FREEDOM OF INFORMATION – OVERVIEW OF THE COUNCIL'S MANAGEMENT SYSTEM

Executive Summary

At its last meeting, the Committee was advised of the new management system developed by the Council to deal with Freedom of Information requests which had gone 'live' on 1 October 2018. This report sets out functionality of the management system in more detail.

The system was successfully audited earlier this year and continues to be developed by the Council's IT department in light of feedback from Officers. Any Members wishing to see the system in more detail are encouraged to contact the Democratic Services Team for a demonstration.

Recommendations

The Committee is requested to:

> **RESOLVE That** the report be noted.

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

Background Papers: None.

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1.0   Introduction to the Freedom of Information Act 2000

1.1   The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- o   public authorities are obliged to publish certain information about their activities; and

- o   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   For the purposes of the Act, '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. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

1.4   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   For more information, please visit the Information Commissioner's Office website (https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/)

2.0   What makes a request valid?

2.1   To be valid under the Act, the request must:

- •   **be in writing.** This could be a letter, email or via the web, on social networking sites such as Facebook or Twitter;

- •   **include the requester's real name**. The Act treats all requesters alike, so Officers should not normally seek to verify the requester's identity. However, they may decide to check the requesters identity if it is clear they are using a pseudonym or if there are legitimate grounds for refusing their request and suspect they are trying to avoid this happening, for example because their request is vexatious or repeated. A request can be made in the name of an organisation, or by one person on behalf of another, such as a solicitor on behalf of a client;

- •   **include an address for correspondence**.   This need not be the person's residential or work address – it can be any address at which Officers can write to them, including a postal address or email address;

- •   **describe the information requested.**   Any genuine attempt to describe the information will be enough to trigger the Act, even if the description is unclear, or too broad or unreasonable in some way. The Act covers information not documents, so a requester does not have to ask for a specific document (although they may do so). They can, for example, ask about a specific topic and expect the Officer to gather the relevant information to answer their enquiry, or they might describe other features of the information (e.g. author, date or type of document).

3.0 Overview of the Council's Management System

3.1 On 1 October 2018 the Council's management system for FOI requests went live, overseen by the Democratic Services Team. The Team creates case files for each request received, allocates the FOI requests and assists with responses. The Team is also responsible for training Officers on the system.

3.2 Officers have 20 clear working days to legally respond to an FOI request, which is automatically calculated by the system. The status of an FOI will change from 'Pending' to 'In Progress' once accepted by the Responsible Officer. If the FOI remains unanswered one week before the deadline, its status will change to 'Breaching' and a reminder email will be sent to the Responsible Officer and their Line Manager. In the event the deadline passes, the status of the FOI will be recorded as 'Breached'. More information on Breached FOIs can be found in 5.0.

3.3 The system was successfully audited earlier this year by Internal Audit. It should be noted that the system continues to be developed and that a new module to manage Environmental Information Requests (EIRs) is currently being developed.

4.0 Functions of the System

4.1 The home screen for the FOI System shows the number of FOI requests an Officer has in the system currently under 'My RAG Dashboard', the 'Administrator RAG Dashboard' shows the position across the Authority and can only be viewed by the Democratic Services Team. Senior Managers can also see a 'Team RAG Dashboard' which details all FOIs allocated to Officers under their responsibility. (NOTE: RAG refers to Red, Amber, Green, with the colours indicating the time remaining to respond – Green for the initial 15 working days, Amber for the last week before the deadline and Red for breached).

4.2 An example of the home screen for an Administrator is shown below; the screenshots used in this report are from the test system and do not reflect the status of live requests.
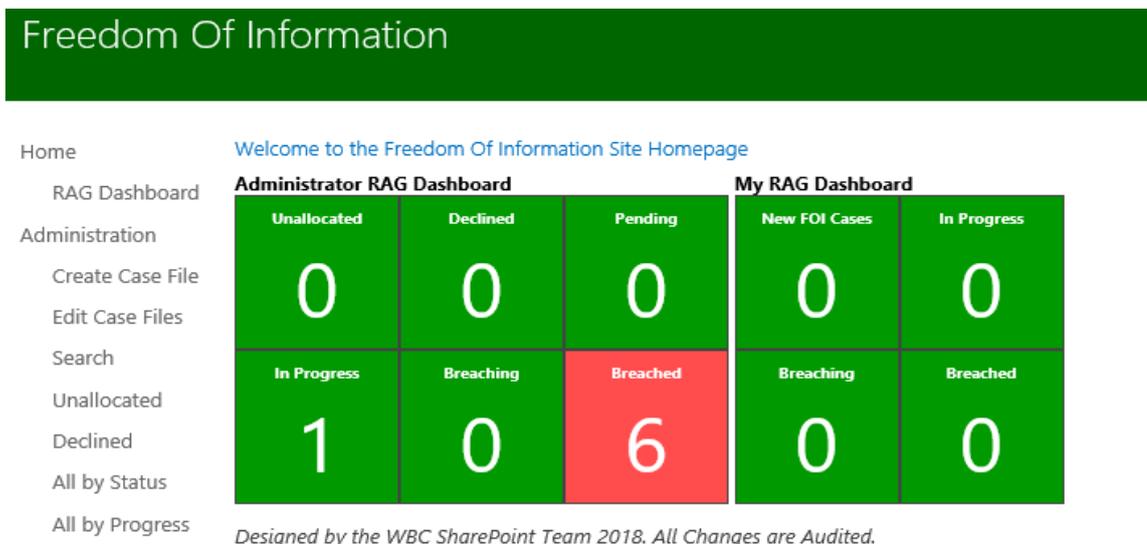
4.3 Once a case file for an FOI request has been created, an acknowledgement email is sent to the individual or organisation seeking the information and a notification email is sent to the Responsible Officer. Once the Officer has accepted the FOI it moves from the "New FOI Cases" into the "In Progress" category.

