

PERTH AND KINROSS COUNCIL

Scrutiny Committee

15 June 2016

FOI Performance Report 2015

Head of Legal & Governance Services

PURPOSE OF REPORT

This report provides the Committee with an overview of the Council's performance in relation to requests for information under the Freedom of Information (Scotland) Act 2002 for the year 2015. This information is currently reported annually on the basis of calendar year.

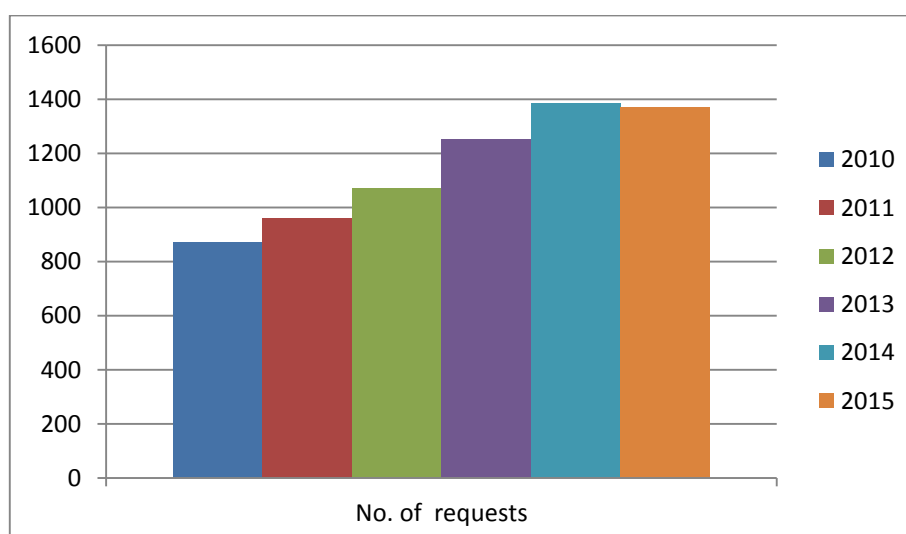
1. BACKGROUND

- 1.1 The Freedom of Information (Scotland) Act 2002 was fully implemented in January 2005 and established a general public right of access to all information held by Scottish public authorities.

It has been agreed that the Council's performance should be reported annually to the Executive Officer Team and the Scrutiny Committee.

2 CONTEXT: REQUESTS RECEIVED

- 2.1 During 2015, the Council received 1368 requests for information under the FOI(S)A 2002. This represents a slight decrease of 1.2% from 2014.

