

Freedom of Information remains an important element of East Renfrewshire Council's commitment to transparency and accountability. Performance has undoubtedly been impacted by the Covid-19 pandemic, especially in the first quarter of 2020-21, but it is hoped that ongoing work on policy, procedures, training and systems can improve both the customer experience and the Council's performance.

Report Author: Craig Geddes,

Senior Information and Improvement Officer

May 2021

=====

Re: East Renfrewshire Council - Freedom of Information(FOI) Annual report

Posted by RM64 - 08 Sep 2021 16:13

Sent: 06 September 2021 12:02

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

>

Subject: RE: Freedom of Information Annual Report 2020/21

Sorry, but I've just now found the time to view the 26 August cabinet meeting and the FOI Annual Report agenda item.

Again, it was good to actually see you !

Your statement was appreciated

- 'The Council has always been committed to the idea of Freedom of Information. It's important to remind officers.....that there is a real value in terms of demonstrating our commitment to openness and accountability...'

However, Councillors Buchanan and Bamforth still have a fixation on identifying names of who makes FOI requests and and their locations.

Would appreciate your help in answering below as I have always given my name and address when making an FOI request.

However it would appear the FOI On line request form has changed ?

Can you confirm that the Current on line form does actually only require the Requester to give

First name, last name, organisation and email address if you wish to be contacted via email

and that this information is collected and saved.

Presume the requester could give a false name/pseudonym etc?

and false organisation?

Is there a check carried out on the First name, last name given?

and on organisation?

As there would appear to be now no where to give the following information when making FOI request -

Individual

Business

Media

MP / MSP / Elected Member

Community & Campaign Groups

Public Authorities

and

“unknown”

East Renfrewshire

outwith East Renfrewshire, within Scotland

outwith Scotland, within UK

outwith UK

would appreciate if you can give details to how the above information is derived from and collected for publication.

Your help is appreciated.

Thanks

----- Original Message -----

From:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

>

Sent: Wednesday, 8 Sep, 2021 At 10:16

Subject: RE: Freedom of Information Annual Report 2020/21

Thanks for your comments below.

In answer to your questions:

The online form has indeed changed.

This is part of the broader change from LAGAN to GOSS, our new Customer Relationship Management System.

The hope is that this will provide a better experience for anyone interacting with relevant services and that it will make the back-office work more streamlined and efficient.

On making an FoI request, the system only requires a name, a contact and details of the information requested.

The requestor could indeed give a pseudonym, although it would technically not then be a valid request as it is a requirement of the FoISA that the real name of an applicant is given.

There is no requirement to give details of an organisation.

There are no checks carried out on these details; unless there was a particular reason to presume that false details had been submitted the request would simply be processed on the basis of the information submitted.

On the “type” and “location” of requestors, this was previously done for statistical purposes to give an idea of the origin of requests for the annual report.

If an applicant gave an address or indicated in which capacity they were making a request, this would be recorded.

If not, they would simply be marked as “individual” and location “unknown”.

On reassessing the information that we collect when establishing the new GOSS system, however, I felt that any benefit in collecting this information did not justify the extra time required to enter, record and collate it.

Also, with a higher proportion of requests coming through the online system

- and therefore less contextual information that would usually be associated with an email or letter –

the accuracy of any such analysis would be less valid.

This information is therefore no longer being collected and so will not be reported on in future reports.

I hope that that answers your questions

Yours

=====