4.4 The Responsible Officer will work on retaining the information in order to respond within the 20 clear working days deadline. Some responses aren't always straight forward as

the information may be confidential, held by a subsidiary company or not held by the Council. The following response email templates options have been put together by the Legal Team:

- Request Clarification

- Fulfil

- Neither Confirm nor Deny

- Information not held

- Standard Referral Letter

- Information Accessible Elsewhere

- Refuse Request

4.5 There are various reasons why a request could be refused under the Legislation and a number of different email templates are therefore available under the Refuse Request option. The reasons why are:

- Exceeds Cost Limit Refusal Notice

- Commercially Sensitive

- Information Intended for Future Publication

- Investigations and Proceedings Conducted by Public Authorities

- Law Enforcement

- Court Records

- Prejudice to effective conduct of Public Affairs

- Health and Safety

- Personal Information

- Information Provided in Confidence

- Legal Professional Privilege

- Third Party Personal Information (Redacted)

- Various Reasons (where two or more of the options above apply).

4.6 Once the Officer has chosen the appropriate response email template, and filled in the text boxes with the correct information, an email is drafted. There is an option to attach documents to the email as it is common for responses to be requested in a specific format such as excel.

5.0 Breaching

5.1 Officers have 20 clear working days to respond, and receive various reminder emails generated from the system. When the FOI request has one week left before the deadline, its status changes to 'Breaching'. At this stage, the Administrators will actively provide assistance to the Responsible Officer with a view to ensuring that the deadline does not pass. In the event the Responsibile Officer fails to complete the FOI before the deadline, the status changes to 'Breached'.

5.2 Regular reports on the system are presented to the Council's Corporate Management Group, including details of any requests that are not fulfilled within 20 working days. Set

out below is a summary of the FOIs received between 1 October 2018 and the end of January 2019.

Reporting Date	Totals since going live in October 2018				
	Total FOIs received	Total FOIs Breached	%	Total FOIs refused	%
03 December 2018	155	0	0%	15	10%
03 January 2019	198	0	0%	18	9%
31 January 2019	288	0	0%	23	8%

5.3   The number of FOI requests dealt with by departments of the Council are also recorded; the table below shows how many FOIs were received by each team during January.

Department	Quantity
Benefits/Council Tax	15
Building Services	1
Business Liaison	2
Communtity Safety	3
Democratic Services/FOI team	21
Elections	1
Environmental Health	6
Finance	4
Green Infrastructure	2
Health & Well Being	2
Housing	7
HR	3
IT/Projects	7
Legal	2
Licensing	3
Marketing	2
Neighbourhood Services	2
Parking	7
Planning	3

6.0   Implications

Financial

6.1   The new Management System was developed in-house within existing resources.

6.2   The cost of dealing with FOI requests is not recorded; the Council is required to deal with all FOI requests regardless of cost and the process of calculating the cost of responding each time would in itself add to officer time and therefore cost.

Human Resource/Training and Development

6.3   The Senior Managers of the Council have all been trained on the system by Democratic and Legal Services. Furthermore, the training has been offered to any staff who may receive an FOI. Refresher training is provided on request and guidance documents are available through the system.

Community Safety

6.4   There are no community safety implications arising from this report.

Risk Management

6.5   There are no risk management implications arising from this report.

Sustainability

6.6   There are no sustainability implications arising from this report.

Equalities

6.7   There are no equalities implications arising from this report.

Safeguarding

6.8   There are no safeguarding implications arising from this report.

7.0   Conclusions

7.1   The Council has adopted a new management system for the receipt of and response to Freedom of Information requests. The new system has been successfully audited and seeks to ensure that a consistent approach is adopted by the Council in responding to requests. To support officers, the Democratic Services Team oversees the system and further guidance can be sought from the Legal Team.

REPORT ENDS