
Report To:	Policy & Resources Committee	Date:	17 May 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	LP/056/16
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Freedom of Information Requests 2015		

1.0 PURPOSE

1.1 The purpose of this report is to provide the Policy & Resources Committee with details of all Freedom of Information (FOI) requests received by the Council during 2015.

2.0 SUMMARY

2.1 The Freedom of Information (Scotland) Act 2002 (FOISA) came into effect on 1 January 2005. Under FOISA, a person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority, subject to certain conditions and exemptions which are set out in the Act. The Environmental Information (Scotland) Regulations 2004 (the EIRs) also came into force on 1 January 2005 and give the public rights of access to environmental information held by Scottish public authorities.

2.2 Information is available through the Council's Publication Scheme which is published on the Council's website.

3.0 RECOMMENDATION

3.1 The Policy & Resources Committee is asked to note the information provided in relation to FOI requests received by the Council during 2015.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 FOISA provides a right of access to recorded information held by Scottish public authorities subject to certain conditions and exemptions which are set out in the Act.
- 4.2 Information is available through the Council's Publication Scheme on the Council website at www.inverclyde.gov.uk. The Council has adopted the Model Publication Scheme 2013 produced by the Scottish Information Commissioner which has the Commissioner's approval until 31 May 2017. The Council has produced a guide to information available through the Model Publication Scheme 2013, which provides information on:-
- what information is available (and what is not available) in relation to each class;
 - charges that may be applied;
 - how to find the information easily;
 - contact details for enquiries and help with accessing the information; and
 - how to request information held by the Council that has not been published.
- 4.3 An applicant for information has the right to ask the Council to review its action and/or decisions if he/she is dissatisfied with the way in which the Council has dealt with the request for information. If still dissatisfied with the review decision, or if the review decision has not been received within 20 working days, an applicant may appeal to the Scottish Information Commissioner.
- 4.4 The Scottish Information Commissioner has asked all Scottish public authorities to provide her with statistics on FOI requests and requests under the EIRs, the number of Data Protection Subject Access requests received, details of reviews dealt with and exemptions/exceptions applied on a quarterly basis from 1 April 2013. These statistics are available on the Scottish Information Commissioner's website at www.itspublicknowledge.info. For Members' background information, a copy of the information for the period October-December 2015 submitted to the Scottish Information Commissioner and published on her website is attached at Appendix 1.
- 4.5 Although the Scottish Information Commissioner has no locus in relation to Data Protection Subject Access Requests (SARs), this information is collected to see how the number of FOI and EIR requests authorities received compares to the number of SARs received.

5.0 REQUESTS RECEIVED

- 5.1 During 2015 1029 FOI requests, 12 requests under the EIRs and 27 Data Protection Subject Access requests were received.
- 5.2 A comparison with the number of requests received in 2014 is set out in the table below.

	FOIs	EIRs	DPSARs	Total	FOI/EIRs Responses Within Statutory Timescale	FOI/EIRs Response Outwith Statutory Timescale	FOI/EIRs Reviews
2014	1121	19	17	1157	1030	89	32
2015	1029	12	27	1068	851	157	31

- 5.3 Members will note that, in comparison with 2014, there is a decrease in the number of FOI/EIR requests received which is in part attributable to a decrease in requests from two particular applicants and to a commercial organisation combining requests rather than submitting individual requests. There has, however, been no corresponding reduction in the amount of work involved in dealing with the requests from the commercial organisation as the extent of the information sought is the same.

5.4 The table below provides a breakdown of the source of FOI requests received.

Source of Request (where known)	2015
Charity/Campaign/Voluntary Organisations	23
Commercial Organisations	126
Education/Research	8
Journalist/Media Organisation	131
Legal Organisations	38
Individuals	634
MSP/Scottish Parliament/Other Elected Official	69
Other Public Body	2
Trade Union/Professional Representative Body	11

6.0 FINANCIAL IMPLICATIONS

6.1 Financial

One off Costs:

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £'000	Virement From (If Applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Legal

6.2 The Council is legally bound to comply with FOISA and EIRs. The Scottish Information Commissioner has powers of enforcement which can be used where a public authority is consistently failing to comply with the legislation.

Human Resources

6.3 None.

Equalities

6.4 None.

Repopulation

6.5 There are no direct implications in respect of repopulation.

7.0 CONSULTATIONS

7.1 None.

8.0 LIST OF BACKGROUND PAPERS

8.1 Freedom of Information (Scotland) Act 2002, Environmental Information Regulations (Scotland) Regulations 2004 and Data Protection Act 1998.



