

North Lanarkshire Council Report

Finance and Resources Committee

approval noting

Ref

Date 27/11/19

FOI Committee Report

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Executive Summary

This report provides details of the number of Freedom of Information (FOI) and Environmental Information (EIR) requests received by the Council during 2018/19 and provides further comparative and ancillary information.

Recommendations

It is recommended that Committee note the report.

The Plan for North Lanarkshire

| | |
|--------------------|--|
| Priority | Enhance participation, capacity, and empowerment across our communities |
| Ambition statement | (20) Improve the involvement of communities in the decisions, and development of services and supports, that affect them |

1. Background

- 1.1 The Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, both of which came into force in January 2005, provide rights to the public to ask for and be given recorded information held by public authorities. Once a request is received, the Council has, in most cases, 20 working days to provide the information asked for, or explain why it cannot be provided. If the Council does not respond, or the requester is unhappy with the response, the requester can ask the Council for an internal review of the decision. If the requester is still unhappy following the internal review then they can appeal to the Scottish Information Commissioner. This report provides a breakdown of the requests, internal reviews and appeals to the Scottish Information Commissioner processed by the Council in 2018/2019.
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2. Report

- 2.1 In financial year 2018/19 the Council received 1652 requests for information. This consisted of 1404 FOI requests and 248 EIR requests.
- 2.2 The combined total of 1652 requests is a 7.7% increase on last year's total of 1534 requests. This increase continues to reflect the trend of request numbers increasing each year. The increase of 7.7% is broadly similar to the 8% increase in requests received by public authorities across Scotland in 2018/19, as reported recently by the Scottish Information Commissioner. The EIR requests' total of 248 is an 8.3% increase on the 229 requests that were received in 2017/18.
- 2.3 As can be seen from the attached documents, most requests were recorded as being received from "public and other". This 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 (20%), businesses or commercial enterprises (17%), elected representatives (9%) and solicitors (8%). These totals represent a 2% increase from last year in the proportion of requests received from "public and other" and a 3% increase in the proportion of requests received from the media. The proportion of requests received from elected representatives, businesses or commercial enterprises, and solicitors has decreased compared to last year.
- 2.4 Requests for an internal review of the original decision were received for 30 cases in 2018/19. This is a slight increase from the 28 reviews received in 2017/18. The number of reviews represents 1.8% of the total requests received. This is broadly in line with the proportions received in previous years. For comparison, the Scottish Information Commissioner reports that the proportion of internal reviews received in 2018/19 by all Scottish Public Authorities compared to the total number of requests is 2.7%.
- 2.5 Of the 30 internal reviews, in 20 cases the original decision was upheld wholly or partially, 7 were overturned and received a new decision at review, and 3 reviews were undertaken due to there being no responses sent to the original request.
- 2.6 Following internal review, 3 cases were appealed to the Scottish Information Commissioner by requesters in 2018/19. In one of these cases the Commissioner found fully in favour of the Council and the other two appeals were withdrawn by the requesters during the process.
- 2.7 Of the 1652 requests received in 2018/19, 6 requests were withdrawn and 19 were closed due to not receiving the clarification required in order to progress the enquiry. Of the remaining 1627 requests that were fully progressed, 1598 requests (98.2%) were responded to within the statutory deadline. This compares with a compliance rate of 98.5% in 2017/18 and 97.8% in 2016/17. The 2018/19 compliance rate broken down by quarter is as follows:-

Quarter 1 – 97.5%

Quarter 2 – 98.8%

Quarter 3 – 98%

Quarter 4 – 98.5%

3. Equality and Diversity

- 3.1 Fairer Scotland Duty
Not Applicable
- 3.2 Equality Impact Assessment
Not Applicable

4. Implications

- 4.1 Financial Impact
There are no financial impacts.
- 4.2 HR/Policy/Legislative Impact
There are no HR/Policy/Legislative impacts.
- 4.3 Environmental Impact
There are no environmental impacts.
- 4.4 Risk Impact
There are no risk impacts.

5. Measures of success

- 5.1 None

6. Supporting documents

- 6.1 Appendix 1 - Total number of requests received under either the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004, broken down by month.

Appendix 2 – Details of cases submitted for internal review.

Appendix 3 – An indication of the category of applicant.



