

REPORT TO: Audit and Governance Committee

MEETING DATE: 14 March 2017

BY: Depute Chief Executive – Resources & People Services

SUBJECT: Internal Audit Report – Freedom of Information

1 PURPOSE

- 1.1 To inform the Audit and Governance Committee of the recently issued audit report on Freedom of Information.

2 RECOMMENDATION

- 2.1 That the Audit and Governance Committee note the contents of the Executive Summary and Action Plan.

3 BACKGROUND

- 3.1 As part of the audit plan for 2016/17 a review was undertaken of the arrangements in place within the Council to ensure compliance with the Freedom of Information (Scotland) Act 2002.
- 3.2 The main objective of the audit was to ensure that the internal controls in place were operating effectively.
- 3.3 The main findings from our audit work are outlined in the attached report.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 None

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DATE	2 March 2017

EAST LOTHIAN COUNCIL – INTERNAL AUDIT FREEDOM OF INFORMATION

1. EXECUTIVE SUMMARY

1.1 Introduction

As part of the Audit Plan for 2016/17, a review was undertaken of the arrangements in place for responding to Freedom of Information requests received by the Council. A summary of our main findings is outlined below.

1.2 Areas where Expected Controls were Met

- The Council has adequate arrangements in place to ensure compliance with the Freedom of Information (Scotland) Act 2002.
- A designated member of staff is responsible for coordinating all Freedom of Information requests received by the Council.
- A clear audit trail exists of all Freedom of Information requests received – a detailed log is maintained of all key information in respect of the requests received.
- Adequate monitoring arrangements are in place to ensure that service areas provide relevant information to the Council's Information Governance Officer within the specified timescales – requests are monitored and reminders are issued where there are delays in information being received.
- Regular reports are prepared for Cabinet on Freedom of Information, detailing the total number of requests received and the Council's compliance with the 20 working day timescale for issuing responses.
- For Freedom of Information requests where exemptions had been applied these were in accordance with legislation.
- A mandatory online Freedom of Information training module is available to all staff members and is required to be completed every two years.

1.3 Areas with Scope for Improvement

- The existing policies in place require review to ensure that they accurately reflect the current arrangements within the Council. *Risk – information may be incomplete or out of date.*
- In some cases, there had been delays in service areas providing the required information within the specified timescales. *Risk – failure to meet the 20 working day timescale.*
- At present, details of all Freedom of Information requests and responses have not been fully updated on the Council's website. *Risk – information available may be incomplete.*

1.4 Summary

Our review of the arrangements in place within the Council for ensuring compliance with the Freedom of Information (Scotland) Act 2002 highlighted some areas with scope for improvement. Detailed findings and recommendations are contained in our main audit report.

Mala Garden
Internal Audit Manager

March 2017

**EAST LOTHIAN COUNCIL – INTERNAL AUDIT
FREEDOM OF INFORMATION**

ACTION PLAN

PARA REF	RECOMMENDATION	GRADE	RESPONSIBLE OFFICER	AGREED ACTION	RISK ACCEPTED/ MANAGED	AGREED DATE OF COMPLETION
3.2.1	Management should ensure that the existing policy documents in place are reviewed and updated to accurately reflect the current arrangements within the Council.	Medium	Service Manager – Licensing, Administration and Democratic Services	Agreed		April 2017
3.4.1	Management should review the existing arrangements in place within service areas for responding to FOI requests, with a view to ensuring that the Council is able to respond to all requests within the specified timescales.	Medium	Depute Chief Executive – Resources and People Services	Agreed on behalf of the CMT.		April 2017
3.8.1	Management should ensure that the database of FOI requests and responses available on the Council’s website is updated timeously.	Medium	Service Manager – Licensing, Administration and Democratic Services	Not agreed – there is no requirement to publish FOI requests and responses and that is something that ELC undertakes on a voluntary basis.		

Grading of Recommendations

In order to assist Management in using our reports, we categorise our recommendations according to their level of priority as follows:

Level	Definition
High	Recommendations which are fundamental to the system and upon which Management should take immediate action.
Medium	Recommendations which will improve the efficiency and effectiveness of the existing controls.
Low	Recommendations concerning minor issues that are not critical, but which may prevent attainment of best practice and/or operational efficiency.