

**NORTH LANARKSHIRE COUNCIL**

**REPORT**

To: GENERAL PURPOSES COMMITTEE		Subject: FREEDOM OF INFORMATION (SCOTLAND) ACT 2002	
From: DIRECTOR OF ADMINISTRATION			
Date: 27 April 2006	Ref: CC/EH		

**1. Purpose of Report**

The purpose of this report is to inform Committee of the activity and service delivery following the first year of operation of the Freedom of Information (Scotland) Act 2002 which came into force on 1 January 2005.

**2. Background**

2.1. Members will recall that the Council approached Freedom of Information as a corporate project and, to meet the requirements of the regime, approved a structure with a split of responsibilities between a central determination function by way of a corporate freedom of information role and departmental contact officers with a liaison role. This structure was operational in readiness for 1 January 2005.

2.2. At that time it was speculative as to how many people would exercise their new rights. Scottish public authorities are not required to keep a log of how many requests have been made to them. Most authorities, however have done so, and the general experience is that the volume of requests has been higher than anticipated. This is generally attributed to the vigorous publicity campaigns undertaken by the Scottish Information Commissioner who has a dual responsibility to promote as well as enforce the Act.

**3. Performance**

3.1. Over the 2005 calendar year, the Council received a total of 458 requests. Due to the complexity of many of these, it has not been possible to respond to all within the allocated 20 working day period. Full responses, however, were made to half within that period. Of the remainder, full responses to 102, that is approximately 22% of the total number received, were made eight days or more beyond that timescale, and 129, that is approximately 28% of the total received, were made beyond one and seven days.

3.2. On analysis of the responses made outwith the statutory timescale, 110, that is approximately 24% of the total requests, were to solicitors, many of whom are seeking to litigate against the Council.

3.3. The Freedom of Information legislation has made provision whereby any person who has requested information and is in any way dissatisfied with the decision on that request, can require the authority to undertake a review. Furthermore if they are dissatisfied with that review they may then make application to the Scottish Information Commissioner for further consideration of the matter. Of the 458 responses made to requests for information received in North Lanarkshire Council in 2005, 19 applicants sought internal reviews and of these, 5 made further appeal to

the Scottish Information Commissioner. To date, the Commissioner has determined 1 appeal in response to decisions made by North Lanarkshire Council – and that substantially in favour of the Council.

- 3.4. A local authority receiving a request for information may, within the limits of Regulations, charge a fee for providing information. The Council has previously agreed that, where appropriate, fees be charged for the provision of information under the freedom of information legislation. In 2005, eight separate fee notices were issued for a total of £2,657.91. Of these four were paid, and the Council received a total income of £134.71.

#### 4. Trends

- 4.1. Applicants making information access requests are not required to intimate the purposes to which the material requested will be put, and any attempt at categorisation of types of request can only be speculative. However, four broad categories of applicants are emerging. These are, individuals, solicitors, media and companies, and a summary for 2005 of the numbers of requests received in each follows:-

Individuals	-	180
Solicitors	-	161
Media	-	63
Companies	-	54

- 4.2. A summary of the requests received relative to departmental issues follows:-

Chief Executive	-	4
Administration	-	34
Community Services	-	30
Education	-	37
Finance	-	20
Housing and Property Services	-	42
Planning and Environment	-	147
Requests involving more than one department	-	121
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<b>Total</b>	<b>-</b>	<b>458</b>

- 4.3. By way of a comparison of the number of requests received from January to 30 April 2005 - which was 84: in the same period from January to 30 April 2006, 223 requests have been received.

#### 5. Conclusions

- 5.1 The experience of the first year has substantially confirmed the decisions taken by the Council, prior to the commencement of the Freedom of Information (Scotland) Act 2002, on the structures and procedures to be put in place to discharge the Council's responsibilities under the Act. As has been the general experience, however, the volume of requests has been higher than anticipated and, with the resources available to discharge the functions of the corporate Freedom of Information role, it has not been possible to respond within the 20 working day period to a significant number of requests.
- 5.2 As can be seen from paragraph 4.3, current trends show an increase rather than a reduction in the number of requests being received. Against that background, while it is acknowledged that there will always be instances in which it is not possible to collate the information required and respond within the 20 working day period, it is

considered that there does require to be an increase in the resources made available for this function. Proposals will, accordingly, be developed and a further report will be submitted for consideration by the Committee.

**6. Recommendation**

That the Committee note the contents of the report.

  
**Director of Administration**