

# Taunton Deane Borough Council

## Corporate Governance Committee – 20 May 2013

### Update Report on Freedom of Information Act

#### Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council)

#### 1. Executive summary

<p>This report provides an update on how the requests for Freedom of Information Act have increased and how they are dealt with by the Council.</p>
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#### 2. Background

- 2.1 The Freedom of Information Act 2000 came into effect on the 1<sup>st</sup> January 2005 and applies to around 80,000 public bodies.
- 2.2 The Act gives anyone the right to request any recorded information held by the Council and the general rule is that if we have the information we will provide it.
- 2.3 However, the Act does provide for some exemptions to this which are generally if the information is legally privileged, reasons of security, personal, confidential, commercial interest, vexatious, or if it is available through other avenues.
- 2.4 Anyone requesting information under the Act must apply in writing and the Council must respond in writing. The Council has 20 working days in which to respond to the request and all requests are logged, and responded to, by the FoI Administrator although the requests are sent to the relevant service unit(s) for a response.
- 2.5 Generally the Council cannot charge for the information we supply unless it is estimated that to provide the information would exceed £450. This amount is set down in regulations.
- 2.6 The number of requests over the last five years has increased considerably year on year. 2009 – 269 requests, 2010 – 326 requests, 2011 – 432 requests and 2012 – 520 requests. This year we have received 214 requests since January at the time of writing the report.
- 2.7 The reason for this increase is probably due to the various organisations such as Taxpayers Alliance, Whatdoyouknow.com and various newspapers who are making more requests for information together with the government's drive to ensure public bodies are transparent and provide as much information as possible.
- 2.8 In terms of costs to the Authority in responding to these requests, we do not currently have time recording system in place for all areas of the Council so staff have not kept a record of time that they have spent on this particular area. In addition due to the

varied nature of the requests they are dealt with by a variety of different officers throughout the organisation.

- 2.9 For those requests that are of a recurring nature then these can be dealt with fairly quickly and standard responses are given. However some responses can be quite detailed and therefore officers have to assess how easy it is to provide the information or whether it involves spending a number of days looking at different systems.
- 2.10 The Council's ethos is to provide the information or as much of it as we can but clearly there are times when this is not always possible.
- 2.11 From this new financial year, performance monitoring of FOI requests will form part of the corporate scorecard as it is now something that needs to be monitored at a corporate level rather than a service level and will help the authority in determining whether resources will need to be allocated differently in order to deal with the growing number of requests.
- 2.12 Members will be aware that from April 2012 responsibility for FOI was passed to the Monitoring Officer and monitoring of the numbers of requests and response times has been kept. Details for 2012/13 are set out below:-

	Q1	Q2	Q3	Q4
Acknowledged within 5 days of receipt	98%	94%	91%	99%
Closed within 20 days	76%	74%	77%	79%
Closed within the Quarter	72%	77%	81%	89%
Queries rolling forward to next Quarter	24%	4%	19%	11%
Closed outside the 20 days with extension	0%	22%	13%	7%

### **3. Finance comments**

- 3.1 There are no financial comments in this report.

### **4. Legal comments**

- 4.1 Should the Council fail to provide the information within the 20 working days then a requester can apply to the Information Commissioner. In addition if a requester is not happy with the response they can request a review. If they are still not happy with the Council's response following that review then they can appeal to the Information Commissioner.
- 4.2 The Information Commissioner can put an authority on a 'watch list' if it regularly does not provide information in a timely manner.

### **5. Links to Corporate Aims**

- 5.1 There are no links to the corporate aims in this report.

### **6. Environmental and community safety implications**

- 6.1 There are no implications for the environment or community safety.

## **7. Equalities impact**

7.1 An impact assessment is not required in respect of this report. .

## **8. Risk management**

8.1 The risk of not complying with the Act means that they can be monitored by the Information Commissioner.

## **9. Recommendations**

9.1 The Committee is asked to note the report.

### **Contact**

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