

**REPORT OF THE LEADER OF THE COUNTY COUNCIL****FREEDOM OF INFORMATION ACT AND ENVIRONMENTAL INFORMATION REGULATIONS UPDATE****Purpose of the Report**

1. To update Policy Committee on the Council's discharge of its duties under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

**Freedom of Information Act and Environmental Information Regulations**

2. The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) place the Council under a duty to respond to requests for information (unless an exemption applies) and to be proactive in making as much information as possible publicly available.
3. The Council publishes guidance on its website advising the public how to access information under the FOIA and EIR. The Council has adopted the Information Commissioners Model Publication Scheme which sets out the classes of information that are routinely published; this is also published on the website. The Scheme is currently being reviewed with a view to updating it and making more information routinely available for the public
4. In the period 1<sup>st</sup> April 2012 – 31<sup>st</sup> March 2013 the total number of requests received was 826 compared to 925 for 2011- 2012, a reduction of 11%. Of the requests received 47% were from members of the public, 18% were from businesses, a third of which related to procurement information, and 13% were from the media covering a variety issues. The subject matter is extremely varied including requests about staff salaries, safeguarding in social care, intestate estates administered by the Council, and road condition surveys.
5. In the majority of cases the information requested was released. In some instances an exemption was applied with the Council withholding some information, in 2012-13 an exemption was applied to 100 requests (12.1%) and some of the information withheld. The majority of exemptions relate to third party information or matters that are commercially sensitive.
6. The number of requests received in 2012-13 that were responded to within the timescale of 20 working days was 81.4%; this is an improvement on 2011-12 when the figure was 71.7%. The Information Commissioners Office response standard is 85% in timescale.

7. For the year 2012-13 there has been one complaint referred to the Information Commissioners Office alleging that the Act has not been applied correctly. The Council is currently waiting to hear the outcome of this complaint.
8. The Council publicises a substantial amount of information on the public website (e.g. spending on goods and services over £500, senior officer salaries, members expenses) to enable greater transparency and efficiency. The Council is looking at how more information can be published to reduce the number of FOI and EIR requests and will be working with all departments to achieve this during 2013-14.

## **Statutory and Policy Implications**

9. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

1. It is recommended that the Policy Committee notes the content of the report and the progress that is being made in responding to FOIA and EIR requests within the timescales.

## **Leader of the Council**

**For any enquiries about this report please contact: Jo Kirkby Team Manager Complaints and Information**

## **Constitutional Comments (SG 23/04/2013)**

The Committee is the appropriate body to decide the issues set out in this Report. The Committee has responsibility for Information Governance under its Terms of Reference.

## **Financial Comments (SEM 17/4/13)**

There are no specific financial implications arising directly from this report.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

## **Electoral Division(s) and Member(s) Affected**

All