

REPORT TO: POLICY COMMITTEE ON 30 APRIL 2008

**SUBJECT: STATISTICS ON FREEDOM OF INFORMATION AND DATA
PROTECTION REQUESTS : 1 APRIL – 30 SEPTEMBER 2007;
1 OCTOBER 2007 – 31 MARCH 2008**

BY: DIRECTOR OF EDUCATIONAL SERVICES

1. REASON FOR REPORT

- 1.1 The purpose of this report is to provide an update on the requests for information received by the Council between 1 April and 30 September 2007 and 1 October 2007 – 31 March 2008 and processed under the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004 and the Data Protection Act 1998
- 1.2 This report is submitted to the committee in terms of Section A (47) of the Council's Administrative Scheme relating to any new policy matter which does not fall within the terms of reference of any other committee.

2. RECOMMENDATION

- 2.1 **The committee is invited to scrutinise the performance on Freedom of Information, Data Protection Act and Environmental Information requests received by the council between 1 April and 30 September 2007, and 1 October 2007 and 31 March 2008. Members are asked to note the improvements in performance.**

3 BACKGROUND

- 3.1 Since January 2007, the administration and co-ordination of requests for information under the Freedom of Information (Scotland) Act and other access to information legislation has been undertaken by the communications section within the Corporate Policy Unit, with support and advice from the Records Manager and a Senior Solicitor. Each department has a member of staff responsible for researching and providing information to answer the request. This arrangement has resulted in an improved service to those seeking information from the council, and a greater acceptance of the legislation as a corporate responsibility.
- 3.2 Regular training sessions for council staff, undertaken by the Records Manager, Senior Solicitor and Communications Officer, have also improved understanding of the legislation which has greatly enhanced the rapid turnaround of requests in departments. External training of a key administrative support staff member has been successful in enabling her to acquire a greater knowledge of FOI(S)A. This has ensured good quality advice and information is available for staff and has enabled exemptions and clarifications to be identified before departmental staff are involved.
- 3.3 Members of the Policy Committee approved the introduction of a charging regime on 24 October 2007 (para 6 of the minute refers), as allowed under

FOI(S)A. To date two requests have been charged for, the majority falling below the charging threshold. Charging has not reduced the number of applications for information received under the legislation as there has been a considerable increase in the number from 186 between 1 April to 30 September 2007 up to 261 between 1 October 2007 and 31 March 2008.

- 3.4 During the six-month period 1 April to 30 September 2007, 186 requests were received by the council, 172 of which (92%) were answered within the deadline set by legislation of 20 working days. During the six-month period 1 October 2007 to 31 March 2008 261 requests for information were received by the council, 261 of which (100%) were answered within the 20-day deadline.
- 3.5 During the six-month period 1 April to 30 September 2007 14 requests for information under the Data Protection Act were received by the Council 14 of which (100%) were answered within the deadline set by legislation of 40 calendar days. During the six-month period 1 October 2007 to 31 March 2008 15 requests for information under the Data Protection Act were received by the council, all of which were answered within the deadline set by legislation.
- 3.6 During the year 1 April 2007 to 31 March 2008 2 requests for information under the Environmental Information (Scotland) Regulations were received by the Council both of which were answered within the deadline set by the legislation.
- 3.7 For a full statistical breakdown please see **APPENDICES 1 & 2**.

4 SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

Compliance with Freedom of Information legislation and other access to information legislation and understanding of the Acts and Regulations will mean that the Council is furthering the aims of open government and ensuring a good relationship with stakeholders. The Council has made a commitment under accountability in the corporate development plan to define service standards against which services will be measured and to provide relevant performance reports for stakeholder groups.

(b) Policy and Legal

Failure to comply with access to information legislation may have implications involving the Office of the Scottish Information Commissioner and the Information Commissioner, including the additional burden of appeals and subsequent investigation of the council by the commissioner.

(c) Resources (Financial, Risks, Staffing and Property)

The risk of not complying access to information legislation could lead to the Council receiving an enforcement notice from the Scottish Information Commissioner and/or being issued with fines from the courts.

(d) Consultations

The report is purely statistical and no consultation was required

5 CONCLUSION

5.1 That the Committee scrutinises the statistics and recognises the improvement in performance, which has seen the number of enquiries answered within the legislation deadlines rise to 100%.

Authors of Report: Eleanor Rowe, Records Manager
Peter Jones, Communications Officer

Background Papers: Freedom of Information (Scotland) Act 2002, Data Protection Act 1998 and Environmental Information (Scotland) Regulations 2004

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