



Freedom of Information, Environmental Information and Subject Access Request Report

1 April 2010 – 31 March 2011

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Introduction

This report is intended to provide an overview of requests processed under the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR) and the subject access provisions of the Data Protection Act 1998 (SAR) between 1 April 2010 and 31 March 2011. The report identifies key themes and makes recommendations as to what information should be published by services to improve access to information and reduce the number of requests the Council is required to process.

The aim of increasing the amount of information published by the Council is driven by both internal and external factors. Externally, Central Government is pushing local authorities to publish more information as part of its transparency agenda; the first phase being the requirement for local authorities to publish expenditure data online in open formats, which the Council achieved in January 2011. Following phases are likely to include requirements to publish contractual data and other key information. In addition, the Protection of Freedoms Bill, which is currently being passed through Parliament, contains a requirement to publish the full data sets of information disclosed under the FOIA.

Internally, the Access Channels Strategy, which aims to influence the way the Council communicates with the public in order to improve efficiency, contains a sub-strategy that seeks to encourage services to publish more information. The Complaints and Information Governance Manager is responsible for delivering the sub-strategy, the objective of which is to achieve efficiencies by reducing the workload associated with the processing of requests for information.

In addition to the statistical information presented, it is important to recognise the work of the Complaints and Information Governance (CIG) Team, which provides advice to the service areas tasked with collating the information requested in order to respond to individual requests or publishing information online. The CIG Team also provides a valuable link to senior managers, Members, Legal Services and the Communications Unit.

Overview of FOIA, EIR and SAR

The FOIA provides a right of access to information held by public authorities in a recorded format. Anyone can submit a request for information to a public authority subject to the FOIA and is entitled to be informed whether the authority holds the information. If the information is held by the authority, it must be supplied to the applicant unless an exemption applies. The applicant must be informed whether the information is held and, if so, be provided with a copy of the information or a refusal notice within 20 working days.

The EIR provide a right of access to 'environmental information' held by public authorities and certain other bodies. 'Environmental information' is defined in the EIR as:

“any information in written, visual, aural, electronic or any other material form on—

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c)”.

Again, anyone can submit a request under the EIR and they are entitled to be informed whether the authority holds the information and, if so, be provided with a copy of it unless an exception applies. In most cases, the applicant must be informed whether the information is held and, if so, be provided with a copy of the information or a refusal notice within 20 working days. In limited circumstances, the timescale can be extended to a maximum of 40 working days if the request is “complex or voluminous”.

The SAR provisions of the Data Protection Act 1998 provide individuals with a right of access to their personal data. A SAR can be made to any organisation that processes personal data (known as a data controller), which means that the provisions do not just apply to public authorities. Any individual submitting a SAR is entitled, subject to the application of exemptions:

“(a) to be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,

(b) if that is the case, to be given by the data controller a description of—

(i) the personal data of which that individual is the data subject,

(ii) the purposes for which they are being or are to be processed, and

(iii) the recipients or classes of recipients to whom they are or may be disclosed,

(c) to have communicated to him in an intelligible form—

(i) the information constituting any personal data of which that individual is the data subject, and

(ii) any information available to the data controller as to the source of those data, and

(d) where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability or his conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him, to be informed by the data controller of the logic involved in that decision-taking.

A data controller must respond to a SAR within 40 calendar days.

