



POLICY AND RESOURCES SCRUTINY COMMITTEE – FOR INFORMATION

SUBJECT: INFORMATION GOVERNANCE 2015-16

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To inform Members of controls in place to ensure that governance of information across the Council is effective and provide an insight into new data protection laws to be implemented during 2018.
- 1.2 To inform Members about requests for information received under the Freedom of Information Act 2000 (FOI) and associated legislation during 2015 and 2016 calendar years.

2. SUMMARY

- 2.1 As services become leaner, requiring more efficient ways of working and collaborations with other organisations, information risk becomes greater and opportunities to make better use of the Council's information assets need to be seized.
- 2.2 This is compounded by the potential maximum monetary penalties for breaching the Data Protection Act currently set at £500,000 being increased with effect from 25 May 2018. The new figure will be the equivalent of €20 million or 4% of global annual turnover following the implementation of the General Data Protection Regulation (GDPR).
- 2.3 The Council's Information Governance Work Programme aims to mitigate information risk whilst addressing increasing demands of requests made under FOI and associated information rights legislation.

3. LINKS TO STRATEGY

- 3.1 Information governance is a key part of the Council's corporate governance arrangements and is reflected in the Corporate Risk Register and Annual Governance Statement section of the Statement of Accounts.
- 3.2 Effective governance of the Council's information underpins all Council activities, safeguarding information assets and using them to maximum effect to help achieve the Council's Priorities and Wellbeing Objectives, as well as the seven Well-being Goals of the Future Generations Act (Wales) 2015:
 - *A prosperous Wales*
 - *A resilient Wales*
 - *A healthier Wales*
 - *A more equal Wales*
 - *A Wales of cohesive communities*

- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

4. THE REPORT

Financial, legal and operational context

- 4.1 As services become leaner to meet financial challenges and look for more efficient ways of working, including collaborations, information risk becomes greater. Efficiencies gleaned from new technology, outsourcing functions to third parties and sharing information with partners needs effective information governance structures to mitigate the risk of data protection breaches as well as poor quality information leading to incorrect or inappropriate decisions.
- 4.2 Monetary penalties for breaching the Data Protection Act are currently £500,000, but are set to increase to the equivalent of €20 million or 4% of global annual turnover with the introduction of the General Data Protection Regulation (GDPR) on 25 May 2018. GDPR will also introduce:
- stricter rules on assessing privacy impacts at the outset when using personal data,
 - greater rights for data subjects to understand how their data is being used,
 - mandatory reporting of data breaches to the Information Commissioner and
 - a statutory Data Protection Officer post.

Failure to protect personal information could damage the Council's reputation and lead to loss of trust by service users. This risk is being taken very seriously, with GDPR preparation being monitored through the Corporate Risk Register. A more detailed report on the impact on GDPR will be presented to Members during the Autumn.

- 4.3 However, these challenges present an opportunity to make better use of the Council's information. Records management needs to be more streamlined so that officers can find reliable information quickly to better enable them to comply with the Statutory Code of Practice under S46 of FOI Act. Greater openness of non-confidential information across the organisation will encourage re-use of information assets to benefit other parts of the organisation and ultimately the citizen.
- 4.4 The Council's Information Governance Work Programme builds on previous work to comply with audit recommendations and reflects current requirements to have better knowledge of the information held and how it is used. As part of the IG Work Programme, Information Governance Stewards Council-wide are working on mitigating information risks and encouraging greater use of information assets to support the work of the Senior Information Risk Owner (SIRO).

Information Governance Activities During 2015 and 2016

- 4.5 **Preparation for General Data Protection Regulation (GDPR):** preparation has been underway since GDPR was approved in 2016, with Information Governance Stewards updating Information Asset Registers, reviewing information sharing arrangements and auditing privacy notices, together with design of a new database to generate GDPR-compliant privacy notices. The Council's Corporate Information Governance Unit is overseeing preparation for the SIRO and is working closely with South Wales Information Forum to ensure that common requirements are addressed nationally to make best use of resources. The activities detailed below also contribute to the Council's readiness to meet the challenges of GDPR and avoid sanctions including monetary penalties.
- 4.6 **Information risk:** the Council's Information Risk Policy tasks Heads of Service with reporting regularly to the SIRO on information risk levels in their service area, so that the SIRO can write an assurance briefing for inclusion in the Annual Governance Statement. The risk assessment process has been successfully embedded within Service Areas for a number of years and has prompted identification of corporate risks that were addressed throughout 2015 and 2016, e.g. use of hard copy notebooks/diaries to record details of multiple service users and misaddressing of correspondence. It is timely for the policy to be reviewed to ensure it remains fit for purpose and is

not overly burdensome for officers and an updated policy it will be presented to Members during 2017.