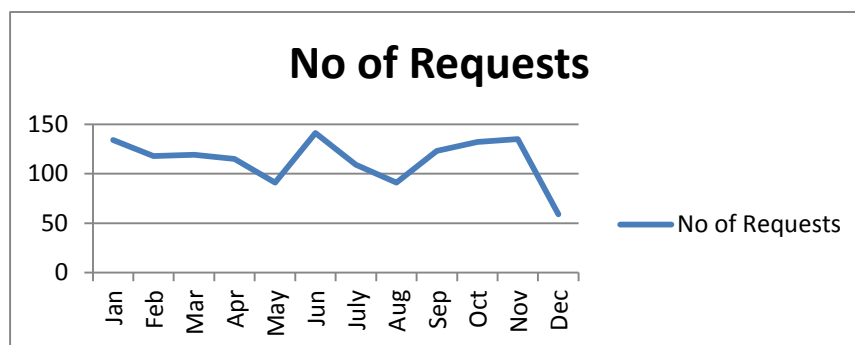


2.2 Of the 1368 requests received: -

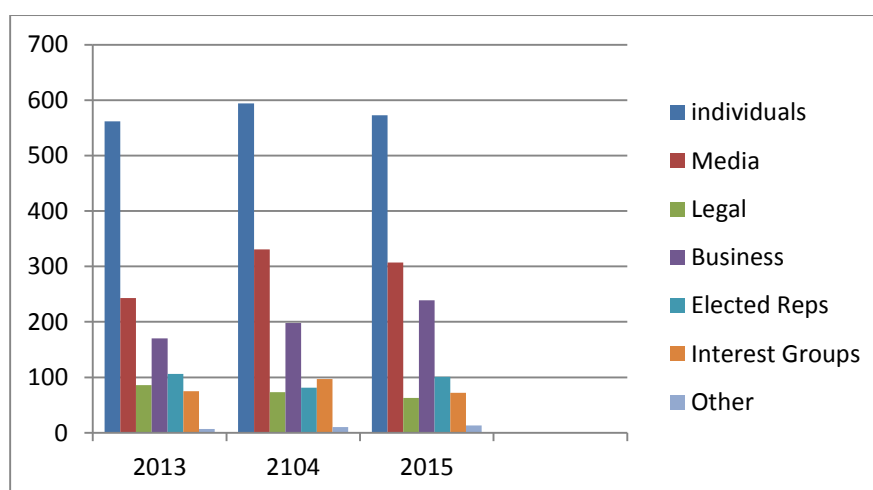
- 22 were subsequently rejected when clarification was not received from the applicant ; and
- 15 were withdrawn by the applicant.

Of the 1368 information requests, 206 were processed under the Environmental Information (S) Regulations.

The table below shows the number of FOI(S)A / EIR requests received in 2015 broken down by month.



2.3 Analysing the requests based on the type of applicant shows that most requests by a significant amount are received from the general public.



2.4 During the year requests were received from 786 different requesters with the majority (605) making a single request. The remainder were broken down as follows:-

- 171 requesters (making <10 requests) accounted for 514 requests
- 1 individual accounted for 40 requests
- 5 media organisations accounted for 122 requests
- 3 businesses accounted for 69 requests
- 1 legal firm accounted for 18 requests

2.5 The subject matter of the requests was wide and varied and did not identify any particular theme or issue. Where requests for the same or similar information are identified by the FOI team, Services are notified and encouraged to make this information available on the website.

3 PERFORMANCE

3.1 Of the 1331 valid requests made, the processing time was as follows: -

≤ 20 working days	21-25 working days	26-30 working days	> 30 working days
1288 (96.9%)	17 (1.2%)	19 (1.4%)	7 (0.5%)

3.2 The figure for completion within the statutory timescale is above the Council's target of 95% and represents a small improvement on the 2014 figure of 96.5%

3.3 Reasons for delays in processing times were primarily due to the complexity and volume of the information requested, or unavailability of relevant staff to provide the information (e.g. school information requested during school holiday periods).

Of the 1331 valid requests processed: -

- 599 requests (45%) were satisfied in full
- 506 requests (38%) were satisfied in part
- 226 requests (17%) resulted in no information being issued

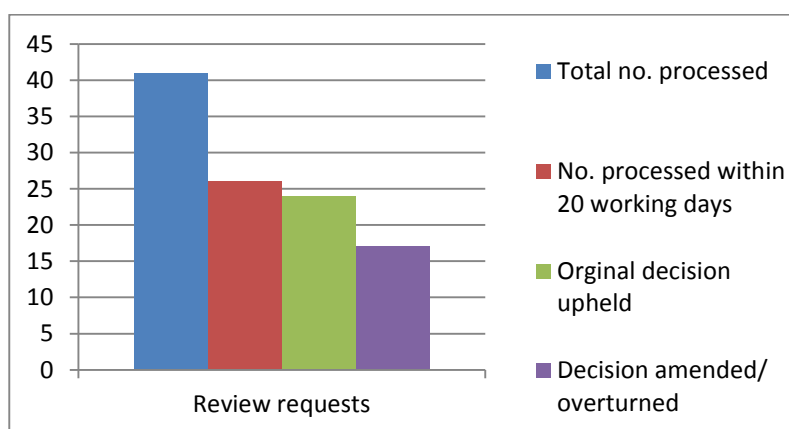
3.4 44 requests were refused completely or in part on the grounds of excessive cost – the estimated cost involved in processing being in excess of £600.

3.5 The predominant reasons for not supplying information were that the information requested was :-

- not held by the Council;
- personal data or information otherwise exempt under the FOI(S)A;
- already available to the public

4 REVIEWS AND APPEALS

4.1 The Council received 43 requests to review its decision (complaints about the initial response), which represents 3.1% of the requests. This compares to 49 reviews (approximately 3.5%) in 2014. Two requests for review were subsequently withdrawn by the requestor.



