

PERTH AND KINROSS COUNCIL

Scrutiny and Performance Committee

21 September 2022

FOI PERFORMANCE REPORT 2021-22

Head of Legal and Governance Services
(Report No. 22/229)

1. PURPOSE

- 1.1 This report describes the Council's performance in relation to its obligations under the Freedom of Information (Scotland) Act 2002 (FOISA) and Environmental Information (Scotland) Regulations 2004 (EIR) for the year 2021-22.
- 1.2 The report also provides an overview of some of the Council's other information-related activities.

2. RECOMMENDATIONS	
2.1	<p>It is recommended that the Committee:</p> <ul style="list-style-type: none">i. Considers the content of this report and provides constructive comment and feedbackii. Notes that performance is improving and back in line with pre-pandemic levelsiii. Notes that the number of requests for review remain a very small percentage of requests received indicating good levels of customer satisfaction in terms of the quality of responses and the effectiveness of the process.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4:
 - Section 5: Proposals
 - Section 6: Conclusion
 - Appendices

4. BACKGROUND / MAIN ISSUES

Executive summary

- 4.1 The number of requests in 2021-22 increased by 13% from the preceding year. The period which experienced the biggest increase in numbers was Quarter 1
- 4.2 The Council's target for responding to Freedom of Information (FOI) requests within statutory timescales is 95%. In years prior to the Covid 19 pandemic this target was usually met or exceeded. In 2021-22, 88% of requests were responded to on time. This reduction in performance was attributable to staff changes in the Information Governance team, the challenges of changing work practices due to Covid-19 and the redeployment of Council resources continuing to be directed towards its response to the pandemic.
- 4.3 The number of requests for review equated to approximately 2% of the total number received which would indicate good levels of customer satisfaction in terms of the quality the Council's responses and the effectiveness of our process.

Performance

- 4.4 During 2021-22, the Council received 1365 requests for information under FOISA. This an increase of 13% on the number of requests received during 2020-21.
- 4.5 The largest increase was during Quarter 1, when 45% more requests were received than during the corresponding period in 2020-21. It is noted that there was a reduction in FOI requests received across all sectors during the first period of Covid 19 restrictions.

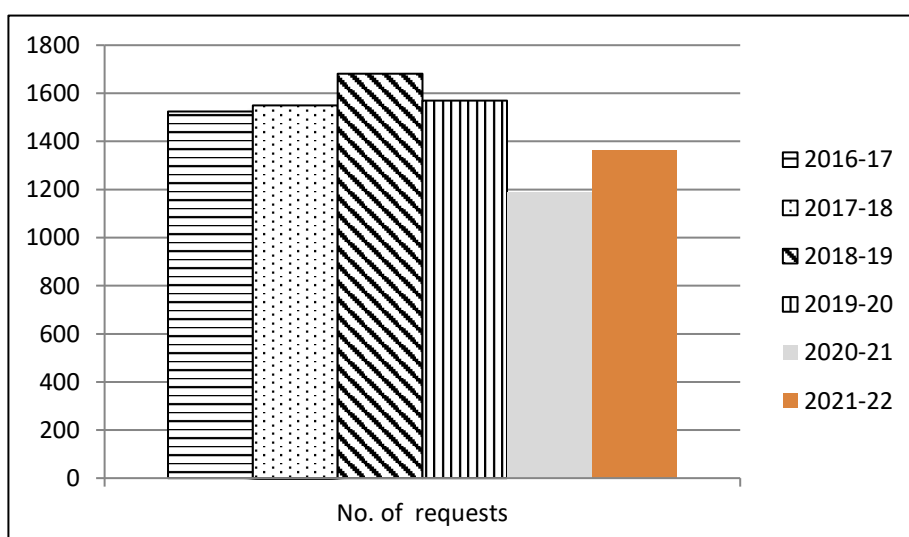


Figure 1 – Number of requests for information under FOISA/EIRs

4.6 Of the 1365 requests received

- 15 were subsequently rejected when no clarification was received from the requestor; and
- 16 were withdrawn by the applicant.

