

# **PERTH AND KINROSS COUNCIL**

## **Scrutiny and Performance Committee**

**13 September 2023**

### **FOI PERFORMANCE REPORT 2022-23**

#### **Head of Legal and Governance Services (Report No. 23/246)**

## **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 2022-23.
- 1.2 The report also provides an overview of some of the Council's other information-related activities.

## **2. RECOMMENDATIONS**

- 2.1 It is recommended that the Committee:
  - i. Considers the content of this report and provides constructive comment and feedback.
  - ii. Notes that performance is improving and is back in line with pre-pandemic levels.
  - iii. Notes that the number of requests for review remains 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: Background/Main Issues
  - Section 5: Proposals
  - Section 6: Conclusion
  - Appendices

## **4. BACKGROUND / MAIN ISSUES**

### **Executive summary**

- 4.1 The number of requests in 2022-23 increased by 15% from the preceding year. The period which experienced the biggest increase in numbers was Quarter 4.

4.2 The Council's target for responding to FOI requests within statutory timescales is 95%. In 2022-23, 93% of requests were responded to on time. This represents a 5% improvement in performance on what was achieved during 2021-22.

4.3 The number of requests for review represents 2% of the total number of requests received, which indicates good levels of customer satisfaction in terms of the quality the Council's responses and the effectiveness of our process.

### Performance

4.4 During 2022-23, the Council received 1573 requests for information under FOISA. This is an increase of 15% on the number of requests received during 2021-22 and represents a return to pre-pandemic levels.

4.5 The largest increase was during Quarter 4, when 29% more requests were received than during the corresponding period in 2021-22.

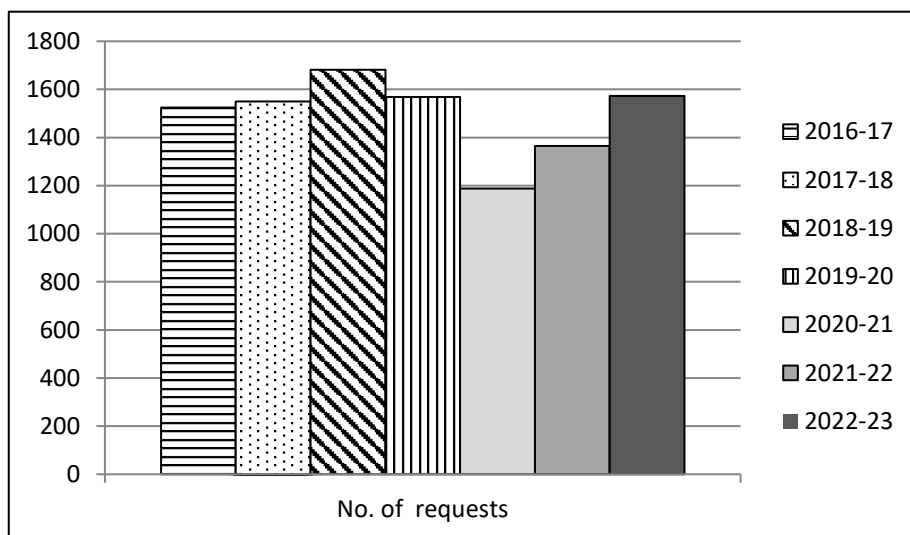


Figure 1 – Number of requests for information under FOISA/EIRs

4.6 Of the 1573 requests received: -

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- 28 were withdrawn by the applicant.

