
Report to Scrutiny Committee

Date: 25th February 2010

Subject: Freedom of Information – Performance Update

Report by: Head of Administration and Legal Services

1.0 Purpose

- 1.1. The purpose of this report is to present an overview of the numbers of requests received under the Freedom of Information (Scotland) Act 2002 across all Services of the Council during the second half of 2009.
- 1.2. The report presents management information on the volume of enquiries, the source of these enquiries, and the performance of the Council in responding to enquiries received.

2.0 Recommendations

- 2.1. The report is provided for information and it is recommended that the Committee notes the content.

3.0 Considerations

- 3.1 A paper of a similar nature was considered by the Scrutiny Committee in 2009. That paper provided management information relative to information requests and performance in the first six months of 2009 and it was intended as the first in a series of periodic reports. This latest report covers the period from July to December 2009.

4.0 Comment on the Statistics

- 4.1. The Council received a total of 324 enquiries between July and the end of December 2009. The total number of enquiries for the year was 633 (113 (22%) above the previously anticipated total of 520).
- 4.2. Attached to the report (Appendix 1) is a statistical breakdown of information requests received over the last 6 months of 2009. Details are presented with the aim of highlighting differences across Services, source of requests, and response performance.

- 4.3. The volume of freedom of information requests peaked in December, partly as a consequence of the interest expressed by individuals (staff included) in information relating to the Council's single status programme. A total of 92 enquiries were received in December, and 69 of these were related to information held by Corporate Development Services. The principal topic of interest was single status information.
- 4.4. The sudden increase in the volume of information requests received serves to demonstrate the potential impact that a single subject interest can generate. The Council's Corporate Development Services' staff (Human Resources) have carried the bulk of the impact on this occasion. Available resources have been tested, and the ability to respond to enquirers within the 20 day target time has suffered in a number of cases.
- 4.5. During the first half of the year, the press and media were the most active group requesting information (29% of all requests received). In the latter part of the year, the predominant source of enquiries was individuals (33%), again reflecting the increased interest in the Single Status programme.

Timescales and Performance

- 4.6. In accordance with the requirements of the Act, the Council has a maximum of twenty working days within which to respond to each information request. In the first half of the year there was a compliance rate of 97%. In the second half of the year this fell to 85.2%. (53 of the 324 enquiries received were not responded to within the target time, with some running up to 15 days overdue at the time of writing).
- 4.7. The figures (see Appendix 1) confirm that the target response time was not met by Development & Environmental Services (1 occasion); Services to People (4 occasions); and Corporate Development Services (48 occasions). With one exception, all of the Corporate Development Services' enquiries in this category featured Single Status as the core subject.

Reviews

- 4.8. Anyone who requests information from the Council is entitled, as part of the regulated procedures to ask for a review of the process if they fail to receive a response, or the response received is considered to be unsatisfactory in some way.
- 4.9. During the period covered by this report there were 8 review requests received. Of these, 6 were originally processed by Corporate Development Services, and one each by Services to People and Development and Environmental Services.
- 4.10. Of the five reviews, one (concerning road salt) related to the initial withholding of contractual information (the information was subsequently released), while the other seven were the result of a failure to respond. (One was related to museums services, six were in connection with single status enquiries).
- 4.11. None of the review outcomes have, so far, been appealed to the Scottish Information Commissioner, an indication that enquirers were ultimately satisfied with the Council's internal processes.

- 4.12. The low number of review requests received so far may be surprising, particularly given the high number of cases in which the target response time has been exceeded. However, these cases could, at any time, escalate to review status should enquirers so demand.

There were no appeals to the Scottish Information Commissioner during this time.