- 4.7 **Data breaches:** since 2014 officer reports of potential data breaches have more than doubled (from 9 in 2014 to 23 in 2016), but this is believed to be a positive change that evidences growing awareness of the Council's Potential Data Breach Procedure resulting in a greater proportion of breaches being reported as opposed to greater numbers of breaches occurring. Timely reporting means we can investigate incidents, identify measures to mitigate risk and reduce likelihood of a repeat incident to protect the Council and Service Users. Currently there is no legal obligation on data controllers to report breaches to the Information Commissioner but when the GDPR is implemented, reporting such matters within 72 hours will become a mandatory requirement.
- 4.8 **Privacy impact assessments (PIAs):** PIAs are a mandatory part of GDPR to balance citizen's privacy against benefits of using personal data so that an informed decision can be made on acceptability of risk. PIAs can take the form of a brief note of pros and cons of an activity or they can be a more detailed analysis of privacy risk depending on complexity of the proposal. The production of a PIA provides evidence that the Council is complying with the new GDPR principle on accountability and their increased use within the Council is very encouraging.
- 4.9 **Sharing information:**
- i. Effective sharing of personal information achieves efficiencies and helps provide better services. Officers involved in collaborations recognise the need to ensure information governance rules are established at the outset to protect all parties. In addition to a PIA at the outset, CIGU provide advice on contracts and agreements to protect information shared between the Council and third parties. These can be very simple or more complex depending upon the scope of the collaboration, e.g. the Welsh Community Care Information System (WCCIS) is a high profile national project that continues to require significant data protection and records management advice.
 - ii. Progress continues to be made through the Wales Accord on Sharing of Personal Information (WASPI) for regular information sharing. The Council's Information Governance Manager sits on the national WASPI Board to oversee information sharing. Last year she updated the Caerphilly Local Service Board on progress made on information sharing alongside Huw Jakeway, Chief Officer for SWFRS and the lead for Welsh Government's Effective Services for Vulnerable Groups (ESVG) Forum.
 - iii. Locally the South East Wales WASPI Partnership builds on the successes of the Caerphilly Local Service Board's 2013-14 ESF project. It is supported by a small national WASPI Team funded by Welsh Government and hosted by NHS Wales Information Services. The Partnership aims to ensure consistency through quality assurance of Information Sharing Protocols with external partners as well as determining priority areas for information sharing across the region to reduce duplication of effort. Recent Information Sharing Protocols for the Caerphilly CBC area include Common Housing Register and Flying Start.
 - iv. Not all sharing is regular and requests for ad hoc sharing of personal information continue to be thoroughly scrutinised by CIGU and Exemption Panel, providing the SIRO with assurance that information held and the arrangements entered into by the Council are well managed.
- 4.10 **CCTV in Council Buildings:** an audit was undertaken to gather detailed records of building CCTV, similar to records held by the CCTV Control Room for the Council's Public Open Space CCTV. To improve consistency of CCTV management Council-wide, IG Stewards are raising awareness amongst their service areas of the need for officers responsible for CCTV to be trained on data protection, to make sure cameras are still required, are operational and the use of images is subject to the same rigorous decision-making processes as those employed when other sources of personal data are examined.

4.11 Training and awareness raising:

- i. An Information Governance Training Officer was funded for one year during 2015 to ensure key officers have a good base of knowledge on which to build. During 2015 over 1,500 people took part in FOI workshops, new courses on CCTV and records management and data protection workshops to supplement the Protecting Information e-learning.
- ii. Additional awareness raising material has been developed throughout 2016. For example there are short 2-6 minute slideshows on protecting information and FOI, an interactive tool to determine what is a 'corporate record' and e-learning modules on Sharing Personal Information and Privacy and Electronic Communications Regulations.
- iii. The information governance intranet presence has also been improved, a poster campaign on protecting information was launched Council-wide and Metacompliance has been employed to distribute key messages to all computer-user's desktops and record evidence that the officer has confirmed that they understand and accept their responsibilities. All of these training and awareness materials will be updated to cover new requirements of GDPR in the coming year.
- iv. Member's Information Governance training is mandatory and two sessions have been held each year, together with two sessions in the first week of the new administration in May 2017 to make sure Members are equipped with the skills they need to protect their and the Council's information. Non-attendance could result in a referral to the Standards Committee.
- v. In-house awareness raising, including Heads of Service completion of regular information risk returns, together with media reports when other organisations make mistakes, has led to an increased demand for ad hoc data protection advice. Brief telephone and email-based advice is requested on a daily basis, as well as more detailed advice on internal as well as collaborative projects such as WCCIS.

4.12 Records management: improvements in line with the Council's Records Management Policy continue. These underpin service delivery with reliable, easily located information and to ensure compliance with the Lord Chancellor's Code of Practice on Section 46 of the Freedom of Information Act, which the Council can be audited against.

