
Report To:	Policy & Resources Committee	Date:	16 September 2025
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/036/25
Contact Officer:	Carol Craig-McDonald	Contact No:	01475 712725
Subject:	Freedom of Information Annual Report 2024		

1.0 PURPOSE AND SUMMARY

1.1 ☐ For Decision ☒ For Information/Noting

1.2 This is an agreed routine annual monitoring report 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 2024.

2.0 RECOMMENDATION

2.1 It is recommended that the Committee:

- (1) Notes the information provided in relation to FOI requests received by the Council during 2024.
- (2) Approves the publication of the annual performance report on the Council's website.

Lynsey Brown
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

- 3.1 The Freedom of Information (Scotland) Act 2002 (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.
- 3.2 The Scottish Information Commissioner has since April 2013 asked all Scottish public authorities to provide statistics on Freedom of Information (FOI) requests and requests under the Environmental Information Regulations (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 <http://www.itspublicknowledge.info/>.
- 3.3 Statistical reports on how the Council has dealt with information requests are presented to Committee on an annual basis.

4.0 ANNUAL REPORT

- 4.1 During 2024, a total of 1267 information requests (1044 requests under FOI and 223 under EIRs) were received by the Council. The annual report on performance during 2024 is appended to this report.
- 4.2 Section 2 of the appended report provides a comparison with the number of FOI and EIR requests received by the Council from 2016 to 2024. Members will note that, in comparison with volumes received during 2023, that there has been a 1.36% increase in the overall number of FOI/EIR requests dealt with by the Council. The volume of requests being received is at a more consistent level. There is also a noted increase in the number of EIRs, 223 were made in 2024 which is largely due to a more accurate categorisation of the requests.
- 4.3 Section 3 of the appended report details in full the source of applicants who submitted requests over the course of the year. The top three sources of applicants who submit FOI requests are recorded as - Individuals at 37%, Media and Newspaper Sources at 17.52% and Commercial Firms at 15.7%. Additionally, 7.10% of requests came under the category of 'Others' however, this cannot be further quantified from the source of the requests.
- 4.4 The Council's performance in relation to FOIs and EIRs for on time, late and failed to respond rates, as well as percentages of key performance indicators which is used by the SIC when comparing performance of other Scottish local authorities, are detailed in section 4 of the appended report. The Council responded to 93% of information requests on time and had a failure rate of 7% for responding late or failing to respond to information requests during 2024. This reflects a 2% increase on the failure response rate which is still within the accepted 10% threshold for this KPI. The Council is continuing to work on improving the time taken to respond to requests, following the intervention that was opened by the SIC in 2022, and reported to Committee with the 2021 Annual Report on 15 November 2022. The intervention was closed by the SIC on 18 May 2023. The Council continues to use the actions that that were implemented as part of the intervention action plan given how effective they were in improving performance.
- 4.5 FOI/EIR requests are dealt with within existing staff resources and are recorded and co-ordinated centrally by Legal, Democratic, Digital & Customer Services. In addition, Legal, Democratic, Digital & Customer Services deal with any requests which are specific to the service and all of the corporate requests, the preparation and submission of quarterly statistical returns to the SIC and quarterly monitoring reports to the Corporate Management Team (CMT). This is supported by staff within the directorates who deal with service specific requests. The Information Governance Team was redesigned in June 2024 which has centralised resources for both the HSCP and the Council's information governance responsibilities and includes the collation of FOIs for both areas. It has been

noted that the volume of corporate responses that were being managed throughout 2024 increased by 37% when compared to 2023.

- 4.6 Quarterly reports on progress throughout the year are submitted to the CMT for overall review, to highlight any actions on a service specific basis and to ensure awareness of the impact on staff resources.
- 4.7 The information management system Workpro has been in use throughout 2024 for the processing of FOI requests. Benefit from the system continue to be realised in terms of how we are responding to and managing the FOI requests across all services and in particular timescale management using the reporting function within the system. Further training was delivered to support the ongoing development of knowledge for some officers who deal with FOI requests.
- 4.8 Monitoring of performance continues to be undertaken using the Day 15 FOI work progress report which was implemented in January 2022 and through the use of the FOI workflow summary which has improved officer understanding of the FOI process.
- 4.9 The Information Governance Team continues to work with services to ensure that the improvements made on the response timescales following the closure of the SIC intervention on the 18 May 2023 are sustained. Quarterly performance on response timescales is noted in the table below along with the comparison data dating back to 2021.