4.7 Of the 1365 requests received, 301 were processed under the EIRs

4.8 Figure 2 below shows the number of FOISA/EIRs requests received in the year, broken down by month.

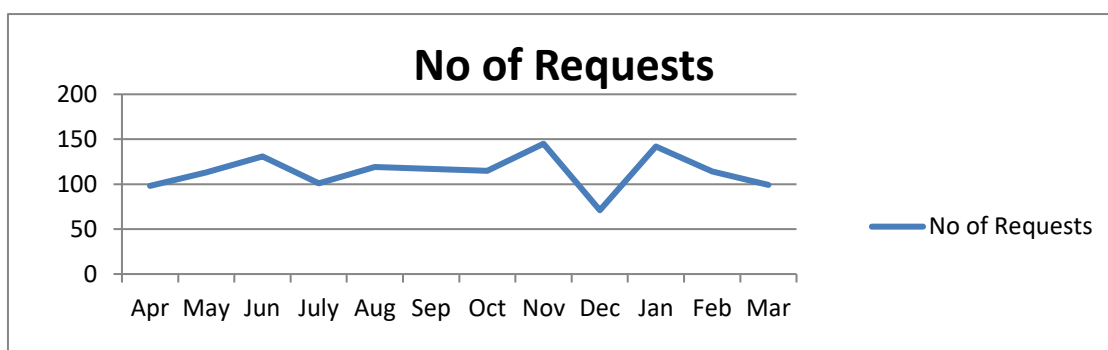


Figure 2 – Number of requests April 2021 to March 2022 by month

4.9 Analysing the requests received based on the type of applicant shows the highest single group making requests are members of the general public. During 2021-22, 1132 (or 83%) of the requests received were from members of the public. This represents an increase of 29% from 2020-21. A breakdown is illustrated at Figure 3 below:

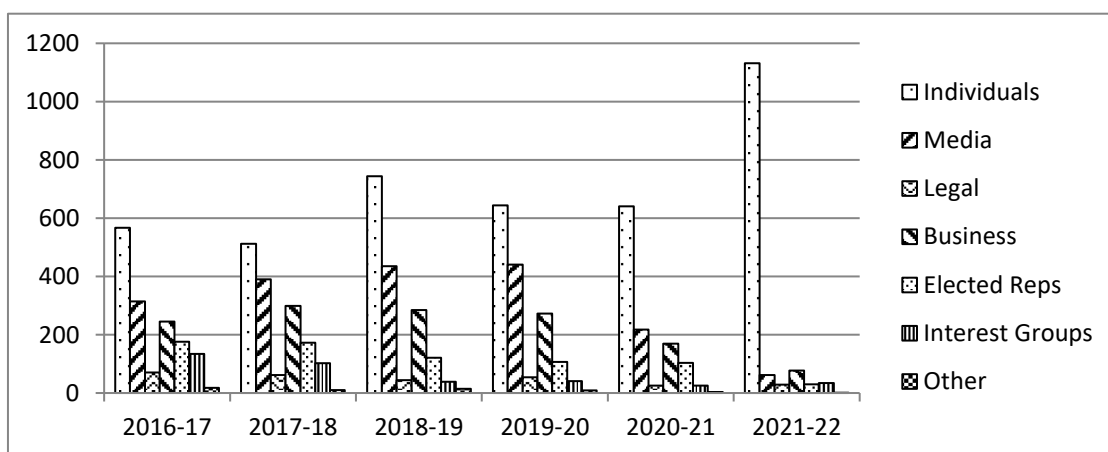


Figure 3 – Summary of type of applicant

4.10 In the course of the year, the Council may receive several requests from the same requestor. During the year 2021-22, requests were made by 1365 requestors. The number of requests is broken down as follows:

- 1206 requestors each made a single request for information

- 7 requestors made more than 10 requests for information, totalling 98 requests. One requestor made 38 requests for information.
- 4.11 There was a 72% reduction in the number of requests received from the media during 2021-22, when compared to 2020-21. There was a smaller, but still significant reduction of 54% in the number of requests received from businesses.