- i. The Council's Information Asset Register is regularly updated and linked with information risk assessments so that decisions can be made on whether changes are needed to reduce risk, e.g. access permissions amendment, revised storage requirements and protection of vital records.
- ii. Practical guidance on managing email has been issued and work is ongoing to address backlogs of records in email as well as other electronic and paper systems.
- iii. Hard copy records storage is a challenge as there can be a tendency for officers to keep records past their retention date in Corporate Records Centres and office accommodation 'just in case'. To discourage this practice, Information Risk Returns reference the Council's Records Retention and Disposal Policy as a trigger for Heads of Service to make sure information is being handled appropriately every time they review their Information Risk Register. The Seasonal Sort in 2016 was also intended to encourage timely disposal of information and will be repeated regularly. Support is offered for Service Areas to achieve the BS10008 standard on legal admissibility if their records are suitable for digitisation.
- iv. Officers are reminded of the role that Glamorgan and Gwent Archives have in safeguarding historically important information for use by future generations and are encouraged to deposit appropriate Council records regularly. The archives services make Council records available to the public and Council officers, for example in litigation cases, land ownership queries or determining origins of older joint arrangements with other organisations and depositing Council records discharges the Council's duty under S.60 of the Local Government (Wales) Act 1994. Displays by both Archives Services were available at the Pontllanfraith House and Penallta House offices during 2015 to raise awareness of these services.

Requests for information during 2015 and 2016

- 4.13 Statistics on information requests for the 2015 and 2016 calendar years can be found in Appendices 1-6. The summary table below demonstrates that information request numbers reduced slightly in 2015, in common with other local authorities in the South Wales Information Forum area, but have increased again since the start of 2016, which is consistent with the overall pattern over the last decade. With the expected removal of the ability to charge £10 for Subject Access Requests (SARs) under GDPR in May 2018, it is anticipated that their numbers will increase. These can be particularly complicated and generate significant record volumes increasing the risk of a detrimental effect on FOI/EIR compliance.

	2014	2015	2014 to 2015 % difference	2016	2015 to 2016 % difference
FOI/EIR requests	1081	1071	-1%	1086	1.4%
DPA Subject Access Requests (SAR)	96	74	-23%	90	22%

- 4.14 Reducing the time taken to respond to FOI/EIR requests has been previously highlighted as an action in the Annual Governance Statement. This issue was closed when the ICO's target of 85% of responses completed within 20 working days was met in 2015 (see summary table below). The improvement was partly due to a smaller number of requests being received, but also due to a number of changes aimed at improving timeliness across all Service Areas:

- Reduction of internal deadline for requests from 15 to 12 working days;
- Requirement of Service Areas to notify CIGU within 5 working days if information is held elsewhere in the Council so that other services can be notified promptly;
- Chief Executive is notified when requests pass the internal compliance date and sends reminders direct to service areas;
- Briefings delivered to all Senior Management Teams;
- Information Governance Stewards raise awareness amongst Service Areas regarding the Council's FOI process and offer training when required.
- Review of the Council's Publications Scheme to make as much information proactively available as possible on the Council's website to maximise the number of FOI requests that can be referred back to the requester as the information is already publicly available, e.g. additional key datasets relating to allotments, business rates and public health burials.

	2014	2015	2016
FOI/EIR information requests Response compliance rate	76%	85%	83%
DPA Subject Access Requests (SAR) Response compliance rate	80%	69%	59%

- 4.15 The 2015 improvement in responding to FOI/EIR requests unfortunately was not mirrored by SAR compliance, which fell during 2015 and again during 2016. Large quantities of information are often required by a SAR applicant, and as the information tends to be sensitive, for example containing personal information of third parties, time and care needs to be taken to process SARs appropriately to avoid an inadvertent data breach. Additional time spent improving FOI compliance rates is also likely to have detracted from time available to deal with SARs. In the 2016 calendar year the FOI/EIR response rate fell to 83%, due to request numbers increasing by 1.4% (FOI/EIR) and 22% (SAR).
- 4.16 Early in 2017 the Information Commissioner revised her expectation of compliance with FOI/EIR requests from 85% to 90%, announcing her intention to monitor those organisations not achieving this target. Similar monitoring of compliance on SAR requests has not been announced, but the

requirements of GDPR in May 2018 are much stricter in this area. Combined, these changes represent added pressures for the organisation at a time when staff levels are reducing across every Service Area and finding time to answer an information request needs to be balanced against the commitments of services to their users. To address this pressure, the Council is using GDPR as the impetus to improve the management of records organisation-wide to give the Council better intelligence on what records are held and where they can be located, which should lead to faster processing of information requests.

