

REPORT TO: Cabinet

MEETING DATE: 13 November 2012

BY: Executive Director (Support Services)

SUBJECT: Freedom of Information

1 PURPOSE

- 1.1 To report on the Council's compliance with the timescales laid down by the Freedom of Information (Scotland) Act 2002 for the period from 1 April 2012 to 30 September 2012.
- 1.2 To inform Cabinet of the Assessment to be carried out by the Scottish Information Commissioner in December 2012.

2 RECOMMENDATIONS

- 2.1 To note the statistical information and confirm that such information should be reported to Cabinet on a half yearly basis.
- 2.2 To authorise officers to report the outcome of the Scottish Information Commissioner's assessment together with any action plan proposed.

3 BACKGROUND

- 3.1 During the period 1 April 2012 to 30 September 2012, East Lothian Council operated in accordance with the statutory requirements, namely:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner (SIC).

- 3.2 Freedom of Information statistics are recorded by Law & Licensing. Guidance on how to handle requests and requests for review are on the intranet, accessible to all employees.
- 3.3 The total number of requests received between 1 April 2012 and 30 September 2012 was **502**, a slight increase from the previous half year. Numbers of FOI requests have been increasing steadily since the Act came into force.
- 3.4 The total number of requests for review received between 1 April 2012 and 30 September 2012 was **20**, a slight increase from the previous half year (17).
- 3.5 The table below provides a breakdown of the response timescales for Freedom of Information requests between 1 April 2012 and 30 September 2012:

On time: Within 20 Working Days	379
Late	94
Lapsed/Written Off	0
Date of Completion Unknown	0
Cancelled/Withdrawn	9
Suspended	8
TOTAL RECEIVED	502
TOTAL ACTIONED	490
TOTAL STILL OUTSTANDING	12

- 3.6 The table below provides a breakdown of the response timescales for requests for review between 1 April 2012 and 30 September 2012:

On time: Within 20 Working Days	15
Late	4
Suspended	1
TOTAL RECEIVED	20
TOTAL ACTIONED	19
TOTAL STILL OUTSTANDING	1

- 3.7 The number of reviews that upheld, partially upheld or overturned the original decision was as follows:

Upheld	12
Partially Upheld	5
Overturned	2

- 3.8 Pie charts showing a breakdown of enquirers and departments are attached at Appendices 1a and 1b.
- 3.9 The top three enquirers were:
- 1) General Public
 - 2) Commercial Organisations
 - 3) Journalists
- 3.10 The departments receiving the largest number of requests were:
- 1) Corporate Resources
 - 2) Community Services
 - 3) Education and Children's Services¹
- 3.11 It is pertinent to note the number of complaints upheld and partially upheld. This demonstrates that review officers carry out rigorous reviews, demonstrating a willingness to review the original decision in an objective way.
- 3.12 Of the 20 requests for review, 3 were appealed to the SIC. The appeals are currently ongoing.

Assessment by Scottish Information Commissioner

- 3.13 Cabinet members may wish to note that on 12th and 13th December 2012, representatives from the Scottish Information Commissioner's office will be visiting the Council to assess its compliance with the Freedom of information (Scotland) Act 2002 ('the Act').

4 POLICY IMPLICATIONS

- 4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other - None

¹ Since the statistics were started before the restructuring, the old system is used in this report. In future reports, the new structure will be reflected.

7 BACKGROUND PAPERS

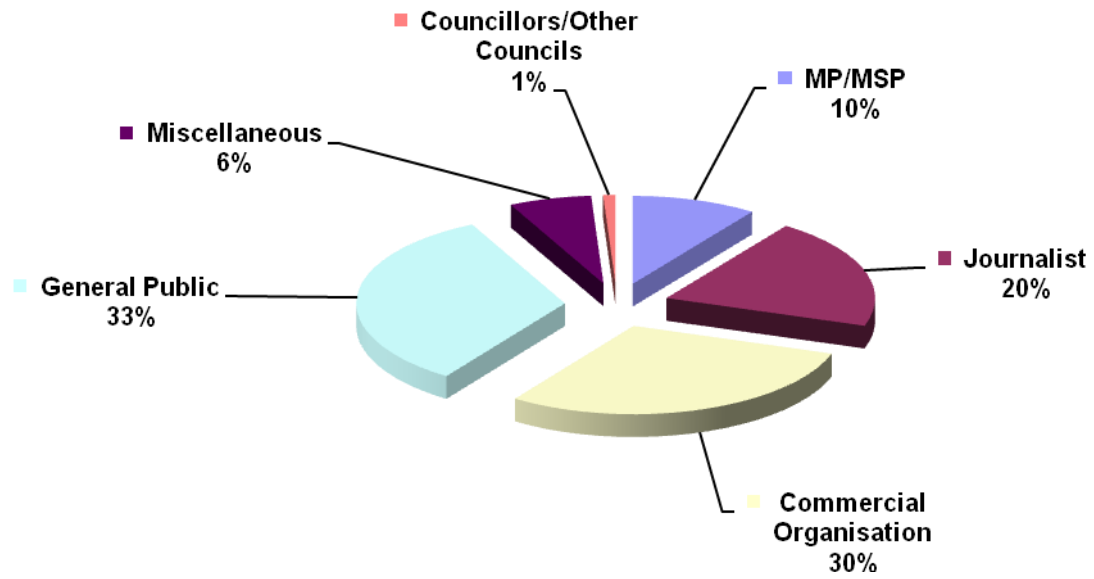
7.1 Appendix 1 a – Pie chart showing overview of requesters

7.2 Appendix 2 b – Pie chart showing breakdown of departments

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DATE	1 November 2012

Appendix 1 a

Breakdown of Enquirers



Appendix 1 b