Period	FOI/EIRs responded to within Statutory Timescale	% On time	FOI/EIRs responded to out with Statutory Timescale	Requests not responded to	% of failed to respond within statutory timescale rate
Jan - Mar 2021	152	82.6%	32	0	17.4%
Apr - Jun 2021	155	68.9%	70	0	31.1%
Jul - Sept 2021	180	79.6%	43	3	20.4%
Oct - Dec 2021	269	85.4%	43	3	14.6%
Jan - Mar 2022	324	90%	33	3	10%
Apr - Jun 2022	344	91%	29	2	9%
July - Sept 2022	280	89.2%	32	2	10.8%
Oct - Dec 2022	395	94.7%	22	0	5.3%
Jan – Mar 2023	367	91.6%	28	6	8.4%
Apr – Jun 2023	348	92.3%	21	7	7.7%
July – Sept 2023	346	95.3%	17	0	4.7%
Oct – Dec 2023	407	96.67%	14	0	3.32%
Jan – Mar 2024	454	95%	25	3	5%
Apr – Jun 2024	327	91%	17	0	8.42%
July – Sept 2024	241	92%	14	1	8%
Oct – Dec 2024	414	96%	18	1	4.16%

- 4.10 During 2024, applicants formally requested the Council to review it's decisions on 7 FOIs and 9 EIRs. This provides a degree of quality assurance as the vast majority of requests resulted in an initial response which satisfied the applicant. Further detail on the reviews and appeals received during 2024 can be found in section 8 of the attached report.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendations are agreed:

SUBJECT	YES	NO
Financial	x	
Legal/Risk	x	
Human Resources		x
Strategic (Partnership Plan/Council Plan)	x	
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		x
Environmental & Sustainability		x
Data Protection		x

5.2 Finance

All costs associated with dealing with FOI and EIR requests, reviews, and appeals and SARs are contained within existing budgets.

FOISA makes a limited provision for refusing requests which incur an excessive cost, and partially for recharging those that would cost the authority more than £100 to process. The EIRs allow for full recharge of the cost of dealing with requests.

As noted by Committee in May 2023, information on the time spent and estimated costs of dealing with FOI and EIR requests across the Council is no longer reported annually to Committee.

One off Costs

Cost Centre	Budget Heading	Budget Years	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	Virement From (If Applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

5.3 Legal/Risk

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.

5.4 Human Resources

There are no human resource implications directly arising from this report

5.5 Strategic

This report helps deliver the outcomes in the Council Plan Theme 3 Outcome: Performance – high quality and innovative services are provided, giving value for money.

5.6 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
x	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function, or strategy. Therefore, assessed as not relevant and no EqIA is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision: -

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
x	NO – Assessed as not relevant under the Fairer Scotland Duty.

(c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
x	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
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x	NO – This report does not propose or seek approval for a plan, policy, programme, strategy, or document which is like to have significant environmental effects, if implemented.
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5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
x	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 None.

7.0 BACKGROUND PAPERS

7.1 None.

Inverclyde Council

Freedom of Information

Annual Performance Report

1 January 2024 to 31 December 2024

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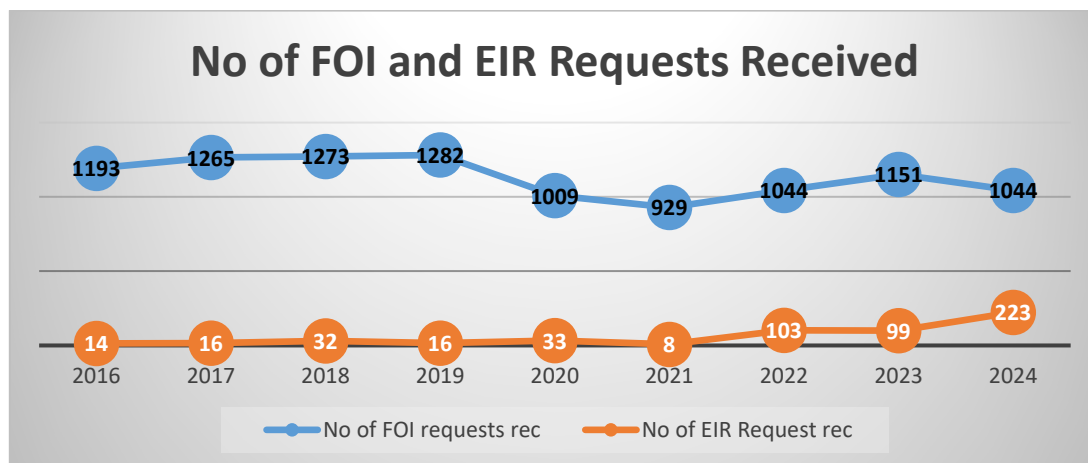
1. Introduction

This report outlines the volume of information requests received during the period 1 January to 31 December 2024 and provides a performance review across the Council's processing of these requests. It also considers the use of exemptions, fees, reviews, and appeals.