4.7 Of the 1573 requests received, 203 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.

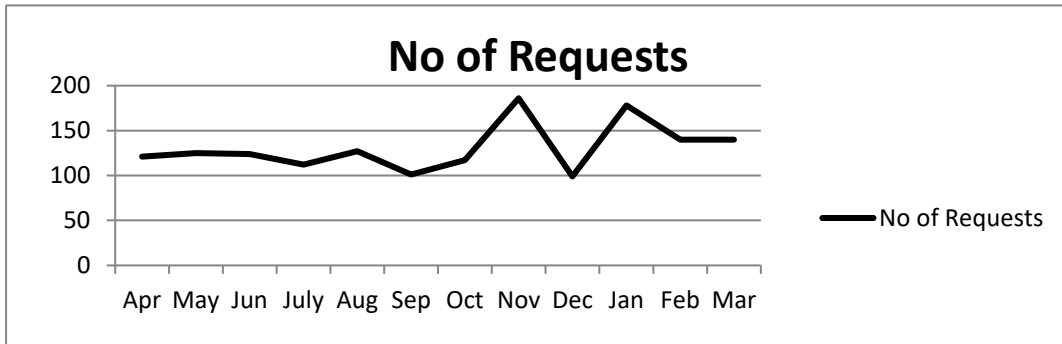


Figure 2 – Number of requests April 2022 to March 2023 by month

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 2022-23, 812 (or 48%) of the requests received were from members of the public; this represents a decrease of 29% on 2021-22.

There has been a significant increase in requests received from Elected Representatives and Interest Groups.

During 2022-23, 232 (or 14%) of the requests received were from Elected Representatives; this represents an increase of 77% on 2021-22, when 30 requests were received.

During 2022-23, 113 (or 7%) of the requests were received from Interest Groups (groups seeking to influence public policy or promote particular causes); this represents an increase of 30% from 2021-22, when 34 requests were received. A breakdown is illustrated at Figure 3 below:

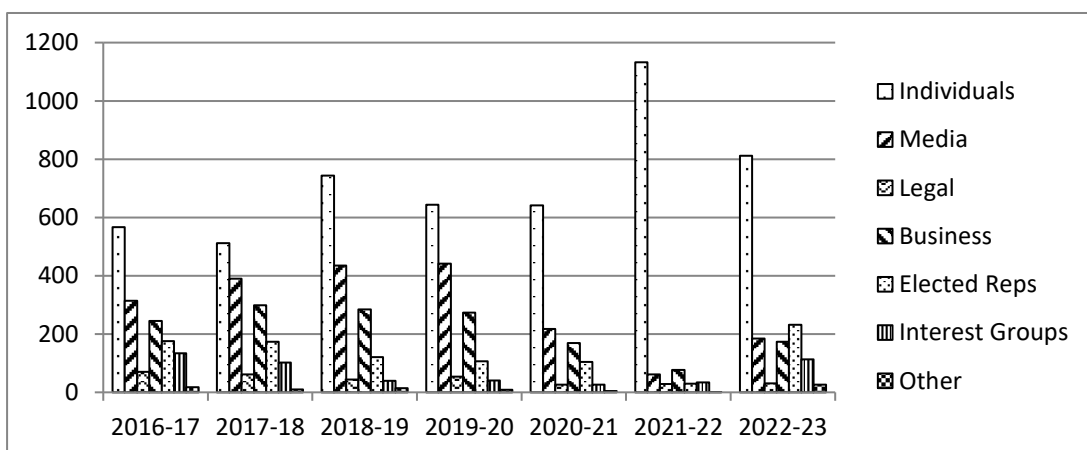


Figure 3- Summary of type of applicant.

4.10 In the course of the year, the Council may receive several requests from the same requestor. During the year 2022-23, requests were made by 1014 requestors. The number of requests is broken down as follows: -

- 827 requestors each made a single request for information;
- 177 requestors made 2 to 10 requests for information; and

- 10 requestors made more than 10 requests for information, totalling 242 requests. One requestor made 67 requests for information.

4.11 There was a 198% increase in the number of requests received from the media during 2022-23 (185 requests) when compared to 2021-22. During 2021-22, an unusually low number of requests from the media were received (62); this may have been because of a different news agenda during the Covid 19 pandemic.

### **Performance Monitoring**

4.12 The Council's target for responding to requests within statutory timescales is 95%. During 2022-23, 93% of requests were completed within timescales.

4.13 While this is lower than the Council's target, there was a 5% improvement in performance in comparison to 2021-22. Workload pressures across the organisation have had an impact on the time taken to collate information to provide to the Information Rights team for processing and release.

