



POLICY AND RESOURCES SCRUTINY COMMITTEE – 21ST APRIL 2009

**SUBJECT: FREEDOM OF INFORMATION / ENVIRONMENTAL IMPACT
REGULATION REQUESTS**

REPORT BY: DIRECTOR OF CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Committee requested regular updates on the Council's handling of requests under the Freedom of Information Act 2000 (FOI) at its meeting on 13 February 2007. The last update report covering requests made under FOI and the Environmental Information Regulations 2004 (EIR) was submitted to the committee meeting on 15 April 2008. Section 46 of the FOI Act, which relates to records management, is not covered in these update reports

2. SUMMARY

- 2.1 The Authority continues to experience a significant increase in requests for information under the Freedom of Information Act 2000 and the Environmental Impact Regulations Act 2004. Despite this increase in workload the Authority continues to maintain a similar level of compliance in dealing with the requests when compared to previous years.

3. LINKS TO STRATEGY

- 3.1 The Improvement Plan identifies a number of values that guide the operation of the authority. One of the sets of values covers openness, integrity and accountability. The Council's work in relation to Freedom of Information (FOI) and Environmental Impact Regulations (EIR) contributes to this area by making otherwise unpublished information available to residents of the county borough and beyond.

4. THE REPORT

- 4.1 The Information Unit has had responsibility for guiding this area of work since 2004, reporting to the Head of Information, Communications, Technology and Property within the Directorate of Corporate Services since May 2007. The Strategic Information Group replaces Corporate Information Group's role in overseeing development of information governance across the authority.
- 4.2 The Authority continues to see an increase in the number of requests for information being made under the legislation. For the period 1 July – 31 Dec 2008 the Council received 261 requests under FOI/EIR, 84 more than were received in the comparable period for 2007, an increase of 48%. This takes the total for the Council to 2014 requests from the period January 2005, when FOI was fully implemented, until the end of 2008.

The majority of requests are directed at a single area of the organisation (86%), which is an increase of 6% compared to July – December 2007 whilst the remaining requests require cross directorate support to collate information.

The table below contains information on the Service Areas that received the most single-department requests in the last 6 months of 2008.

Service Area	No of requests	Percentage of total no of single department requests
Public Protection	36	16%
Corporate Finance	23	10%
ICT & Property	23	10%

The table above and the graph in appendix 2 illustrates a similar picture to 2007 when Public Protection also received the most requests for information.

- 4.3 Total number of information requests since January 2005 – the graphs in appendix 1 compare a count of all requests that the Information Unit have advised on since 2005, including activities covered by the Data Protection Act 1998. Although data protection work is included, the graphs are indicative of the trends in receipt of FOI and EIR information requests since 2005. In 2007, EIR and FOI requests made up 75% of the Information Unit's workload.

The Information Unit were involved in over 2000 information requests between January 2005 and December 2008, with 310 requests for information received in the last 6 months of 2008.

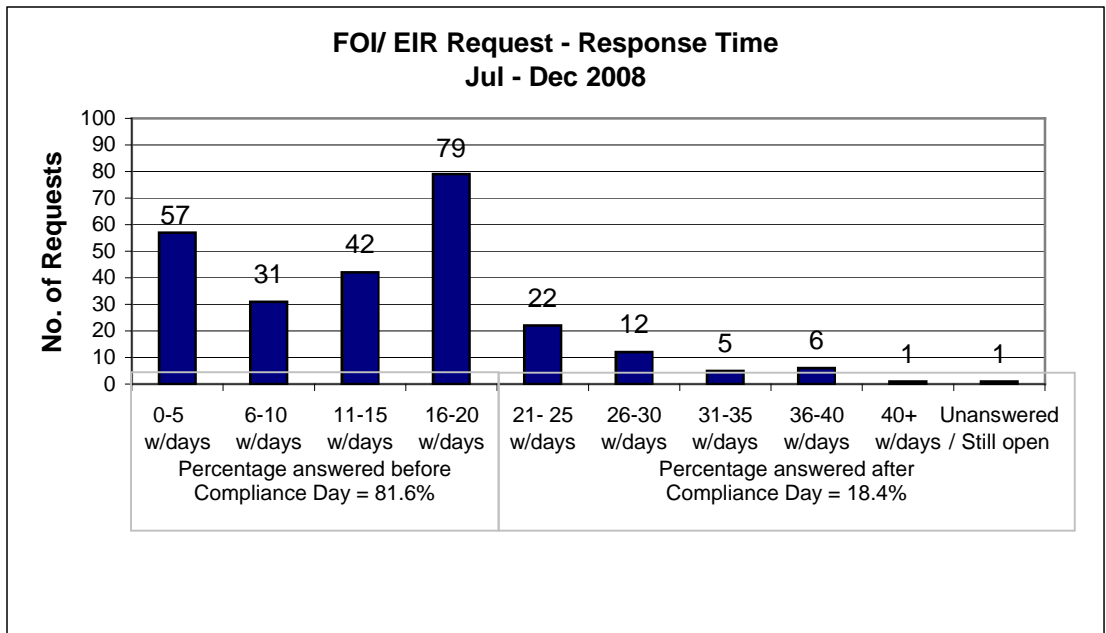
Year	No. of FOI/EIR/DP requests	Percentage increase on previous year
2005	394	N/a
2006	486	23%
2007	500	3%
2008	634	27%

