
Report To:	Policy & Resources Committee	Date:	20 June 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	LP/032/17
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Freedom of Information Requests 2016		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Policy & Resources Committee with details of Freedom of Information (FOI) requests received by the Council January-December 2016.

2.0 SUMMARY

- 2.1 The Freedom of Information (Scotland) Act 2002 (FOISA) came into effect on 1 January 2005. Under FOISA, a person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority, subject to certain conditions and exemptions which are set out in the Act. The Environmental Information (Scotland) Regulations 2004 (the EIRs) also came into force on 1 January 2005 and give the public rights of access to environmental information held by Scottish public authorities.
- 2.2 The Council has adopted the Model Publication Scheme 2016 which was produced and approved by the Scottish Information Commissioner on 29 March 2016. The Model Publication Scheme (MPS) and the Council's Guide to information available through the MPS is on the Council's website at www.inverclyde.gov.uk.

3.0 RECOMMENDATION

- 3.1 The Policy & Resources Committee is asked to note the information provided in relation to FOI requests received by the Council during 2016.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 FOISA provides a right of access to recorded information held by Scottish public authorities subject to certain conditions and exemptions which are set out in the Act.
- 4.2 The Council has adopted the Model Publication Scheme 2016 which was produced and approved by the Scottish Information Commissioner on 29 March 2016. The Model Publication Scheme (MPS) and the Council's Guide to information available through the MPS is on the Council's website at www.inverclyde.gov.uk. The Council's Guide provides information on:-
- what information is available (and what is not available) in relation to each class;
 - charges that may be applied;
 - how to find the information easily;
 - contact details for enquiries and help with accessing the information; and
 - how to request information held by the Council that has not been published.
- 4.3 An applicant for information has the right to ask the Council to review its action and/or decisions if he/she is dissatisfied with the way in which the Council has dealt with the request for information. If still dissatisfied with the review decision, or if the review decision has not been received within 20 working days, an applicant may appeal to the Scottish Information Commissioner.
- 4.4 The Scottish Information Commissioner has asked all Scottish public authorities to provide her with statistics on FOI requests and requests under the EIRs, the number of Data Protection Subject Access requests received, details of reviews dealt with and exemptions/exceptions applied on a quarterly basis from 1 April 2013. These statistics are available on the Scottish Information Commissioner's website at www.itspubliknowledge.info.
- 4.5 Although the Scottish Information Commissioner has no locus in relation to Data Protection Subject Access Requests (SARs), this information is collected to see how the number of FOI and EIR requests authorities received compares to the number of SARs received.

5.0 REQUESTS RECEIVED

- 5.1 During 2016 1193 FOI requests, 14 requests under the EIRs and 73 Data Protection Subject Access requests were received.
- 5.2 A comparison with the number of FOI and EIR requests received in 2015 is set out in the table below.

Year	FOIs	EIRs	Total	FOI/EIRs Responses Within Statutory Timescale	FOI/EIRs Response Outwith Statutory Timescale	Withdrawn/ Carried Forward (clarification/ fees)
2015	1029	12	1041	851	157	33
2016	1193	14	1207	1010	151	46

- 5.3 Members will note from the table above that, in comparison with 2015, there has been a significant increase in the number of FOI/EIR requests dealt with by the Council. An additional 166 requests, an increase of 15.9%, were dealt with in this period.
- 5.4 In addition, it will be of interest to Members to note that in 2015 27 Data Protection Subject Access requests were received as compared with 73 in 2016, an increase of 170%.
- 5.5 FOI/EIR requests are dealt with within existing staff resources and are recorded and co-ordinated centrally by Legal & Property Services. In addition, Legal & Property Services deals with any requests specific to the service, all cross service requests, the preparation and submission of quarterly statistical returns to the Scottish Information Commissioner and quarterly monitoring

reports to the CMT. This is supported by staff within the directorates who deal with service specific requests.

5.6 The table below provides a breakdown of the source of FOI requests received.

Source of Request (where known)	2016
Charity/Campaign/Voluntary Organisations	41
Commercial Organisations	146
Education/Research	9
Journalist/Media Organisation	154
Legal Organisations	30
Individuals	646
MSP/Scottish Parliament/Other Elected Official	147
Other Public Body	15
Trade Union/Professional Representative Body	19
TOTAL	1207

6.0 IMPLICATIONS

6.1 Financial

All costs associated with dealing with FOI and EIR requests and appeals and Data Protection Subject Access requests are contained within existing budgets. However, information on the time spent and estimated cost (based on the mid-point of the relative salary grade) of dealing with FOI and EIR requests across the Council has been collated from May 2016. The time spent on and estimated cost of dealing with FOI and EIR requests during May-December 2016 is set out in the table below:

May-December 2016	Time Spent	Estimated Cost
	679.7hrs	£12,825.92

One off Costs:

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £'000	Virement From (If Applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Legal

6.2 The Council is legally bound to comply with FOISA and the EIRs. The Scottish Information Commissioner has powers of enforcement which can be used where a public authority is consistently failing to comply with the legislation.

Human Resources

6.3 None.

Equalities

6.4 None.

Repopulation

6.5 There are no direct implications in respect of repopulation.

7.0 CONSULTATIONS

7.1 None.

8.0 LIST OF BACKGROUND PAPERS

8.1 Freedom of Information (Scotland) Act 2002, Environmental Information Regulations (Scotland) Regulations 2004 and Data Protection Act 1998.