4.14 Of the 1573 valid requests for information received by the Council during 2022-23: -

- 688 (44%) requests were satisfied in full (all the information requested was held by the Council and could be released without redaction of e.g., personal information)
- 486 (31%) requests were satisfied in part
- 399 (25%) requests resulted in no information being issued.

4.15 Where information was not provided to requestors, 15 requests were refused completely or in part on the grounds of excessive cost.

4.16 In almost all other cases where no information was issued, this was because either the Council did not hold the information, it was publicly available, or it consisted of personal information which cannot be released under Freedom of Information legislation.

4.17 A new case management system for recording, processing and reporting on information requests more efficiently will come into use in August 2023.

### **Reviews and Appeals**

4.18 The Council received 31 requests to review its decision (complaints about the original response to FOI requests received during 2022-23), which represents 2% of the total requests received. A breakdown of the relevant review data is contained in Figure 4: -

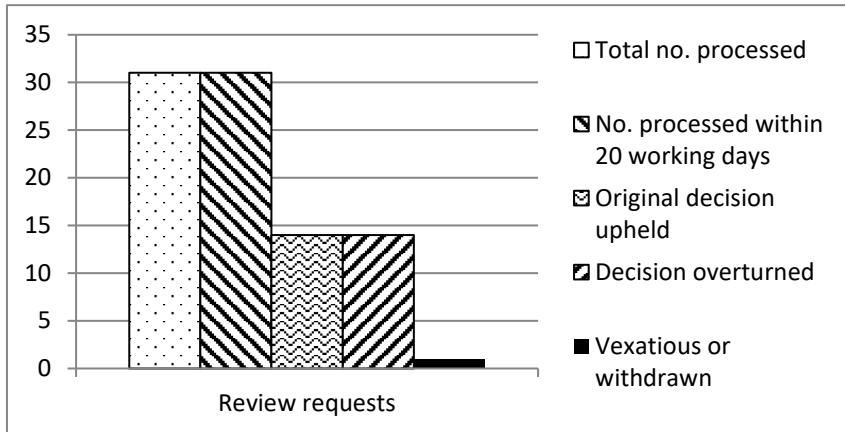


Figure 1 – Summary of request for reviews

4.19 All requests for reviews were responded to within the statutory 20 working days deadline.

4.20 During 2022-23, there were two appeals to the Scottish Information Commissioner following reviews carried out during 2021-22. In both cases, the applicants withdrew their appeals before a decision was issued by the Commissioner. There is currently one appeal under investigation by the Scottish Information Commissioner.

## 5. CONCLUSION

5.1 The number of requests in 2022-23 increased by 15% from the preceding year.

5.2 The Council's performance in responding to information requests within statutory timescales improved by 5% during 2022-23.

5.3 The number of requests for review remains 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.

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### Approved

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## ANNEX

### 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	n/a
Corporate Plan	n/a
<b>Resource Implications</b>	<b>n/a</b>
Financial	n/a
Workforce	n/a
Asset Management (land, property, IST)	n/a
<b>Assessments</b>	<b>n/a</b>
Equality Impact Assessment	n/a
Strategic Environmental Assessment	n/a
Sustainability (community, economic, environmental)	n/a
Legal and Governance	n/a
Risk	n/a
<b>Consultation</b>	<b>n/a</b>
Internal	n/a
External	n/a
<b>Communication</b>	<b>n/a</b>
Communications Plan	n/a

#### 1. Strategic Implications

Not applicable.

#### 2. Resource Implications

Not applicable.

#### 3. Assessments

- Equality Impact Assessment – not applicable
- Strategic Environmental Assessment – not applicable
- Sustainability – not applicable
- Legal and Governance – not applicable
- Risk – not applicable

#### 4. Consultation

Not applicable.

#### 5. Communication

Not applicable.

**2. BACKGROUND PAPERS**

None.

**3. APPENDICES**

None.