
Audit & Governance Committee

Report of the Director of Customer & Business Support Services

Update on Freedom of Information (FOI) & Environmental Information Regulations (EIR)

Background

1. In December 2014, members received a further update on progress against the council's review of FOI processes to respond to the draft Annual Governance Statement, including information governance risks around the processing of FOIs and also on progress made with planned improvements to address the findings from the related 2013 internal audit report. This is a six monthly update on progress and performance, and again includes the financial information on the costs of FOIs that members of the Committee requested.

Summary

2. As previously reported to committee meetings, there has been a considerable and sustained increase in the number of FOI/EIR enquiries. In year 2014/15 there was an increase of 34.7% in FOI/EIR enquiries compared to year 2013/14. There were 1060 more enquiries received in 2014/15 compared to the number of enquiries received in 2011/12. See Annex 1
3. The FOI and EIR transactions for City of York Council (CYC) for the financial years 2011/12 to 2014/15 are summarised in the table below with the percentage answered shown within the 20 day prescribed deadline set by the Freedom of Information Act 2000. This demonstrates the continued improvements made in the number of enquiries being responded to in the time limits.

	total received	In time	Out of time	% in time
2011 - 2012	804	698	106	86.80%
2012 - 2013	954	715	239	74.90%
2013 - 2014	1384	1121	263	81.0%
2014 - 2015	1864	1727	112	94.1%

4. As previously reported, according to a survey of councils carried out by University College London (UCL) in 2010, the average percentage of requests completed by unitary authorities within 20 days was 83.2%. The Information Commissioner (ICO) states in their guide – How the Information Commissioner’s Office selects authorities for monitoring – that they will consider monitoring a local authority where *“it appears that less than 85% of requests are receiving a response within the appropriate timescales”*.
5. Using the average cost of producing an FOI response of £136.45 which has previously been reported to this committee, the approximate cost to the council for responding to FOIs only in 2014/15 is = £204,811.45. This has increased from £190,211 in the previous year.
6. Veritau currently undertake internal reviews for FOI and EIR, as well as the ICO casework. In year 2014/15, there were 85 internal reviews and 39 ICO cases. This means that 4.6% of enquiries led to internal reviews and 2.1% led to ICO cases. See Annex 2.
7. Following the launch of the new council website, we have improved the publication format for FOI responses to show in categories rather than date of publication only.

https://www.york.gov.uk/info/20219/freedom_of_information/1535/freedom_of_information_responses

We are continuing to look at other areas for improvement including being able to search on date of publication, key word(s), etc as well as looking into how to improve accessibility from the website home page. There is also the option to link published responses with datasets to the Open Data Platform which we are currently developing further with the Shared Intelligence bureau/team.

<http://www.yorkopendata.org/>

Update

8. It is important to note that following the changes to our processes and the introduction of improved monitoring, which were described to Members at previous meetings, considerable and sustained improvement in the percentage of FOI enquiries responded to in time has been achieved – see Annex 1.
9. We have agreed to an audit by the ICO of how we process personal data which will take place by the end of August 2015. The primary purpose of the audit is to provide us and the ICO, with an independent opinion of the extent to which we (within the scope of the agreed audit) comply with the Data Protection Act and highlight any areas of risk to our compliance. It will also review the extent to which we can demonstrate good practice in our data protection governance and management of personal data. The audit is a constructive process and will provide us with real benefits and opportunities to continue to make improvements in these areas. Work is underway in preparing for this audit and further updates will be provided using a variety of mechanisms e.g. Buzz, screens in staff areas of West Offices, Members Newsletters, booked in sessions etc. We have also agreed the key scope areas of Records Management, Subject Access to Records (SARs) and Data Sharing with the ICO auditors.

Consultation

10. The report is for information only.

Options

11. The report is for information only.

Analysis

12. All analysis is contained in the report.

Council Plan

13. Compliance with the Freedom of Information Act and Environmental Information Regulations are a legal requirement. Failure to deliver a good quality FOI/EIR service can have reputational damage for the council.

Implications

14.
 - **Financial** –None

- **Human Resources (HR)** - None
- **Equalities** - None
- **Legal** - Implementation of the actions arising from the internal and external reviews will assist in meeting the statutory requirements of the Freedom of Information Act and Environmental Information Regulations.
- **Crime and Disorder** None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** - None

Risk Management

15. The information, update and actions outlined in this report are intended to continue to improve our FOI/EIR compliance and service to enquirers, which may reduce the time taken in processing enquiries, and publication improvements may reduce the overall number of enquiries received, therefore introducing no new risk. Failure to sustain current performance however will again increase the risk of criticism or intervention from the Information Commissioner which can include financial penalties.

Recommendations

16. Members are asked to consider and note the contents of this report.

Reason: To ensure the council meets the requirements of FOI / EIR legislation, and is open and transparent in its publishing of information.

Annexes

Annex 1 – Performance report for FOIs/EIRs

Annex 2 – Performance report for FOI/EIR internal reviews and ICO cases

Contact Details

Author:

Lorraine Lunt
Transparency and
Feedback Manager
Telephone: 01904 552247

**Chief Officer Responsible for the
report:**

Ian Floyd
Director of CBSS
Telephone: 01904 551100

**Report
Approved**



Date 16/06/2015

Specialist Implications Officers

Head of Civic, Democratic & Legal Services

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers: None