

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: FREEDOM OF INFORMATION 2014/15	
From: HEAD OF DEMOCRATIC AND LEGAL SERVICES			
Date: 14 July 2015	Ref: NM/MR		

**1. Purpose of Report**

- 1.1. The report provides details of the number of Freedom of Information requests received by the Council during financial year 2014/15 and provides further comparative and ancillary information.
- 1.2. The Annex to this report details:-
  - The total number of requests received under either the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004;
  - A monthly breakdown of those figures;
  - A breakdown by Service;
  - Comparative figures for financial years 2004/2005 to 2014/2015;
  - Details of cases submitted for review, and
  - An indication of the category of applicant.
- 1.3. It is noted that the financial year 2014/2015 saw a 19% increase in the volume of requests received, compared to the 2013/2014 total of 1,169 and, the 2014/2015 total of 1,388 is the highest amount of requests received in a year since the Freedom of Information legislation came into force. Of the requests received in 2014/2015, 1,349 were responded to within the statutory deadline, 4 were withdrawn and 14 were closed due to not receiving the clarification required to further progress the enquiry.
- 1.4. It should be noted that detail on the category of applicant has been expanded for the purposes of the year's report. This provides a fuller picture of which sections of society generate requests and reflects the categories used by the Scottish Information Commissioner in her yearly report. For 2014/2015 the largest proportion of requests (38%) was recorded in the category of "public and other" which represents requests received from individual members of the public with no identified affiliation to an organisation or group. The next largest categories were requests from the media (19%) and commercial/private enterprise (15%).

- 1.5. With regards to the Council's Services Regeneration and Environmental Services received the largest number of requests in each month. The number of requests relating to issues which require to be dealt with under the Environmental Information (Scotland) Regulations amount to 185. This is an increase on last year's total of 155 and the total for 2012/2013 of 101.

## 2. **Reviews**

- 2.1. As will be seen from the Appendix, requests for internal review of the original decision were received in 29 cases. This is an increase on last year's total of 25 and represents 2% of the total requests received.
- 2.2. Of the 29 review cases, in 21 cases the initial decision was upheld, in 2 cases the initial decision was partially upheld, 4 cases had the decision overturned and 2 reviews were undertaken due to there not having been a timeous response sent to the original request.
- 2.3. Following internal reviews, 2 cases were referred to the Scottish Information Commissioner, 1 of which was partially upheld with the other finding in favour of the requester.

## 3. **Compliance**

- 3.1. The statutory provision for responding to requests under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, is 20 working days, which, in the case of the latter may be extended by a further 20 working days if the volume and complexity of the information requested, makes it impractical to respond within the earlier period.
- 3.2. Of the 1,370 requests fully progressed (not counting those 18 requests which were either withdrawn or which were closed for lack of clarification from the requester) in 2014/2015, the percentage compliance of responses made within the statutory periods was in quarter 1 – 98.7%; quarter 2 – 98%; quarter 3 – 98.5%, and quarter 4 – 98.7%. The final year end percentage to 31 March 2015 was 98.5% compliant, i.e. 1,349 requests were answered within the statutory response periods. This corresponds with the compliance figure of 98.8% from financial year 2013/14.

## 4. **Recommendations**

The Committee is asked to note the report.



**Head of Democratic and Legal Services**

Members seeking further information on the contents of this report are asked to contact Gerry Gardiner, Principal Solicitor on extension 2288.

NORTH LANARKSHIRE COUNCIL

REQUESTS RECEIVED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002/ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

Applications Received 2014/2015

Month Ending 31 March 2015

Department	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec 2014	Jan 2015	Feb	Mar	Total
Chief Executive	0	1	1	0	0	2	1	0	2	1	0	0	8
Corporate Services	12	11	24	11	20	22 #	15	12	14	14	25	21	201
Environmental Services	28 #	34 #	27 #	48 #	31 #	9 #	42 #	36 #	24#	43 #	30 #	30 #	382
Finance and Customer Services	16	13	5	9	18	12	16	9	14	12	13	12	149
Housing and Social Work Services	17	23	9	26	21	19	17	16 #	15#	23	7	24 #	217
Learning and Leisure Services	24	11	13	16	16	13	16 #	20 #	11	13	14	12	179
Various *	20 #	19 #	14 #	40	14 #	14 #	18 #	20 #	13	39 #	14 #	27 #	252
<b>TOTAL – 2014/2015</b>	117	112	93	150	120	91	125	113	93	145	103	126	1388

