

OVERVIEW AND SCRUTINY COMMITTEE – 21 JANUARY 2019

FOI COMPLAINTS REPORT

Executive Summary

The Council has implemented a new system for handling FOIA requests. It is fully auditable and managed by Democratic Services. Should the Committee so wish, a bi-annual report, can be produced to inform the Committee of the requests received.

Recommendations

The Committee is requested to:

RESOLVE That

- (i) The report be noted

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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1.0 Introduction

1.1 The Freedom of Information Act 2000 (FOIA) provides public access to information held by public authorities.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

1.2 The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

1.3 Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

1.4 Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the Data Protection Act 1998.

1.5 The Council introduced a new system for managing requests for information under the Freedom of Information Act 2000 (FOIA).

1.6 The system has been developed by the Council's ICT department and is being managed by the Council's Democratic Services team. This ensures that all FOIA requests are recorded centrally and allocated to the correct team to respond. The system is fully auditable and has built in reminders to ensure that all FOIA requests receive a response within the statutory timeframes. Monthly reports are presented to the Corporate Management Team for their information and action if appropriate.

1.7 Should a person not be happy with the response that they receive then they are entitled to request a review of their response. This review is undertaken by the Data Protection Officer or his nominee. Since the new system has been introduced one person has exercised this right. The review into the request concluded that the request had been handled correctly and the information should not be released.

1.8 It is proposed that a bi-annual report into the number of FOIA requests received and requests for review are reported to the Overview and Scrutiny Committee alongside the bi-annual complaints report. Should Councillors wish to view the new system then this can be arranged with Democratic Services.

1.9 Information in respect of the FOIA and guidance in respect of the same can be found on the ICO's website.

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

2.0 Implications

Financial

2.1 None

Human Resource/Training and Development

2.2 Training has been undertaken by employees in respect of how to use the new system and further training in respect of the FOIA has been arranged.

Community Safety

2.3 None

Risk Management

2.4 Ensures compliance with the law.

Sustainability

2.5 None

Equalities

2.6 None

Safeguarding

2.7 None

3.0 Conclusion.

3.1 The Council has implemented a new system for handling FOIA requests. It is fully auditable and managed by Democratic Services. Should the Committee so wish, a bi-annual report, can be produced to inform the Committee of the requests received.

REPORT ENDS