The Freedom of Information (Scotland) Act 2002 (FOISA) and the associated Environmental Information Regulations 2004 (EIRs) provide a statutory right to access information that is held by Scottish Public Authorities. FOISA encourages openness and accountability and helps to build trust between the Council and the public it serves.

2. Volume of requests received

Inverclyde Council (including the HSCP) received 1267 requests for information in 2024 compared to 1250 received in the previous year. This figure represents an 1.36% increase in the number of information requests received during 2024. This total comprised of 1044 requests under FOISA (1151 in 2023) and 223 under the EIRs (99 in 2023). This is an increased number of EIRs which is largely down to more accurate categorisation of these requests.



3. The Nature of requests

The requests for information have been received from a variety of sources as noted in the table below. The top three sources of requests have been received from individuals – 37%, media and newspaper sources – 17.52% and Commercial Firms - 15.7%. Additionally, there were 7.10% of requests associated under the category of Others - however this cannot be quantified from the source of from the requests. The information was not recorded in 25 requests which we received and responded to.

Source of request	% of requests 2024	% of requests 2023	% Of requests 2022	% Of requests 2021
Individual	37%	36.6%	37.80%	42.9%
Commercial Firm	15.7%	8.3%	9.41%	18.3%
Media / Newspaper	17.52%	12.3%	15.07%	15.7%
Parliamentary Assistant	10.81%	15%	14.82%	9.28%
Charity / Third Sector	1.57%	2.7%	3.31%	4.2%

Source of request	% of requests 2024	% of requests 2023	% Of requests 2022	% Of requests 2021
Legal Firm	2.05%	1.3%	2.44%	2.5%
Other	7.10%	11.6%	14.20%	1.3%
Students	1.26%	0.6%	0.44%	1.28%
Trade Union	0.94%	0.88%	0.44%	1.17%
Researchers	2.92%	5.36%	1.48%	1.06%
Client	0.47%	0.88%	0.52%	0.4%
Employee	0%	0.0007%	0.44%	0.3%
Political Party MSP	0.86%	0.96%	0.44%	0.1%

4. Performance

The table below compares the Council's responses to FOIs and EIRs for on time, late and failure to respond rates as well as percentages of key performance indicators which are used by the Scottish Information Commissioner (SIC) when comparing performance with other Scottish local authorities. The statistics reflect what was reported to the SIC at the time of submitting the Council's statistical return. The Council responded to 93% of information requests on time and had a failure rate of 7% for responding late or failing to respond to information requests during 2024. An increase is evident in the number of FOIs/EIRs response failure rate when comparing the key performance indicators in 2024 to the previous year. The Council ended the year with 3 requests, which were not responded to, and 85 requests which were responded to late. Those FOIs which were not responded to and have subsequently been issued will reflect in the late response statistics and may differ to what was reported as part of the quarterly provision of the Council's statistical updates to the SIC, as they would have been classed as a failure to respond at that time.

No of requests received	2016	2017	2018	2019	2020	2021	2022	2023	2024
No of FOIs rec in calendar year	1193	1265	1273	1282	1009	929	1044	1151	1044
No of EIRs rec in calendar year	14	16	32	16	33	8	103	99	223
Total requests rec in the year	1207	1281	1305	1298	1042	937	1147	1250	1267

On time Response Performance numbers and %	2016	2017	2018	2019	2020	2021	2022	2023	2024
No of responses issued within timescales during the year	1010	1063	1042	1144	820	748	1049	1174	1179
Percentage of requests answered within timescale	86%	92%	84%	91%	80%	80%	91%	94%	93%

FOI not responded to failure rate numbers & %	2016	2017	2018	2019	2020	2021	2022	2023	2024
No of requests where we failed to respond during the year	0	0	0	0	15	4	7	8	3
No of responses issued late during the year	151	95	197	119	187	188	116	56	85
Failure rate for responses issued during the year%	14%	8%	16%	9%	20%	20%	9%	5%	7%

There can be various reasons why requests are not always responded to on time. For example, a request might relate to information needed from schools during the holidays,

performance may be impacted by key staff absence or changes or there may be difficulties in collating responses to complex requests. Services are continually reminded to have contingency plans in place in such circumstances.

During 2024, there was a continued focus on the Council's performance when responding to FOIs. The Council has continued to apply more stringent measures within services to ensure the appropriate timely actions are taken when responding to requests. These measures sit alongside a Day 15 report that is issued weekly to senior managers to highlight cases that may require assistance from managers to expedite a prompt response to requests. The Corporate Management Team, along with the Information Governance Team, supports the focus on key actions required each week and this has assisted with the improved performance seen in the last 2 year's statistics, which show the best performances when compared to the last 7 years.