- #April - Contains 16 applications processed under the Environmental Information (Scotland) Regulations 2004
- #May - Contains 23 applications processed under the Environmental Information (Scotland) Regulations 2004
- #June - Contains 18 applications processed under the Environmental Information (Scotland) Regulations 2004
- #July - Contains 17 applications processed under the Environmental Information (Scotland) Regulations 2004
- #August - Contains 14 applications processed under the Environmental Information (Scotland) Regulations 2004
- #September - Contains 11 applications processed under the Environmental Information (Scotland) Regulations 2004
- #October - Contains 16 applications processed under the Environmental Information (Scotland) Regulations 2004
- #November - Contains 20 applications processed under the Environmental Information (Scotland) Regulations 2004
- #December - Contains 7 applications processed under the Environmental Information (Scotland) Regulations 2004
- #January - Contains 20 applications processed under the Environmental Information (Scotland) Regulations 2004
- #February - Contains 6 applications processed under the Environmental Information (Scotland) Regulations 2004
- #March - Contains 17 applications processed under the Environmental Information (Scotland) Regulations 2004

**Applications Received 2004/2005 – 2013/2014**

	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Total</b>
<b>TOTAL – 2013/2014</b>	86	87	88	125	97	79	91	77	71	159	101	108	1169
<b>TOTAL – 2012/2013</b>	84	96	85	114	86	89	167	113	74	124	105	103	1240
<b>TOTAL – 2011/2012</b>	66	75	100	127	89	96	98	107	79	132	139	118	1226
<b>TOTAL – 2010/2011</b>	66	67	97	102	62	88	223	91	77	107	86	82	1148
<b>TOTAL – 2009/2010</b>	63	65	71	100	69	76	82	89	50	105	74	106	950
<b>TOTAL – 2008/2009</b>	76	65	43	93	43	89	103	67	49	92	75	74	869
<b>TOTAL – 2007/2008</b>	36	34	41	67	61	39	41	43	33	64	83	78	620
<b>TOTAL – 2006/2007</b>	35	77	39	38	41	34	61	57	45	64	58	56	605
<b>TOTAL – 2005/2006</b>	34	34	34	34	88	39	39	42	30	41	85	63	563
<b>TOTAL – 2004/2005</b>	-	-	-	-	-	-	-	-	-	21	23	40	84

**FREEDOM OF INFORMATION (SCOTLAND ACT 2002/  
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

2014/2015 - Requests For a Review of Original Decision

Month Ending 31 March 2015

Received	Expiry	Response	Subject	Service	File Ref:	Decision
09/04/2014	09/05/2014	09/05/2014	Witness Statements	Corporate	12/2/14-6	Upheld
01/05/2014	02/06/2014	28/05/2014	Footpath, Motherwell	Regeneration & Environmental Services, Learning & Leisure	17/03/14-2 EIR	Upheld
03/06/2014	01/07/2014	27/06/2014	Cumbernauld Community Forum	Chief Exec, Finance & Customer Services, Regeneration & Environmental Services	02/04/14-6	Upheld
19/06/2014	18/07/2014	08/07/2014	Property in Kilsyth	Housing & Social Work	25/02/14-5	Partially Upheld
02/07/2014	30/07/2014	30/07/2014	Property in Coatbridge	Regeneration & Environmental	28/05/14-3 EIR	Upheld.
04/07/2014	01/08/2014	21/07/2014	Zero Hours Contracts	Corporate	25/04/14-1	Upheld
22/07/2014	20/08/2014	20/08/2014	Disability Friendly Housing	Housing and Social Work Services	17/06/14-5	Partially Upheld
29/07/2014	27/08/2014	27/08/2014	Job Evaluation	Corporate	20/06/14-4	1 <sup>st</sup> time decision
18/08/2014	15/09/2014	15/09/2014	Primary Teacher Recruitment	Learning & Leisure	16/07/14-2	Upheld (Some further information provided.)
29/08/2014	26/09/2014	19/09/2014	Contracts awarded to a Supplier	Housing and Social Work	30/07/14-6	Upheld (Some further explanation provided)