Head of Legal and Democratic Solutions

NORTH LANARKSHIRE COUNCIL

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

Applications Received 2018/2019

Month Ending 31 March 2019

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec 2018 | Jan 2019 | Feb | Mar | Total |
|--------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-------------|-------------|-----|-----|-------|
| FOI Requests | 106 | 93 | 117 | 124 | 113 | 113 | 151 | 127 | 80 | 162 | 104 | 114 | 1404 |
| EIR Requests | 19 | 16 | 15 | 30 | 20 | 25 | 19 | 16 | 11 | 33 | 21 | 23 | 248 |
| TOTAL – 2018/2019 | 125 | 109 | 132 | 154 | 133 | 138 | 170 | 143 | 91 | 195 | 125 | 137 | 1652 |

Applications Received 2004/2005 – 2017/2018

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Total |
|--------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| TOTAL – 2017/2018 | 111 | 101 | 122 | 128 | 145 | 92 | 163 | 167 | 79 | 137 | 155 | 134 | 1534 |
| TOTAL – 2016/2017 | 119 | 127 | 105 | 128 | 113 | 120 | 110 | 142 | 99 | 148 | 131 | 151 | 1493 |
| TOTAL – 2015/2016 | 111 | 94 | 124 | 109 | 102 | 107 | 133 | 127 | 58 | 119 | 135 | 126 | 1345 |
| TOTAL – 2014/2015 | 117 | 112 | 93 | 150 | 120 | 91 | 125 | 113 | 93 | 145 | 103 | 126 | 1388 |
| TOTAL – 2013/2014 | 86 | 87 | 88 | 125 | 97 | 79 | 91 | 77 | 71 | 159 | 101 | 108 | 1169 |
| TOTAL – 2012/2013 | 84 | 96 | 85 | 114 | 86 | 89 | 167 | 113 | 74 | 124 | 105 | 103 | 1240 |
| TOTAL – 2011/2012 | 66 | 75 | 100 | 127 | 89 | 96 | 98 | 107 | 79 | 132 | 139 | 118 | 1226 |
| TOTAL – 2010/2011 | 66 | 67 | 97 | 102 | 62 | 88 | 223 | 91 | 77 | 107 | 86 | 82 | 1148 |
| TOTAL – 2009/2010 | 63 | 65 | 71 | 100 | 69 | 76 | 82 | 89 | 50 | 105 | 74 | 106 | 950 |
| TOTAL – 2008/2009 | 76 | 65 | 43 | 93 | 43 | 89 | 103 | 67 | 49 | 92 | 75 | 74 | 869 |
| TOTAL – 2007/2008 | 36 | 34 | 41 | 67 | 61 | 39 | 41 | 43 | 33 | 64 | 83 | 78 | 620 |
| TOTAL – 2006/2007 | 35 | 77 | 39 | 38 | 41 | 34 | 61 | 57 | 45 | 64 | 58 | 56 | 605 |
| TOTAL – 2005/2006 | 34 | 34 | 34 | 34 | 88 | 39 | 39 | 42 | 30 | 41 | 85 | 63 | 563 |
| TOTAL – 2004/2005 | - | - | - | - | - | - | - | - | - | 21 | 23 | 40 | 84 |

Freedom Of Information (Scotland) Act 2002
Environmental Information (Scotland) Regulations 2004

2018/19 - Requests for Review of Original Decision.