- 4.17 During 2015, numbers of FOI/EIR requests were spread relatively evenly across multiple Service Areas, but in 2016 Corporate Finance, Public Protection and Social Services received the majority. Social Services and People Management received the most SAR requests during the 2015-2016 calendar years, although Education and Public Protection experienced increases in SARs. Please refer to Appendices 3 and 4 for more detailed information on request volumes for each Service Area.
- 4.18 All information was provided for the vast majority of requests, with some requests partially answered if an exemption applied only to part of the content (see Appendix 5). The number of requests refused due to 'information accessible by other means' has increased, as more information is now available on the Council's website, e.g. in committee reports or published datasets. This reduces demands on staff to deal with individual requests. Other datasets are continually being identified for publication on the Council's website and Service Areas are encouraged to identify commonly requested data and make it publicly available.
- 4.19 Of the requests refused on the basis of exemptions, the most commonly used exemptions related to presence of personal information, law enforcement or due to information being already available. 37 requests were refused in full and an additional 45 partly refused over the two year period as they would have exceeded the cost threshold to answer. The repeated and vexatious elements of the law are considered when appropriate but over the last two years have not been used. See Appendix 6 for further detail.
- 4.20 20 information request appeals were received over the two year period, 3 of which were progressed to the ICO after the internal appeal response was issued by a senior officer who was not involved in the original request (see Appendices 7 and 8). Although the Council were found not to have responded to 5 of these requests within the statutory timescales, only 2 of the appeals resulted in original decisions being fully or partially overturned. This low level is testament to the quality of information request responses, which can be attributed to the Council's rigorous Exemption Panel process, Heads of Service role in checking accuracy of data and the CIGU's role in compliance checking responses and guiding staff through the process. Appeals are extremely time-consuming, particularly if the ICO is involved, so avoiding unnecessary appeals is highly desirable.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that effective management of the Council's information will ensure reliable, high quality information is held which could be shared with other partners to ensure a joined up approach to providing services and preventing problems, as well as to enable close working with communities affected by the Council's activities. Reliable information also ensures that decisions are more robust now and in the long-term and preservation of the Council's historic record means that current and future generations can hold the Council to account for its decisions and learn from previous activities.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

- 6.2 The Council provides FOI information in the format that the applicant requests and this combined with Welsh language responses to FOI requests made in Welsh contributes to compliance with the Council's Strategic Equality Objective 4 – Improving Communication Access and the Council's Welsh Language Standards Compliance Notice.

7. FINANCIAL IMPLICATIONS

- 7.1 Financial implications may result from the programme of improvements necessary to assure the Council's information during this period of significant Council change.
- 7.2 Monetary penalties that can be levied for data breaches are increasing from £500,000 to the equivalent of €20 million or 4% of global annual turnover following the implementation of the General Data Protection Regulation (GDPR) in May 2018.

8. PERSONNEL IMPLICATIONS

- 8.1 The Information Governance Work Programme has implications on the workloads of staff.

9. CONSULTATIONS

- 9.1 All responses from consultations have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 It is recommended that the contents of the report be noted.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To be advised of the ongoing work to assure information governance arrangements across the Council and of increasing demands being placed on the organisation to meet legal obligations to respond to information requests.

12. STATUTORY POWER

- 12.1 Freedom of Information Act 2000.
- 12.2 Environmental Information Regulations 2004.
- 12.3 Data Protection Act 1998.

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Consultees: Paul Lewis, Acting Head of ICT and Customer Services
Cllr Colin Gordon, Cabinet Member for Corporate Services
Nicole Scammell, Acting Director of Corporate Services
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Lynne Donovan, Acting Head of Human Resources and Organisational Development
Gwyn Williams, Acting IT Operations Manager
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)

Appendices:

- Appendix 1 FOI/EIR – Timeliness
- Appendix 2 DPA SAR – Timeliness
- Appendix 3 FOI/EIR requests by Directorate/Service Area
- Appendix 4 DPA SAR requests by Directorate/Service Area
- Appendix 5 FOI/EIR - Outcomes
- Appendix 6 FOI/EIR - Use of Exemptions (FOI) and Exceptions (EIR)
- Appendix 7 Information request appeals 2015
- Appendix 8 Information request appeals 201

Performance statistics in relation to the Freedom of Information Act and Environmental Information Regulations																
TIMELINESS	Total 2009	Total 2010	Total 2011	Total 2012	Total 2013	Total 2014	Total 2015	1 st Qtr 2015	2 nd Qtr 2015	3 rd Qtr 2015	4 th Qtr. 2015	Total 2016	1 st Qtr 2016	2 nd Qtr 2016	3 rd Qtr 2016	4 th Qtr. 2016
No of requests under FOI/EIR*	579	683	828	858	1057	1081	1071	293	270	245	263	1086	285	269	253	279
No fully or mostly falling under FOI	459	612	790	838	1039	1061	1055	288	266	240	261	1068	280	264	248	276
No fully or mostly falling under EIR	120	71	38	20	18	20	16	5	4	5	2	18	5	5	5	3
No of requests processed in full within compliance time i.e. 20 working days	452 (78%)	498 (74%)	689 (84%)	645 (77%)	750 (72%)	803 (76%)	878 (85%)	230 (82%)	218 (82%)	218 (91%)	212 (84%)	888 (83%)	231 (83%)	214 (80%)	218 (88%)	225 (82.5%)
No of time extensions for Public Interest Test under FOI/EIR	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
No of requests on hold awaiting a response from applicant (fees or clarification**)	1	5	3	20	13	18	35	14	3	7	11	20	6	2	6	6
No of requests processed outside 20 working days	126 (22%)	180 (26%)	136 (16%)	196 (23%)	294 (28%)	259 (24%)	158 (15%)	49 (18%)	49 (18%)	20 (9%)	40 (16%)	178 (17%)	48 (17%)	53 (20%)	29 (12%)	48 (17.5%)

* excludes requests which were subsequently withdrawn

** requests out for clarification have not been included in the compliance calculation as they are currently "on hold" and therefore the clock has stopped ticking.