Processing requests

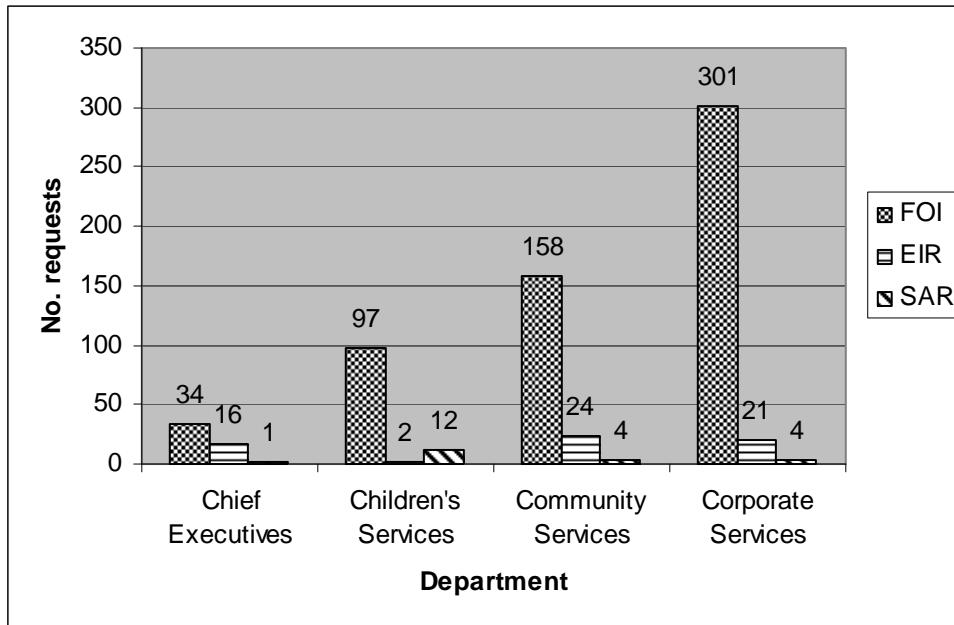
FOIA and EIR requests are processed in a similar way. Requests are sent to the CIG Team, which reviews them and, if valid, logs them onto the electronic request management system. An acknowledgement letter is sent to the applicant and then the request is assigned to a manager/officer in the service most likely to hold the information. The manager/officer will then provide the CIG Team with the requested information or explain why the information cannot be provided (i.e. because an exemption applies, the information is not held, the request is

vexatious/repeated or the cost of providing the information would exceed £450). The CIG Team then reviews the information provided or considers the reason(s) given by the service for not being able to provide the information and collates the response. In the case of more complex requests, the CIG Team will also circulate the response to senior managers, Members and the Communications Unit for approval before it is disclosed.

In terms of SARs, the applicant is required to request the information in writing, provide proof of identification and pay the fee of £10. On receipt of the three required elements, the CIG Team logs the request on the electronic request management system and sends an acknowledgement letter and receipt for the payment to the applicant. The CIG Team then contacts the relevant officer for a photocopy of any documents that form the personal data of the applicant; this is often an officer in Children's or Adult Social Care. The photocopied documents are then passed to the CIG Team, which reads through them and redacts (blacks out or removes) any third party data or irrelevant information. If necessary, the documents are reviewed by Legal Services before being disclosed to the applicant. A scanned copy of the documentation disclosed is retained by the CIG Team for audit purposes. It should be noted that the SAR process is often very lengthy due to the volume of information in question, for example, some SARs for social care files can involve the redaction of more than 10 large files.

Overview of information requests

Between 1 April 2010 and 31 March 2011 the Council received 674 requests for information, 590 of which were dealt with under the Freedom of Information Act 2000 (FOI), 63 under the Environmental Information Regulations 2004 (EIR) and 21 under the subject access provisions of the Data Protection Act 1998 (SAR).