5. Exemptions

Most requests which have been responded to (939 (74%)) have resulted in full disclosure of all the requested information. However, for some requests some information is exempt from disclosure in terms of FOISA or the EIRs. In such instances, FOI or EIR exemptions and exceptions are applied. The table below provides further information on the use of these exemptions and exceptions. Partial disclosures, where some but not all information was released, accounts for 133 (10%) of information requests. The Council relied on exemptions or exceptions for all requested information in 54 (4.26%) information requests received, although this is largely attributable to information sought not being held by the Council or being otherwise accessible through other sources, such as already being published on the Council or Scottish Government website.

Section	Exemption / Exception Cited	No of times cited
Section (12)	Excessive cost of compliance	10
Section (17) Regulation 10(4)a	Information not held	152
Section (25) Regulation 6(1)b	Information otherwise accessible	25
Section (26)	Statutory Prohibition	0
Section (27)	Future Publication	1
Section (30)	Substantial prejudice	1
Section (33), Regulation 10(5)e	Commercial interests and the economy	2
Section (34)	Investigations	0
Section 35 Regulation 10(5)b	Law Enforcement	0
Section (36) Regulation 10(5) d	Confidentiality	3
Section (39)	Health and Safety	0
Section (38) Regulation 11	Personal Information	25
Regulation 10 (4) b	Manifestly unreasonable	2
Regulation 10 (4) c	Request formulated in too general a manner	0
Regulation 10 (4) e	Confidentiality of commercial or industrial information	1
Regulation 10 (4) f	Adverse effect on third party interests	1

6. Fees

FOISA makes limited provision for refusing requests, which incur an excessive cost and for partially recharging those that would cost the authority more than £100.00 to process. The EIRs allow for the full recharge of the cost of dealing with requests in accordance with a published charging schedule. The table below sets out the number of requests where fees notices were issued. If the applicant does not pay the fees notice within a certain period of time, the request will not be progressed. The Council tends to release the information in most cases without a fee. In relation to EIRs, services are encouraged to charge for information, particularly when a significant amount of information is requested.

Quarterly Period	No of Requests where fees notices issued	No of requests fee notice not paid	No of Requests where fees notice paid
Jan to Mar 2024	0	0	0
Apr to Jun 2024	0	0	0
Jul to Sept 2024	0	0	0
Oct to Dec 2024	0	0	0

7. Time and Cost Involved in Responding to FOIs

All costs associated with dealing with FOI/EIR requests, reviews, and appeals are contained within existing budgets.

8. Reviews and Appeals

Of the 1267 information requests received in 2024, applicants formally asked the Council to review its decisions on 7 FOI and 9 EIR requests. The table below outlines the outcome of the reviews. If the applicant remains dissatisfied after the internal review, they have the right to appeal to the SIC. 5 appeals were submitted to the SIC in 2024. The SIC has issued decision notices for all 5 appeals, 2 of which were in response to the Council's failure to respond to requests within statutory timescales. Appeals submitted and determined in 2024 are detailed below.

Type of review	Number of reviews
No of requests for internal reviews	7 FOIs & 9 EIRs
Outcome of internal reviews:	
- upheld the Council's decision	6
- partially upheld the Council's decision	6
- did not uphold the Council's decision	4
- internal review submitted outside of timescale	0
Appeals to Scottish Information Commissioner (SIC)	5
- Awaiting request for submissions from SIC	0
- Notification of application and the Council has supplied submissions as requested	0
Outcome of SIC Appeal:	
-upheld the Council's decision	2
-did not uphold the Council's decision	2
-partially upheld the Council's decision	1
-withdrawn by applicant	0

9. Conclusion

The Council's performance during 2024 improved steadily each quarter, with one quarter where volumes and pressures were evident in increasing the late response rate although this is still within the KPI threshold tolerance. This evidences that the close monitoring process that was implemented in early 2022 to support the improvements required to statutory response timescales is continuing to have an effect. While performance has slipped very slightly in 2024, overall performance has levelled out and continues to be positive, compared to that seen in 2020/2021. During the year, training has been delivered to support FOI designated officers and those officers involved in responding to requests to refresh knowledge and support confidence in the application of exemptions and exceptions. The 2024 statistics demonstrate that the improvement actions put in place continue to be followed. A more consistent level of performance is being delivered. Work will continue to ensure that these improvements are sustained.

Ongoing work on policy, procedures and training will also support continuous improvement of the Council's performance in meeting its statutory obligations.