Performance statistics in relation Subject Access Requests – Data Protection Act.

TIMELINESS	Total 2009	Total 2010	Total 2011	Total 2012	Total 2013	Total 2014	Total 2015	1st Qtr 2015	2nd Qtr 2015	3rd Qtr 2015	4th Qtr 2015	Total 2016	1st Qtr 2016	2nd Qtr 2016	3rd Qtr 2016	4th Qtr 2016
No of Subject Access Requests – Data Protection Act 1998	44	43	63	60	85	96	74	20	13	22	19	90	31	22	22	15
No of requests processed in full within compliance time i.e. 40 calendar days	29 (66%)	34 (79%)	55 (87%)	42 (70%)	53 (62%)	77 (80%)	54 (69%)	15 (75%)	10 (77%)	14 (64%)	15 (78%)	53 (59%)	15 (48%)	16 (73%)	10 (45%)	12 (80%)
No of requests processed outside calendar days	15 (34%)	9 (21%)	8 (13%)	18 (30%)	32 (38%)	19 (20%)	22 (31%)	5 (25%)	3 (23%)	8 (36%)	4 (21%)	97 (41%)	16 (52%)	6 (27%)	12 (55%)	3 (20%)

In addition to the SARs recorded above, the Information Unit dealt with many other applicants who do not go on to submit the paperwork required to make a formal SAR.

(FOI) and (EIR) by Directorate/Service Area Involvement

Note that a single request can involve more than one Directorate/Service Area

Key:

S – single Service Area

C – crosses Service Areas

	Total 2011		Total 2012		Total 2013		Total 2014		Total 2015		1 st Qtr. 2015		2 nd Qtr. 2015		3 rd Qtr. 2015		4 th Qtr. 2015		Total 2016		1 st Qtr. 2016		2 nd Qtr. 2016		3 rd Qtr. 2016		4 th Qtr. 2016			
	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C	S	C		
Service Areas:*																														
Chief Executive	4	1 2	2	5	5	1 7	4	0	1	3	0	2	0	1	1	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0
Deputy Chief Executive	1	8	1	4	9	1 0	2	3	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0
Engineering & Transport	44	4 0	49	2 2	73	2 8	62	40	85	41	2 2	8	2 4	8	2 0	1 6	1 9	9	94	39	27	11	1 9	1 4	2 2	8	2 6	6		
Planning & Regeneration	52	4 2	68	2 4	48	6 0	55	54	58	59	1 6	1 5	1 9	1 2	1 2	1 9	1 1	3	64	52	15	17	1 2	1 7	2 0	1 0	1 7	8		
Public Protection	78	3 0	82	1 9	76	4 3	99	29	93	36	2 5	6	1 8	1 3	2 4	9	2 8	8	121	51	29	12	3 4	1 6	2 5	1 0	3 3	1		
Community & Leisure	42	5 4	46	4 1	51	5 0	68	47	57	45	1 9	1 4	1 2	1 1	1 5	1 0	1 0	0	71	29	17	5	2 0	1 1	1 7	5	1 7	8		
Corporate Finance	10 2	8 2	10 6	3 8	13 1	6 8	167	61	16 2	42	3 4	1 7	5 0	7	3 7	9	4 1	9	111	55	27	15	2 7	1 7	2 9	1 0	2 8	1 3		
Housing	21	3 0	42	2 7	41	4 4	31	50	48	34	1 5	8	1 5	5	1 1	8	7 1	3	43	42	13	16	6	6	5	1 0	1 9	1		
ICT	77	3 9	41	2 1	68	2 2	83	36	68	42	1 7	1 7	1 8	1 0	1 5	1 6	1 7	0	62	24	16	7	1 9	7	6	2	2 1	8		
Legal & Governance	43	6 9	45	3 2	64	5 2	50	48	31	27	1 0	8	7	3	5	6	9	1 0	23	33	7	8	5	9	7	5	4	1 1		

People Management	79	4 9	10 5	3 1	95	6 3	70	44	80	31	2 7	6	1 9	7	1 7	6	1 7	1 2	65	44	20	14	1 6	1 0	1 8	4	1 1	1 6
Performance & Property	22	4 0	17	1 9	15	2 7	20	40	28	39	5	1 0	5	8	1 0	1 3	8	8	26	30	7	12	7	6	7	6	5	6
Education	55	6 7	75	2 3	66	4 9	54	41	75	34	1 5	1 4	2 2	6	2 1	6	1 7	8	70	38	13	11	2 2	1 2	1 7	6	1 8	9
Social Services	61	8 7	10 7	4 4	11 0	6 1	113	42	91	35	2 2	9	1 3	1 0	2 8	6	2 8	1 0	122	47	39	14	1 8	1 0	3 3	1 0	3 2	1 3
Procurement	Not previously recorded separately						14	16	29	40	7	1 4	6	1 2	5	6	1 1	8	34	29	7	10	1 0	6	1 1	6	6	7
H&S	Not previously recorded separately						2	12	2	17	0	5	1	5	0	2	1	5	9	11	2	3	0	3	3	2	4	3
Comms	Not previously recorded separately								2	2	0	0	0	0	0	0	2	2	4	12	1	5	1	1	0	5	2	1
Customer 1st	Not previously recorded separately								0	3	0	0	0	0	0	0	3	6	7	1	2	3	2	1	2	1	1	

*Due to restructuring, Service Areas have been re-aligned.