| Received | Expiry | Response | Subject | Decision |
|------------|------------|------------|--|------------------------------|
| 03/04/2018 | 01/05/2018 | 01/05/2018 | Information on a tender | Upheld (wholly) |
| 17/04/2018 | 16/05/2018 | 25/05/2018 | Empty Homes | Overtured |
| 18/04/2018 | 17/05/2018 | 16/05/2018 | Former Shanks & McEwen site at Carnbroe | Compliant with EIR (partial) |
| 25/04/2018 | 24/05/2018 | 28/05/2016 | Information on a accident | Non-Compliant with EIR |
| 03/05/2018 | 04/06/2018 | 04/06/2018 | Information on a property | Upheld (wholly) |
| 09/05/2018 | 07/06/2018 | 06/06/2018 | Street Lighting | Upheld (wholly) |
| 10/05/2018 | 08/06/2018 | 07/06/2018 | Minutes of Meetings | Overtured |
| 08/06/2018 | 06/07/2018 | 27/07/2018 | Recycling | Non-Compliant with EIR |
| 27/06/2018 | 25/07/2018 | 04/07/2018 | Information regarding a care home | 1st time decision |
| 10/7/018 | 08/08/2018 | 08/08/2018 | Information regarding a fence | Compliant with EIR (partial) |
| 07/08/2018 | 04/09/2018 | 31/08/2018 | Airdrie Fair Day | Upheld (wholly) |
| 21/08/2018 | 18/09/2018 | 18/09/2018 | Primary School Deferrals | Overtured |
| 03/09/2018 | 01/10/2018 | 26/09/2018 | Social Work Records | Upheld (wholly) |
| 04/09/2018 | 02/10/2018 | 18/09/2018 | Written off Debt | Upheld (partial) |
| 17/09/2018 | 15/10/2018 | 12/10/2018 | Information on a Compulsory Purchase Order | Upheld (wholly) |
| 21/09/2018 | 19/10/2018 | 31/10/2018 | Health and Safety information for a Secondary School | Upheld (partial) |
| 24/09/2018 | 22/10/2018 | 19/10/2018 | Claim for Compensation | Compliant with EIR (wholly) |
| 26/09/2018 | 24/10/2018 | 24/10/2018 | Information on a former Primary School | Compliant with EIR (partial) |
| 16/10/2018 | 13/11/2018 | 13/11/2018 | Information on a property | Compliant with EIR (wholly) |
| 18/10/2018 | 15/11/2018 | 13/11/2018 | National 5 Exams | Upheld (wholly) |
| 18/10/2018 | 15/11/2018 | 13/11/2018 | Higher Exams | Upheld (wholly) |
| 18/10/2018 | 15/11/2018 | 13/11/2018 | Exam Grades | Upheld (wholly) |
| 19/11/2018 | 18/12/2018 | 14/12/2018 | Social Work Records | 1st time decision |
| 29/11/2018 | 31/12/2018 | 19/12/2018 | Complaint Review Report | Upheld (wholly) |
| 15/01/2019 | 12/02/2019 | 01/02/2019 | Information on the Attainment fund | Overtured |
| 17/01/2019 | 14/02/2019 | 14/02/2019 | Information on the Living Wage | 1st time decision |
| 29/01/2019 | 26/02/2019 | 27/02/2019 | Glenboig/Gartcosh link Road | Compliant with EIR (wholly) |
| 06/02/2019 | 06/03/2019 | 06/03/2019 | Complaints about Sexual Harassment | Upheld (wholly) |
| 08/02/2019 | 08/03/2019 | 21/03/2019 | Expenditure over £500 | Upheld (wholly) |
| 11/03/2019 | 08/04/2019 | 05/04/2019 | School Libraries | Overtured |

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

Requests by type of Requester - 2018/2019

| | 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 | 25 | 4 | 23 | 5 | 11 | 2 | 2 | 53 | 125 |
| May | 12 | 11 | 15 | 8 | 9 | 3 | 2 | 49 | 109 |
| June | 19 | 11 | 26 | 13 | 20 | 2 | 2 | 39 | 132 |
| July | 25 | 17 | 30 | 10 | 6 | 3 | 2 | 61 | 154 |
| August | 19 | 17 | 28 | 6 | 7 | 3 | 2 | 51 | 133 |
| September | 33 | 16 | 20 | 8 | 10 | 5 | 1 | 45 | 138 |
| October | 52 | 8 | 20 | 9 | 17 | 3 | 2 | 59 | 170 |
| November | 35 | 6 | 15 | 12 | 23 | 4 | 6 | 42 | 143 |
| Dec-18 | 20 | 11 | 12 | 6 | 8 | 2 | 1 | 31 | 91 |
| Jan-19 | 42 | 11 | 47 | 2 | 15 | 2 | 2 | 74 | 195 |
| February | 23 | 9 | 28 | 8 | 9 | 2 | 2 | 44 | 125 |
| March | 29 | 16 | 13 | 6 | 12 | 3 | 3 | 55 | 137 |
| Total | 334 | 137 | 277 | 93 | 147 | 34 | 27 | 603 | 1652 |

Requests by type of Requester - 2014/2015 – 2017/2018

| | 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 |
|-----------|--------------|--|---|--|--|------------------------|-------------------------------|-----------------------------------|--------------|
| 2017/2018 | 260 | 131 | 268 | 86 | 192 | 36 | 25 | 536 | 1534 |
| 2016/2017 | 227 | 181 | 223 | 68 | 187 | 24 | 19 | 564 | 1493 |
| 2015/2016 | 217 | 193 | 192 | 54 | 168 | 14 | 19 | 488 | 1345 |
| 2014/2015 | 264 | 164 | 211 | 56 | 115 | 17 | 28 | 533 | 1388 |