Conclusion

- 4.13. The Council is obliged to carefully consider every request for information received, and then provide an appropriate response (which may in some circumstances legitimately include a refusal to release information). Although there are some exceptions, the source of the request, and the motivation of the person requesting information is of no consequence. All requests must be managed in a consistent and professional manner.
- 4.14. Services are required to use existing resources to manage information requests and it is accepted that this can have an impact on service delivery, particularly where requests are complex in nature and/or high in volume. The impact can be significant, as has been demonstrated by the high number of requests received by Corporate Development Services over a short period.
- 4.15. The number of review requests has remained low during the period, but consideration must be given to the potential out-fall from the enquiries received in December that remain open at this time.
- 4.16. The statistics for the second half of 2009 show a drop in performance when compared with those from the preceding period. This dip is primarily the result of a significant expression of interest in a single subject (single status) and, although not all related enquiries have reached a conclusion at this stage, performance is expected to increase again one request volumes drop back in line with expectations.

5.0 Sustainability Implications

- 5.1. None

6.0 Resource Implications

6.1. Financial Details

- 6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

Yes X

6.3. Staffing

- 6.4. There are no direct staffing implications

7.0 Exempt Reports

7.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick ☒)

The area has a positive image and attracts people and businesses	<input type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

9.0 Legality

9.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

10.0 Appendices

10.1 Appendix 1 - FoI Management Information

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☐ (please list the documents below) No ☒

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Approved by

NAME	DESIGNATION	SIGNATURE
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Freedom of Information - 6 Monthly Activity Statistics
Period - July to December 2009

Service Area	No. of information requests received	% for Total	% for Service	<i>Previous 6 months: No. of info requests rec'd</i>
Chief Execs	57	17.5	100	67
Administration and Legal	51*	15.7	89.4	54
Emergency Planning	2	0.6	3.5	1
Strategic Policy	3	0.9	5.3	11
Chief Exec	1	0.3	1.8	1
Corporate Development	127	39	100	63
BITS	10	3	7.9	16
Finance	26	8	20.5	22
Human Resources	91**	28	71.6	24
Not Known	0	0	0	1
Development & Environment	51	16	100	61
Development	16	4.9	31.4	27
Environment	17	5.2	33.3	25
Property	14	4.3	27.5	7
Strategy	3	0.9	5.9	1
Not Known	1	0.3	1.9	1
Services to People	88	27.2	100	118
Education	43	13.3	48.9	67
Housing	14	4.3	15.9	21
Social Services	31	9.6	35.2	30
Non Council (transferred)	1	0.3	100	0
Total	324			

* (The total for Admin & Legal Services includes ALL of the enquiries that require information to be sourced Council-wide)

** (Increase in HR enquiries relates to interest in the Single Status programme)

Source of Request	Split by Source Type		Previous 6 months	
1. Commercial Business	29	8.9%	34	20%
2. Individual Citizens	108	33.3%	21	13%
3. Other Public Bodies	26	8%	24	14%
4. Politicians	48	14.9%	17	10%
5. Press	77	23.9%	49	29%
6. Solicitors	5	1.5%	10	6%
7. Internal	26	8%	12	7%
8. Unidentified Source	5	1.5%	34	20%

Source of Request	Split by Source Type and Service Area									
	CE		CD		D&E		S2P		Non-council	
Commercial Business	4	7%	2	1.8%	6	11.8%	20	22.8%	0	0%
Individual Citizens	18	31.5%	63	49.8%	15	29.4%	11	12.6%	1	100%
Other Public Bodies	4	7%	7	5.8%	6	11.8%	6	6.8%	0	0%
Politicians	9	15.8%	10	7%	8	15.7%	21	23.8%	0	0%
Press	18	31.5%	20	15.8%	13	25.4%	26	29.5%	0	0%
Solicitors	2	3.6%	0	0%	3	5.9%	0	0%	0	0%
Internal	1	1.8%	24	18.9%	0	0%	1	1.1%	0	0%
Unidentified Source	1	1.8%	1	0.9%	0	0%	3	3.4%	0	0%
Total No. of Sources	57		127		51		88		1	
	324									

1 enquiry was recorded as being from an individual and logged as Non-Council Service. It was transferred to the correct external organisation

Reviews:

6 for Corporate Development
 1 for Development & Environment
 1 for Services to People

Responses over 20+ days:

4 for Services for People
 1 for Development and Environmental
 48 for Corporate Development