Note: Education and Social Services have designated staff that co-ordinate requests for the whole of their Directorates. Requests attributed to these departments may have been handled by different Service Areas within the respective Directorates.

Data Protection by Directorate/Service Area Involvement																
Note that a single request can involve more than one Directorate/Service Area																
	Total 2009	Total 2010	Total 2011	Total 2012	Total 2013	Total 2014	Total 2015	1 st Qtr. 2015	2 nd Qtr. 2015	3 rd Qtr. 2015	4 th Qtr. 2015	Total 2016	1 st Qtr. 2016	2 nd Qtr. 2016	3 rd Qtr. 2016	4 th Qtr. 2016
All	0	1	0	1	0			0				0	0	0	0	0
Chief Executive	2	1	0	1	0	2	1	0	0	1	0	2	1	1	0	0
Deputy Chief Executive	0	0	0	0	5	2	0	0	0	0	0	0	0	0	0	0
Social Services	34	22	28	25	30	44	29	5	8	12	4	32	12	6	9	5
Housing	3	4	3	6	2	2	2	0	1	0	1	5	2	2	0	1
Education	5	7	5	6	6	8	4	1	2	1	0	14	9	3	1	1
Public Protection	1	1	3	4	9	6	4	1	1	2	0	11	3	3	4	1
Community & Leisure (Public Services)	0	0	0	0	5	4	0	0	0	0	0	1	0	1	0	0
Engineering & Transport	0	0	2	2	2	6	1	1	0	0	0	1	1	0	0	0
Planning & Regeneration	0	7	9	8	15	10	6	5	0	0	1	6	2	1	3	0
ICT	0	0	0	0	2	1	2	2	0	0	0	1	0	1	0	0
Corporate Finance	1	5	2	5	2	2	0	0	0	0	0	2	0	1	0	1
Legal & Governance	1	1	4	4	1	8	2	1	1	0	0	2	2	0	0	0
People Management	2	5	15	19	15	19	19	2	2	3	12	28	7	9	5	7
Performance & Property	0	0	0	1	0	12	1	0	0	1	0	1	0	0	0	1

H&S	Not previously recorded separately	10	11	6	2	1	2	10	6	3	1	0
Procurement	Not previously recorded separately	2	0	0	0	0	0	0	0	0	0	0

Note: Education and Social Services have designated staff that co-ordinate requests for the whole of their Directorates. Different service areas within the respective Directorates may have handled requests attributed to these departments.

2015 and 2016

Appendix 5

OUTCOMES (FOI / EIR)	Total 2009	Total 2010	Total 2011	Total 2012	Total 2013	Total 2014	Total 2015	1st Qtr 2015	2nd Qtr 2015	3rd Qtr 2015	4th Qtr 2015	Total 2016	1st Qtr 2016	2nd Qtr 2016	3rd Qtr 2016	4th Qtr 2016
No of requests where all information has been provided	441	506	624	559	784	823	803	225	215	182	181	821	212	215	194	200
No of requests where part of the information has been provided (includes requests where part of the information was refused as the costs would exceed the appropriate limit)	59	78	103	122	83	87	91	32	27	19	13	82	28	17	18	19
No of requests where the applicant has been informed that the information is not held (advice and assistance provided)	17	10	19	22	38	23	15	1	5	4	5	25	7	6	2	10
No of requests withdrawn by applicant	14	19	16	20	11	11	7	1	2	2	2	4	0	4	0	0
No of requests refused as they were considered vexatious	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
No of requests refused as they were considered repeated	0	0	0	2	1	2	0	0	0	0	0	0	0	0	0	0
No of requests refused in full as the costs would exceed the appropriate limit (see above*)	2	14	34	51	33	30	21	7	2	5	7	16	0	5	5	6
No of requests refused in full	40	36	70	118	100	69	98	20	12	30	36	108	22	26	31	29
No of request on hold at time of compiling statistics awaiting response from applicant (clarification)	Info. not included in previous reports			17	13	18	35	14	3	7	11	20	6	2	6	6

No of requests outstanding at time of compiling statistics		17	38	59	29	1	8	3	17	30	10	3	2	15
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2015 and 2016