- 4.2 Four review decisions requests were appealed to the Scottish Information Commissioner during 2015. Two appeals were withdrawn by the requestor and the other two appeals are still the subject of investigation by the Commissioner.
- 4.3 In addition, there were two appeals made in 2014 which were decided during 2015. The Council's decision was overturned in both of them. One was a technical decision (as the information had subsequently been provided) and in the other the Council was directed to provide the requester with the information.

5 DATA PROTECTION ACT - SUBJECT ACCESS REQUESTS

- 5.1 As FOI has become more fully resourced, there has been a move to centralise the processing of subject access requests under the Data Protection Act 1998 (DPA) to ensure consistency and compliance across the organisation. During 2015 such requests were progressively centralised to the FOI Team. All such requests are now handled by the FOI team.
- 5.2 During the year the FOI team processed 47 subject access requests. Of these 42 (90%) were responded to within the statutory 40 calendar day timescale. The late responses were due to the complexity of the requests. In particular, two requests involved lengthy communications with third parties to agree release of specific information.

6 ISSUES /OBSERVATIONS

- 6.1 Despite the slight decrease in the number of requests in 2015, figures for the first quarter in 2016 show a significant increase compared to the same period last year (up 13%)
- 6.2 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.
- 6.3 The Scottish Information Commissioner requires public authorities to supply details of FOI and EIR statistics on a quarterly basis. The information for the 12 months to December 2015 for local authorities ranks the Council 3rd in terms of the percentage of responses issued on time.
- 6.4 During the year the FOI Team completed the first of the Scottish Information Commissioner's [self-assessment modules](#) – Responding on Time. This rated the Council rated as:
- Excellent - for its response rate for requests; and
 - Adequate - for its response to requests for review.

Since the assessment was completed, the response rate for reviews has been improved and continues to be monitored.

- 6.5 A review of common requests was also undertaken to identify possible subjects for the proactive publication of information with a view to reducing the number of requests in those areas. Whilst few areas were identified where this would be useful and possible without generating additional work, this is being monitored by the FOI team on an ongoing basis and the team are continuing work in this area in conjunction with the Council's Open Data project.

- 6.6 In 2014 the average cost of processing each FOI(S)A request was approximately £76. In the course of 2015 as the FOI team became fully resourced, it also took on responsibility for the processing of Data Subject Access Requests under the Data Protection Act 2000. These types of information requests are much more complex and time consuming but at present there is no mechanism in place to extrapolate the cost of processing these as distinct from the general FOI(S)A requests from the overall cost of the team. Accordingly we are unable to provide an average cost for the year 2015.

7 PROPOSALS

- 7.1 Going forward the target of 95% may become difficult to maintain in future years if the number of requests continues to rise as anticipated, as additional duties are undertaken by the FOI Team as part of the wider service requirements and staff providing information within Services. The FOI Team will continue to look for more effective and efficient ways of working however, to try to maintain the current high standards of performance, and where possible improve.
- 7.2 It is planned to use more of the Scottish Information Commissioner's self-assessment modules during 2016 to assess current practice and identify areas for continuing improvement and efficiencies.
- 7.3 It is proposed to report annually on a financial year basis going forward as opposed to calendar year to better align with other annual performance reporting.

8 RECOMMENDATIONS

- 8.1 The Committee is asked to consider the content of the report and highlight any areas of concern.
- 8.2 The Committee is asked to note :-
- (i) that the Council's performance in respect of processing requests under FOI(S)A continues to be very good and is above target for 2015.
 - (ii) that FOI(S)A helps to provide an assurance of openness and transparency to the public in their dealings with the Council and it is essential that this service continues to operate to a high standard.
 - (iii) that the annual reporting cycle will move from calendar year basis to financial year basis to align with other performance reporting

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Approved

Name	Designation	Date
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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / 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

Single Outcome Agreement

1.1 N/A

Corporate Plan

1.2 N/A

2. Resource Implications

Financial

2.1 There are no resource implications arising from this report.

Workforce

2.2 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

2.3 There are no resource implications arising from this 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

- 3.3 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 N/A

Legal and Governance

- 3.4 N/A

Risk

- 3.5 N/A

4. Consultation

Internal

- 4.1 None

External

- 4.2 None

5. Communication

- 5.1 None

2. BACKGROUND PAPERS

None

3. APPENDICES

None