

## Executive

21 September 2010

Report of the Assistant Director of Customer and Business Support Services  
(Customer Service & Governance)

## Public reporting of enquiries and replies made under the Freedom of Information Act 2000

### Summary

1. This report proposes alternative solutions to publishing requests for information made under the Freedom of Information Act with related replies, on the council's public website.
2. The Leader of the Council, Cllr Waller, in reply to a member question at Council on 4 February 2010, responded:

*"I agree that openness and transparency would be improved by the council publishing details of Freedom of Information requests and answers on the council website. I have asked officers to draw up a report to investigate how this can happen, and it is my hope that it will not only improve the operation of the Act but also save officer time in answering questions that have already been asked, and show to the public the nature of the questions that the council is answering on their behalf."*

### Background

3. The Freedom of Information Act (FOI) obliges the council, in response to a written request, to disclose any information it holds, unless it is exempt. The council must also provide a "Publication Scheme", a guide to information routinely published, the purpose of which is to deflect requests towards the published source and so save officer time.
4. In March 2010 options for publishing requests and replies were considered in detail by officers, but more time was requested and agreed to explore options more fully to assess cost and effectiveness. Broadly, the work has demonstrated that greater effort and resources would permit better openness and transparency. The crucial factor is the ease with which an enquirer can find out whether the information he or she wants has already been provided. Unless it is very easy and well promoted, an enquirer will simply make his or her request without checking the web-site first, and allow council officers to do

the searching. If this happens, no efficiencies or savings will have been realised by publishing.

## Consultation

5. The council's Web Manager and the Project Manager dealing with the council's document imaging and management project have offered advice about the practical implications and costs of the options set out below.

## Options

6. Option 1. Use Documentum (the council's records storage and management system) as a publicly accessible information resource, in line with proposals to standardise FOI processes across the council, and the strategy of making Documentum the Council's default records store.
7. Option 2. Publish a monthly web page listing of all FOI questions answered in that month, each linked to a pdf with the response. Key words are listed below the question so that the browser can locate them.
8. Option 3. Publish only FOI questions, with an offer to provide the actual reply on request. A copy of all correspondence to be kept centrally so that any such requests can be answered without reference back to the service concerned.
9. Option 4. Do nothing

## Analysis

10. **Option 1:** The Documentum facility, currently being implemented by the More for York Programme, is capable of storing all correspondence on each enquiry, including the initial request and the eventual disclosure. It is possible to configure the public website to provide access to it, so that the search facility within Documentum can be used by a public enquirer to search for key words related to the information he or she wants. Access controls can be so configured that the enquirer only gets the questions and answers (and not, for instance, any exempt material discussed in internal correspondence).
11. This would be an elegant solution. It would be consistent with the council's overall strategy of using Documentum as its principal store of electronic records. However the special configuration would require development time and would have to be added to the More for York Programme plan. This has been discussed with officers within the Programme and is considered to be achievable.
12. There would be an ongoing cost in making separate the public and exempt material, especially if the name of each enquirer is to be withheld, and documents are to be edited to council publishing and security standards. This would require up to 4 hours of officer time per week to prepare the documents, amounting to approximately £5,000 per year. The additional cost could be funded only by making efficiencies in other work areas, yet to be identified.

13. Any alternative searchable catalogue or index of enquiries would require special development, also at significant cost.
14. **Option 2** lies in between the options 1 and 3 in terms of functionality and the time needed to establish and test the system. "Searchability" would be limited and likely to locate many irrelevant entries, and therefore could fail to deflect enquiries from officers. The on-going cost would be comparable to that of Option 1.
15. **Option 3**, by contrast, could be carried out within existing resources. The answer would be readily available through contact with officers (saving the searcher time in searching for the answer on-line), although responding to the enquiry could consume extra officer time. No additional time would be needed to ensure material to be published (i.e. meets the council's accessibility standards and so on). This tends to be the option currently offered by other councils, including North Yorkshire County Council.
16. Option 3 can be introduced quickly within imminent timescales for other transparency initiatives, including publishing payments of over £500 and new information about large contracts.
17. **Option 4** is not considered to be sustainable as this would be working against the council's desire for greater transparency and efficiency relating to the publication of its information.
18. With regard to Options 1 to 3, the intention would be to at least categorise, if not name organisations making FOI requests. Requests by individual persons would be categorised as such, as their identity is protected under the Data Protection Act.

### **Corporate Priorities**

19. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

### **Implications**

20.

- (a) **Financial** – the additional administrative work which would arise as a result of adopting Options 1 and 2 would need to be absorbed within existing staff resources (i.e. through efficiency savings). There would also be no other cost implications arising from the use of the council's public website for this purpose.
- (b) **Human Resources (HR)** - There are no implications.
- (c) **Equalities** - There are no implications.
- (d) **Legal** –The outcomes from this report will improve public access to information held on the council's website and improve transparency of its

operations in accordance with the spirit of the Freedom of Information Act.

- (e) **Crime and Disorder** - There are no implications.
- (f) **Information Technology (IT)** - There are no implications other than the need to maintain additional material on the council's website.
- (g) **Property** - There are no implications.

### **Risk Management**

- 21. The options presented in this report are intended to reduce the amount of officer time used in responding to FOI requests, and introduce no new risk. It is anticipated that the publication of FOI requests will ultimately result in the reduction of the number of requests that are made and reduce the risk of criticism or intervention from the Information Commissioner.

### **Recommendation**

- 22. Members are asked to approve a combination of Options 1 and 2 at paragraph 6 and 7 above as part of the improvements to transparency, and to FOI processes contained within the MoreforYork Programme. Option 1, will provide the longer term solution and should be available in 2011. In the interim as per Option 2, a web page can be published periodically carrying links to PDF versions of the enquiry and response. This will have less functionality, but allow, for a faster move to transparency.

#### *Reason*

*To ensure the council acts with maximum openness and transparency and provides as much information as possible within the resources available to it.*

## Contact Details

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Report Approved

Date 7/9/10

### Specialist Implications Officers

Assistant Director of Customer & Business Support Services (Finance)

Head of Civic, Legal & Democratic services

Wards Affected:

All

For further information please contact the author of the report

### Background papers

None

### Annexes

None