Appendix 6

Use of Exemptions (FOI) and Exceptions (EIR) (a single request can cite more than one exemption / exception.)	Total 2009	Total 2010	Total 2011	Total 2012	Total 2013	Total 2014	Total 2015	1st Qtr 2015	2nd Qtr 2015	3rd Qtr 2015	4th Qtr 2015	Total 2016	1st Qtr 2016	2nd Qtr 2016	3rd Qtr 2016	4th Qtr 2016
FOI:																
S.(21) - Info provided by other means	4	29	3	36	73	37	82	19	6	28	29	60	27	22	25	16
S.(22) - Info intended for future publication	0	1	3	3	1	6	2	0	2	0	2	26	6	7	6	7
S.(30) - Investigations and proceedings conducted by public auth.	0	1	0	3	1	0	1	1	0	0	0	0	0	0	0	0
S.(31) - Law enforcement	0	0	5	13	16	10	20	6	7	0	7	10	1	2	4	3
S.(32) - Court records, etc	0	1	0	0								0	0	0	0	0
S.(36) - Prejudice to effective conduct of public affairs	1	1	0	0	0	0	1	0	0	0	1	0	0	0	0	0
S.(38) - Health and safety	1	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0
S.(40) - Personal information	26	25	22	13	29	22	33	16	8	5	4	24	7	6	4	7
S.(40) – Transfer to SAR	0	0	0	0	1							1	1	0	0	0
S.(41) - Info provided in confidence	1	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0
S.(42) - Legal professional privilege	0	0	5	0	1	1	0	0	0	0	0	0	0	0	0	0
S.(43) - Commercial interests	1	4	6	2	7	9	9	3	3	2	1	5	2	0	0	3
S.(44) - Prohibitions on disclosure	0	1	2	0								0	0	0	0	0
FOI Refusal – costs	0	0	39	55	38	46	39	11	8	11	9	43	6	11	12	14
FOI Neither confirm nor deny	0	0	2	0		1						1	0	0	0	1
Refused – repeated	0	0	1	0	1	2						0	0	0	0	0

EIR:																
Reg. 3(a) - Exempt personal data	12	1	1	0								0	0	0	0	0
Reg. 4(a) – Do not hold	0	2	0	1	1							0	0	0	0	0
Reg. 4(b) - Manifestly unreasonable	0	1	0	0	0	1	1	0	0	1	0	1	0	0	1	0
Reg. 4(c) - Too general	0	1	0	0								0	0	0	0	0
Reg. 4(d) - Work in progress / incomplete data	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Reg. 4(e) - Internal communications	0	1	0	0								0	0	0	0	0
Reg. 5(e) - Impinges on confidentiality of commercial or industrial information							1	1	0	0	0	0	0	0	0	0
Reg. 5(f) - Adverse effect on interests of person who provided the information	0	0	1	0		1						0	0	0	0	0
Reg. 5(g) - Adverse effect on protection of environment to which information relates						1						0	0	0	0	0
Reg.6(1)(b) Access by other means						1	2	0	0	2	0	1	0	0	0	1

Note: the following exemptions have not been used to date by the Council:

FOI:	EIR:
S.(23) - Information supplied by, or relating to, bodies dealing with security matters	Reg. 5(a) - Adverse effect on international relations, defence, national security or public safety
S.(24) - National security	Reg. 5(b) - Adverse effect on course of justice or conduct of inquiries
S.(26) – Defence	Reg. 5(c) - Adverse effect on intellectual property rights
S.(27) - International relations	Reg. 5(d) - Impinges on confidentiality of a public authority's work
S.(28) - Relations within the United Kingdom	
S.(29) - The economy	
S.(33) - Audit functions	
S.(34) - Parliamentary privilege	

S.(35) - Formulation of government policy, etc	
S.(37) - Communications with Her Majesty, etc. and honours	

Internal Appeals:			
Quarter 1 (01/01/15 - 31/03/15)	Quarter 2 (01/04/15 - 30/06/15)	Quarter 3 (01/07/15 - 30/09/15)	Quarter 4 (01/10/15 - 31/12/15)
6 received:	4 received:	1 received:	1 received:
<p>FOI 15/0139 <u>Outcome of request:</u> Part provide, part exempt (S40 personal information).</p> <p><u>Outcome of appeal:</u> CCBC failed to respond within 20 working days. CCBC were correct to apply S40 personal information exemption.</p>	<p>FOI 15/0207 <u>Outcome of request:</u> Part provided/part refused. (S42 - legal professional privilege).</p> <p><u>Outcome of appeal:</u> CCBC were correct to apply S42 legal professional privilege exemption</p>	<p>FOI 15/0596 <u>Outcome of request:</u> CCBC provided information, however, the applicant believed that the information provided was incorrect.</p> <p><u>Outcome of appeal:</u> Request clarified and additional information sent when applicant explained exactly what they needed.</p>	<p>FOI 15/0966 <u>Outcome of request:</u> No information held response disputed by the applicant.</p> <p><u>Outcome of appeal:</u> Original response upheld.</p>
<p>FOI 15/0111 <u>Outcome of request:</u> Fees refusal</p> <p><u>Outcome of appeal:</u> Fees notice incorrectly applied, so info supplied</p>	<p>FOI 15/0577 <u>Outcome of request:</u> Redacted information provided, 3rd party personal information exempt (S40 personal information).</p> <p><u>Outcome of appeal:</u> CCBC were correct to redact 3rd party personal information, however, additional information was provided under the DPA (the applicant's personal information)</p>		
<p>FOI 14/1221 <u>Outcome of request:</u> Draft copy of an agreement refused using EIR exception Reg 12(4)(d) material which is unfinished.</p>	<p>FOI 15/0528 <u>Outcome of request:</u> Information provided, but the decision requested by the applicant not yet made, so this information was not held.</p>		