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#	FOISA section	EIR Regulation	Description	FOISA	EIRs	DPA	?
1	S1(1)	Reg 5	The number of requests received	227	11	<input type="checkbox"/>	
2			The number of requests received under the Data Protection Act	<input type="checkbox"/>	<input type="checkbox"/>	5	<input type="checkbox"/>
3	S1(3)	Reg 9 (2) and 10(4)(c)	The number of requests closed because clarification was not provided	3	0	<input type="checkbox"/>	
4			The number of requests closed because the requester withdrew the request	1	0	<input type="checkbox"/>	
5	S9(1)	Reg 8(1)	The number of requests for which a fees notice was issued	0	2	<input type="checkbox"/>	
6	S9(1)	Reg 8(1)	The number of occasions on which a fees notice was paid	0	0	<input type="checkbox"/>	
7	S10(1)	Reg 5(2)	The number of requests which received a response within the statutory timescale	198	11	<input type="checkbox"/>	
8	S10(1)	Reg 5(2)	The number of requests which received a late response.	22	0	<input type="checkbox"/>	
9	S10(1)	Reg 5(2)	The number of requests which required a response, but which did not receive one (i.e. failure to respond).	0	0	<input type="checkbox"/>	
10		Reg 7	The number of times the timescale was extended for voluminous and complex requests	<input type="checkbox"/>	0	<input type="checkbox"/>	
11	S12(1)		The number of requests refused on the grounds of excessive costs.	2	<input type="checkbox"/>	<input type="checkbox"/>	
12		Reg 10(4)(b)	The number of requests refused because they were manifestly unreasonable (on grounds of cost).	<input type="checkbox"/>	2	<input type="checkbox"/>	
13	S14(1)		The number of requests refused because they were vexatious.	0	<input type="checkbox"/>	<input type="checkbox"/>	
14	S14(2)		The number of requests refused because they were repeated.	1	<input type="checkbox"/>	<input type="checkbox"/>	
15		Reg 10(4)(b)	The number of requests refused because they were manifestly unreasonable (other than on grounds of cost).	<input type="checkbox"/>	7	<input type="checkbox"/>	
16	S1(1)	Reg 5	The number of requests for which information was provided in full.	209	2	<input type="checkbox"/>	
17	S16(1)	Reg 13	The number of requests for which a refusal notice was issued for all the information requested.	5	8	<input type="checkbox"/>	
18	S16(1)	Reg 13	The number of requests for which some information was provided, but other information was withheld or was not held by the authority (partial).	2	1	<input type="checkbox"/>	
19	S17	Reg 10(4)(a)	The number of requests for which all of the information was not held	8	0	<input type="checkbox"/>	
20	S18	Reg 10(8) or 11(6)	The number of requests for which the authority refused to confirm or deny whether the information existed or was held	0	0	<input type="checkbox"/>	

Requests notes

FOIs carried forward to next quarter - 3



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#	FOISA section	EIR Regulation	Description	FOISA	EIRs	?
1	S21(1)	Reg 16	The number of requests for review received	<input type="text" value="3"/>	<input type="text" value="6"/>	
2	S21(1)	Reg 16	The number of requests for review answered within the statutory timescale	<input type="text" value="3"/>	<input type="text" value="6"/>	
3	S21(1)	Reg 16	The number of requests for review which received a late response.	<input type="text" value="0"/>	<input type="text" value="0"/>	
4	S21(1)	Reg 16	The number of requests for review which did not receive a response.	<input type="text" value="0"/>	<input type="text" value="0"/>	
5	S21(4)		The number of review responses which wholly or partially confirmed the original response, with or without modification (upheld).	<input type="text" value="2"/>	<input type="text"/>	
6	S21(4)		The number of review responses which substituted a different decision for the original (overturned).	<input type="text" value="0"/>	<input type="text"/>	
7	S21(4)		The number of review responses which reached a decision for the first time (there had been no response to the original request).	<input type="text" value="0"/>	<input type="text"/>	
8		Reg. 16(3)(b)	The number of review responses which confirmed that the authority's response to the original request complied with the EIRs.	<input type="text"/>	<input type="text" value="2"/>	
9		Reg. 16(3)(b)	The number of review responses which found that the authority's response to the original request was not compliant with the EIRs and steps were taken to remedy the breach.	<input type="text"/>	<input type="text" value="4"/>	

Reviews notes