Performance Monitoring

- 4.12 The Council's target for responding to requests within statutory timescales is 95%. During 2021-22, 88% of requests were completed within timescales. Performance was impacted by Services' ability to respond to requests for information, particularly during Quarters 1-3 of 2021-22. Recruitment of staff to the Information Governance team also impacted performance during this period. Given the scale of the Council's response to the pandemic and the changes to working arrangements throughout the organisation, this performance is considered to be creditable and a reflection of the importance the Council has placed on maintaining transparency during the pandemic.
- 4.13 While there was a reduction in performance when compared to the Council's target, there was a 10% improvement on 2020-21. This is continuing to improve in 2022-23.
- 4.14 Of the 1365 valid requests for information received by the Council during 2021-22:-
- 510 (37%) requests were satisfied in full
 - 436 (32%) requests were satisfied in part
 - 419 (31%) requests resulted in no information being issued
- 4.15 Where information was not provided to requestors, 22 requests were refused completely or in part on the grounds of excessive cost.

Reviews and Appeals

- 4.16 The Council received 33 requests to review its decision (complaints about the original response to FOI requests received during 2021-22), which represents 2% of the total requests received. A breakdown of the relevant review data is contained in Figure 4:-

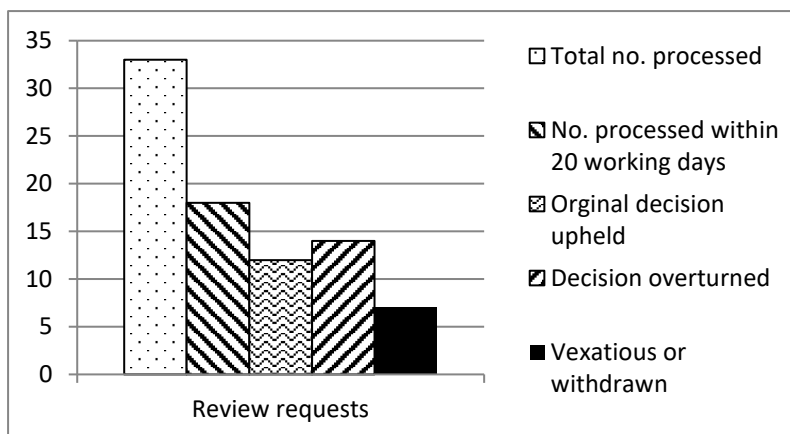


Figure 1 – Summary of request for reviews

- 4.17 15 reviews were responded to outside of the statutory 20 working days deadline (1% of the total number of requests for information received). It is noted that the majority of these reviews were submitted by one requestor in the first Quarter of 2021-22. Given the importance of the subject matter to the requestor and the limited resources in the Information Governance team, the decision was made to deal with these requests for review sequentially to ensure the response to each review was accurate and comprehensive. This affected performance in this area; it should be noted that no responses to reviews have been late during 2022-23 to date.
- 4.18 During 2021-22, the Scottish Information Commissioner did not issue any decisions on appeals following reviews carried out during 2020-21. One appeal to the Scottish Information Commissioner is currently under investigation.

5. CONCLUSION

- 5.1 The number of requests in 2021-22 increased by 13% from the preceding year.
- 5.2 The continued need for the Council to direct resources in response to the Covid-19 pandemic did affect performance in the earlier part of 2021-22 however performance improved in the latter quarters of the period , and continues to do so.
- 5.3 The number of requests for review remain a small percentage of the total number received which would indicate good levels of customer satisfaction in terms of the quality the Council's responses and the effectiveness of our process.
- 5.4 The number of appeals to the Office of the Scottish Information Commissioner remains extremely low. Of those referred, none have resulted in any directions being issued, which again provides assurance to the Committee as to the robustness of the process.

6. APPENDICES

Not applicable.

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Approved

Name	Designation	Date
Lisa Simpson	Head of Legal & Governance	29 August 2022

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	None
Single Outcome Agreement	None
Strategic Plan	None
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IT)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 Not applicable.

Corporate Plan

1.2 Not applicable.

2. Resource Implications

Financial

2.1 Not applicable.

Workforce

2.2 Not applicable.

Asset Management (land, property, IT)

2.3 The Head of Finance and Support Services, Housing and Community Care has been consulted and has indicated agreement with the report.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Not applicable.

Legal and Governance

- 3.4 Part of the Governance framework.

Risk

- 3.5 Not applicable

4. Consultation

Internal

- 4.1 None

External

- 4.2 None.

5. Communication

- 5.1 None.

2. BACKGROUND PAPERS

None.

3. APPENDICES

None.