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<b>Report To:</b>	<b>Policy &amp; Resources Committee</b>	<b>Date:</b>	<b>21 May 2019</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>LP/077/19</b>
<b>Contact Officer:</b>	<b>Gerard Malone</b>	<b>Contact No:</b>	<b>01475 712710</b>
<b>Subject:</b>	<b>Freedom of Information Requests 2018</b>		

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## 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 during the period 1 January – 31 December 2018.

## 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 FOISA. 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 are on the Council's website at [www.inverclyde.gov.uk](http://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 2018.

**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 FOISA.
- 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 are on the Council's website at [www.inverclyde.gov.uk](http://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 they are 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 since April 2013 asked all Scottish public authorities to provide statistics on FOI requests and requests under the EIRs, the number of Subject Access requests received, details of reviews dealt with and exemptions/exceptions applied on a quarterly basis. These statistics are available on the Scottish Information Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info).
- 4.5 Although the Scottish Information Commissioner has no locus in relation to 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 2018, 1273 FOI requests, 32 requests under the EIRs and 39 SARs were received.
- 5.2 A comparison with the number of FOI and EIR requests received from 2014 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)
2014	1121	19	1140	1030	89	21
2015	1029	12	1041	851	157	33
2016	1193	14	1207	1010	151	46
2017	1265	16	1281	1063	95	123
2018	1273	32	1305	1042	197	46

- 5.3 Members will note from the table above that, in comparison with 2017, there has been a marginal increase in the number of FOI/EIR requests dealt with by the Council of 1.8% although there is a 50% increase in the number of EIR requests received. The number of responses out with the statutory timescale has increased and requires attention within services to improve. The number of cases which were carried forward, required clarification or were withdrawn positively reduced by 62% and this reflects improved action on requests received. The Council is legally bound to comply with FOISA and EIRs. A failure to respond to a FOI/EIR request within the statutory timescale is a breach of the legislation.
- 5.4 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 which are specific to the service, all of the corporate 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.

- 5.5 During 2018, the Council has received 6 FOISA requests for internal reviews, 2 EIR requests for internal reviews and zero cases where an appeal was taken to the Scottish Information Commissioner to review independently.
- 5.6 Quarterly reports on progress throughout the year are submitted to the CMT for overall review and any actions on a service specific basis and to ensure awareness of the impact on staff resources.

## 6.0 IMPLICATIONS

### 6.1 Financial

All costs associated with dealing with FOI and EIR requests, reviews and appeals and SARs 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. Services are conscious of the need to accurately record the costs incurred, guidance and support are offered to assist in ensuring the Council has a clear view of the resources utilised. Continued focus will be placed upon this in the coming year to improve the accuracy of responses being returned to the FOI team. This will ensure that time and cost information is reflective of the time that all officers have spent on responding to a FOI request. The time spent on and estimated cost of dealing with FOI and EIR requests during January-December 2018 is set out in the table below and reflects figures that show a reduction in hours recorded:

Period	Time Spent	Estimated Cost
January-December 2017	1814.4 hours	£30,112.93
January-December 2018	1412.20 hours	£23,953.28

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 2018.