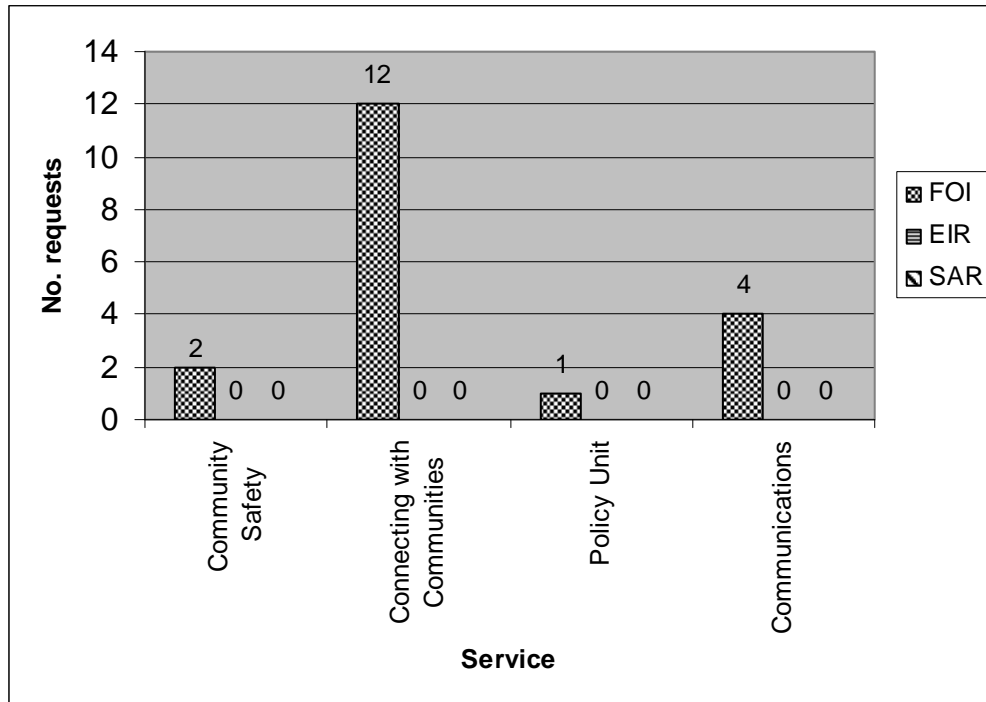


In terms of the overall volume of requests, Corporate Services received the most (326), followed by Community Services (186), Children's Services (111) and finally Chief Executive's (51). This may be attributable to the fact that Corporate Services contains services such as Finance and Human Resource Management, which support other departments; so, for example, a request for HR information about teaching staff would be assigned to Corporate Services rather than to Children's Services.

It is also important to note that Children's Services received 12 SARs, compared with four in Community and Corporate Services and one in Chief Executive's. The SAR process is often very lengthy (certainly far more lengthy than the process for dealing with FOIA/EIR requests) due to the volume of information involved, particularly in respect of children's social care, where the records can chart the life of a young person from birth to adulthood.

Chief Executive's Department

ACE (Policy)



Of the 19 FOI requests received by ACE (Policy), seven (directed to Connecting with Communities) were for information related to third sector funding and, in particular, the impact of the Council's budget proposals.

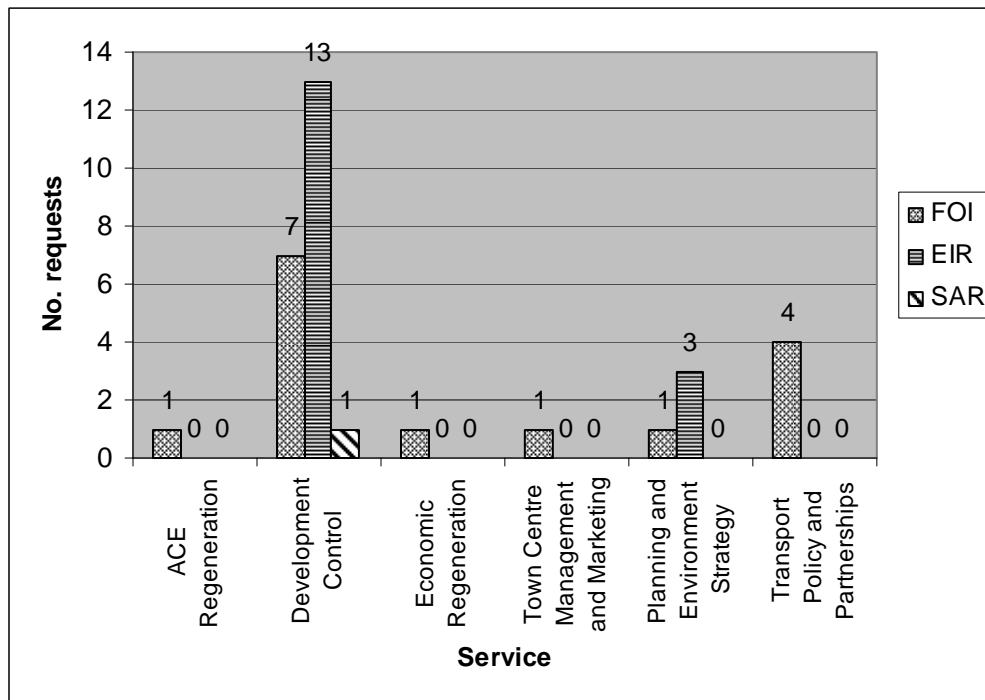
Of the four requests directed to the Communications Unit, two were for information about corporate identity and associated costs.