Received	Expiry	Response	Subject	Service	File Ref:	Decision
01/09/2014	29/09/2014	30/09/2014	Equal Pay	Corporate	30/07/14-4	Upheld
04/09/2014	02/10/2014	26/09/2014	Information regarding an employee	Corporate	11/08/14-10	Upheld
11/09/2014	09/10/2014	23/09/2014	Employees who have been suspended	Housing and Social Work	07/08/14-5	Upheld
17/09/2014	15/10/2014	03/10/2014	Fly Tipping Complaint	Regeneration & Environmental	08/08/14-6	Upheld
20/09/2014	17/10/2014	13/10/2014	Commonwealth Games Bunting	Chief Executive, Regeneration & Environmental	02/07/14-2	Upheld
12/11/2014	11/12/2014	20/12/2014	Whifflet Street, Coatbridge	Regeneration & Environmental, Finance & Customer Services	25/08/14-3 EIR	Upheld
02/12/2014	05/01/2015	23/12/2014	Food Hygiene in Nursing Homes	Regeneration & Environmental Services	28/10/14-7	Upheld
17/12/2014	20/01/2015	20/01/2015	Tender Information	Regeneration & Environmental Services	13/10/14-4 EIR	Overtured
12/01/2015	09/02/2015	06/02/2015	Projects in Cumbernauld considered for funding	Regeneration & Environmental Services	26/11/14-6 EIR	Upheld (Some further explanation provided)
17/01/2015	13/02/2015	13/02/2015	Removal of Campaign Material	Regeneration & Environmental Services	16/12/14-6	Upheld (Some further explanation provided)
18/01/2015	13/02/2015	13/02/2015	Staff Suspended	ALL	09/12/14-3	Overtured
29/01/2015	26/02/2015	23/02/2015	Charging Policy for Children's Care Services	Housing & Social Work Services	10/11/14-2	Overtured
03/02/2015	02/03/2015	02/03/2015	Performance Management Scheme	Corporate	18/12/14-3	Overtured

Received	Expiry	Response	Subject	Service	File Ref:	Decision
11/02/2015	11/03/2015	11/03/2015	Job Evaluation	Corporate	04/02/15-7	Upheld
16/02/2015	16/03/2015	16/03/2015	Job Evaluation	Corporate	04/02/15-2	Upheld
23/03/2015	21/04/2015	21/04/2015	Compulsory Purchase Order 2005	Corporate, Regeneration & Environmental Services	28/1/15-1	Upheld
24/03/2015	22/04/2015	22/04/2015	Social Media Use	All	26/2/15-1	Upheld
25/03/2015	23/04/2015	23/04/2015	Electricity Supplies in Council Housing	Housing & Social Work Services	21/10/14-5	1st time decision
27/03/2015	30/04/2015	27/04/2015	Lender Option Borrower Option (LOBO) contracts	Finance & Customer Services	07/03/15-5	Upheld (some further explanation provided)

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002  
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

**Requests by type of Requestor - 2014/2015**

	Media	Solicitor (on behalf of client)	Commercial /Private Enterprise	Voluntary / Campaign Organisation	Elected Representative (MP, MSP, MEP, Councillor)	Trade Union	Academic / Student	Public & Other	Total
April	26	17	16	2	11	2	4	39	117
May	26	17	8	7	4	1	0	49	112
June	13	13	8	5	3	0	4	47	93
July	22	10	43	7	11	1	6	50	150
August	16	12	23	6	7	2	3	51	120
September	17	10	8	1	2	3	1	49	91
October	33	18	13	5	11	0	3	42	125
November	24	13	9	8	17	1	1	40	113
Dec-14	15	15	9	4	7	1	1	41	93
Jan-15	20	17	40	1	18	0	2	47	145
February	30	5	24	2	9	2	1	30	103
March	22	17	10	8	15	4	2	48	126
Total	264	164	211	56	115	17	28	533	1388



**Requests by type of Requestor - 2010/2011 – 2013/2014**

	Individuals	Property/ Solicitors	Media	Companies	Total
2013/2014	710	253	136	70	1169
2012/2013	710	250	166	114	1240
2011/2012	609	261	171	185	1226
2010/2011	730	214	115	89	1148