2008 saw a 27% increase in requests from 2007. The graphs in appendix 1 show that the receipt of requests is a relatively constant demand, with no seasonal variations evident. At any one time the Information Unit can be dealing with in excess of 60 active requests.

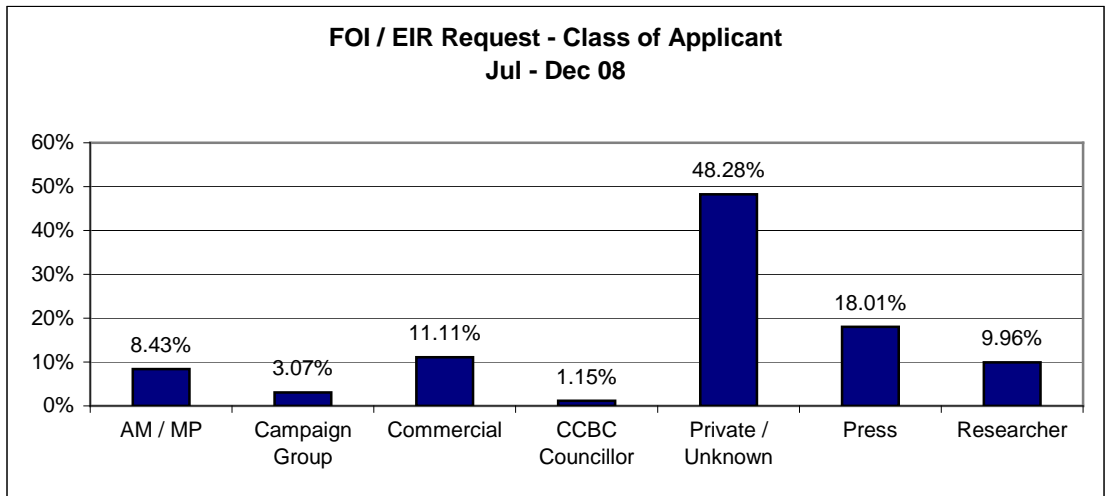
- 4.4 Compliance with 20 working day deadline – the graph below illustrates that 81.6% of FOI requests were answered within the legal compliance date of 20 working days between July and Dec 2008. This is slightly less than the 83.8% compliance rate that we achieved in the comparable period for 2007 and remains below our corporate target of a 90% compliance rate.

The principal reasons for the reduction in the compliance rate are similar to those reported previously, including some complex requests that can require cross directorate support and/or require extensive third party consultation, but fall under the fees threshold.

The continuing significant increase in the number of requests received during this period also has a bearing on compliance within the 20 working day deadline.



4.5 Type of requestor - FOI applicants have the right to remain anonymous, so any attempt to categorise them by type of requestor will never be completely accurate. However in cases where the applicant has declared that they are a journalist, MP, etc, we are able to count their numbers. A breakdown of the 261 requests received by type of requestor is given in the table below.



The most significant change from previous data is in the increase in the number of requests from the press. During the last half of 2008 this had risen to 18% of requests from 9.6% in the second half of 2007. .