<p><u>Outcome of appeal:</u> CCBC were correct to process under EIR as opposed to FOI. CCBC were correct to apply Reg 12(4)(d) – this information will be made available for the public to view in due course.</p>	<p><u>Outcome of appeal:</u> CCBC do not hold the information requested as a strategy is still in draft format and a decision cannot be made until consultation on the strategy is complete.</p>		
<p>FOI 14/1264 <u>Outcome of request:</u> S40 personal information exemption applied to part of the information requested. Applicant also complained that response was not issued within 20 working days.</p> <p><u>Outcome of appeal:</u> CCBC failed to respond within 20 working days CCBC were correct to apply the S40 exemption</p>	<p>FOI 14/1124 <u>Outcome of request:</u> No information held. Applicant disputed this.</p> <p><u>Outcome of appeal:</u> No information held.</p>		
<p>FOI 14/1282 Price <u>Outcome of request:</u> Request for copies of datasets on road adoption status of the highways within authority. Refused S21 - accessible by other means.</p> <p><u>Outcome of appeal:</u> S21 refusal upheld</p>			

<p>FOI 14/1333 <u>Outcome of request:</u> S40 personal information exemption applied, but response not within 20 working days</p> <p><u>Outcome of appeal:</u> CCBC failed to respond within 20 working days CCBC were correct to apply S40 personal information exemption</p>			
<p>ICO appeals 2015:</p>			
<p>Quarter 1 (01/04/15 - 30/06/15)</p>	<p>Quarter 2 (01/04/15 - 30/06/15)</p>	<p>Quarter 3 (01/07/15 - 30/09/15)</p>	<p>Quarter 4 (01/10/15 - 31/12/15)</p>
<p>None received</p>	<p>None received</p>	<p>None received:</p>	<p>1 received</p>
			<p>FOI 14/1264</p> <p><u>Outcome of request:</u> Applicant claims not all the information was provided and that the S40 personal information exemption was misapplied.</p> <p><u>Outcome of appeal:</u> Late sending response due to the volume and complexity of the requests submitted by the applicant. However original decisions upheld.</p>

Internal Appeals 2016:			
Quarter 1 (01/01/16 - 31/03/16)	Quarter 2 (01/04/16 - 30/06/16)	Quarter 3 (01/07/16 - 30/09/16)	Quarter 4 (01/10/16 - 31/12/16)
4 received:	None received	1 received:	2 received:
<p>FOI 15/1313 <u>Outcome of request:</u> Part provided, but some information withheld as it was 3rd party personal information - S40 exemption Also appealed against fees refusal and time taken to respond.</p> <p><u>Outcome of appeal:</u> Response was answered within compliance deadline. S40 exemption was partially overturned and additional information supplied. Fees refusal still applied.</p>		<p>16/0193 <u>Outcome of request:</u> CCBC directed applicant to third party organisation and did not answer the question.</p> <p><u>Outcome of appeal:</u> Info was provided.</p>	<p>16/0975 <u>Outcome of request:</u> Applicant complained that information requested was not provided.</p> <p><u>Outcome of appeal:</u> Information requested was provided. However during internal appeal, the applicant requested additional information which has since been provided.</p>
<p>16/0008 <u>Outcome of request:</u> Fees refusal.</p> <p><u>Outcome of appeal:</u> Fees refusal correct, but some information supplied in response to the applicant refocusing his request.</p>			<p>16/1071 <u>Outcome of request:</u> Information not held, but applicant disputed this based on content of a committee report.</p> <p><u>Outcome of appeal:</u> Information not held</p>
<p>16/0133 <u>Outcome of request:</u> Part 'do not hold', part fees refusal applied.</p> <p><u>Outcome of appeal:</u> Do not hold conclusion and fees refusal upheld.</p>			

16/0201 Sale of land agreements <u>Outcome of request:</u> Fees refusal. <u>Outcome of appeal:</u> Fees refusal upheld			
ICO Appeals:			
Quarter 1 (01/01/16 - 31/03/16)	Quarter 2 (01/04/16 - 30/06/16)	Quarter 3 (01/07/16 - 30/09/16)	Quarter 4 (01/10/16 - 31/12/16)
None received	None received	3 received:	None received
		15/0139 <u>Outcome of request:</u> S40 exemption (personal information). <u>Outcome of appeal:</u> S40 exemption applied correctly.	
		16/0521 <u>Outcome of request:</u> Applicant complained to the ICO as they did not receive a response to their request. <u>Outcome of appeal:</u> Letter of apology and reply sent to applicant. E-mailed ICO to advise them of the action we have taken and no further correspondence received from them.	
		14/1124 <u>Outcome of request:</u> Information not held <u>Outcome of appeal:</u> Information not held	