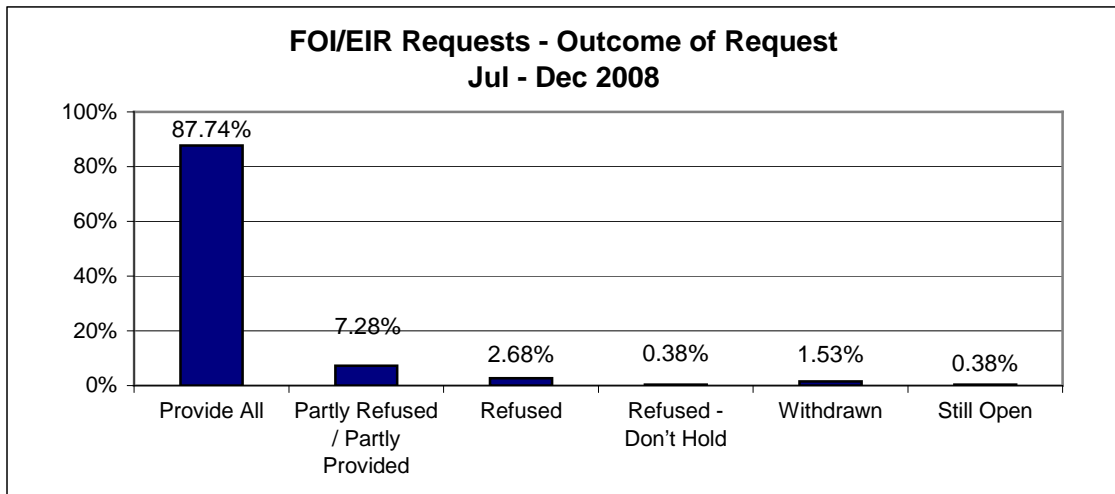
4.6 Recurring themes are similar to those reported previously and include:

- Criminal Records Bureau checks on teachers and school staff
- Exclusions in schools
- Identity of a complainant
- Taxi driver contact details
- Companies who have submitted unsuccessful tenders requesting details of the competition
- Food safety reports on various premises

4.7 Interesting requests received during this period included:

- Details of licensing for Zoos and wild animals
- Use of Exorcists
- Rules in relation to the keeping of chickens
- The use of RFID chips in bins.

4.8 Outcome of requests – the graph below illustrates the number of FOI/EIR requests for which we provided all information or used a legal exemption to withhold all or part of the information requested.



88% of requests were answered fully, which is 17% more than for the same period of 2007. This is a good indicator that the Council is achieving its Improvement Plan objective of attaining openness, integrity and accountability. At the time of reporting there is one request that was still being worked on.

4.9 In the last 6 months of 2008, 48 requests for information were considered by Exemption Panel and of those 26 resulted in an exemption on disclosure, either wholly or partly. The exemptions applied by the Exemption Panel between July and Dec 2008 are described in the following table:

Exemption July – Dec 08	No of exemptions
FOI exemptions:	
FOI 30 Investigations and proceedings	1
FOI 40 Refusal due to presence of third party personal information	13
FOI 43 Commercial Interest	2
EIR exemptions:	
EIR 12(3) Personal Information	7
EIR 12(4)(d) Unfinished	2
EIR 12(5)(b) Justice/fair trial	1

4.10 Fees – in the last 6 months of 2008, the Council refused, or partly refused, 7 requests because the estimated amount of work to answer the request would take more than 18 hours of staff time, in accordance with the Freedom of Information and Data Protection (Appropriate Limits and Fees) Regulations 2004.

4.11 Appeals - during 2008, a total of 6 requests for an Internal Appeal were received. The Chief Executive upheld all of these appeals. During 2008 the Information Commissioner considered two appeals made in respect of exemptions applied by the Authority, and upheld our decision on both occasions. Caerphilly county borough council continues to be one of the few local authorities to have avoided a decision notice against our handling of a request since January 2005.

5. FINANCIAL IMPLICATIONS

5.1 No direct financial implications.

6. PERSONNEL IMPLICATIONS

6.1 No direct personnel implications.

7. CONSULTATIONS

7.1 Consultations have taken place and are reflected in this report.

8. RECOMMENDATIONS

8.1 It is recommended that Members note the contents of the report.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To be advised of the increasing demands being placed on the organisation to meet its obligations under the Freedom of Information Act 2000.

10. STATUTORY POWER

10.1 Freedom of Information Act 2000

10.2 Environmental Impact Regulations Act 2004

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Background Papers:
None

Appendices:
Appendix 1 Annual requests, analysed by month
Appendix 2 Annual requests analysed by Directorate/Service Area