It is also important to note that there was one misdirected request, which was assigned to Community Safety, for information about a private security firm operating in Darlington.

Recommendations

- Connecting with Communities should consider publishing details of third sector funding on the Council's website. It would also be useful to include information about the impact of the budget cuts and the equality impact assessments that were undertaken in respect of them.

ACE (Regeneration)



ACE (Regeneration) received 32 requests in total. Nine requests, directed to Development Control, were for documents contained within planning application or planning enforcement files relating to specific developments. Development Control now publishes all planning applications via an online planning portal. Four requests directed to Development Control were on the subject of developer contributions (i.e. the allocation of monies due under section 106 agreements) and there were also three requests for details of planning applications for the installation of renewable energy sources, e.g. solar panels and wind turbines.

Two of the requests directed to Planning and Environment Strategy were related to the Local Plan, which is already published online. The other two requests were for details of vacant D1 land and conservation areas within the borough.

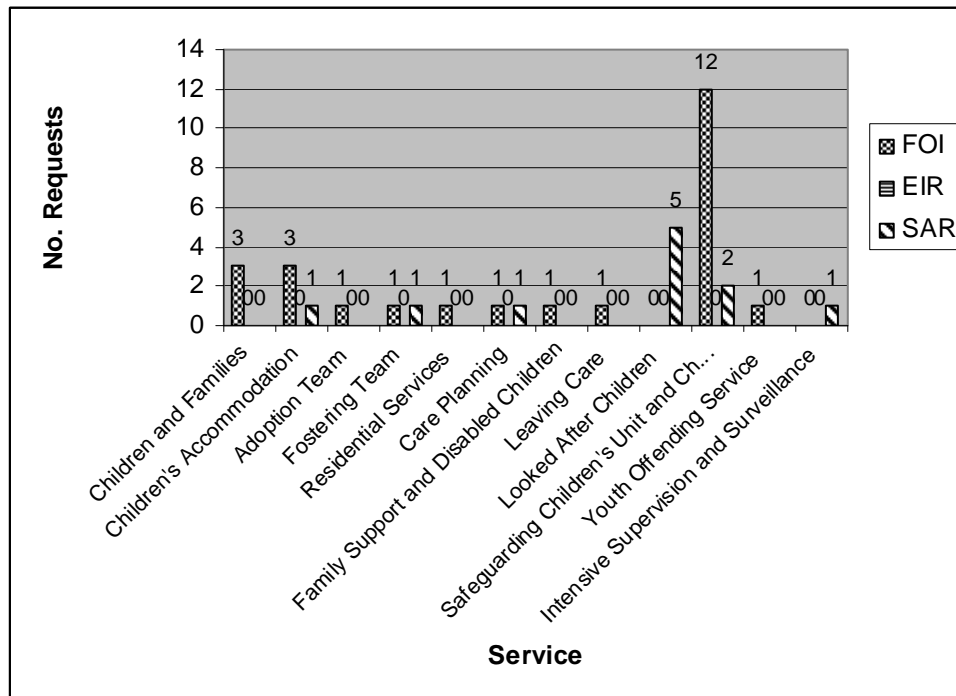
Of the four requests received by Transport Policy and Partnerships, three were about bus subsidies paid to operators by the Council.

Recommendations

- Development Control should consider publishing outline details of section 106 agreements and any evidence that is received in respect of the developer undertaking the specified works.
- Transport Policy and Partnerships should consider publishing details of bus subsidies paid to operators. It may also be useful to include information about the budget proposals and associated equality impact assessments.

Children's Services

Children and Families



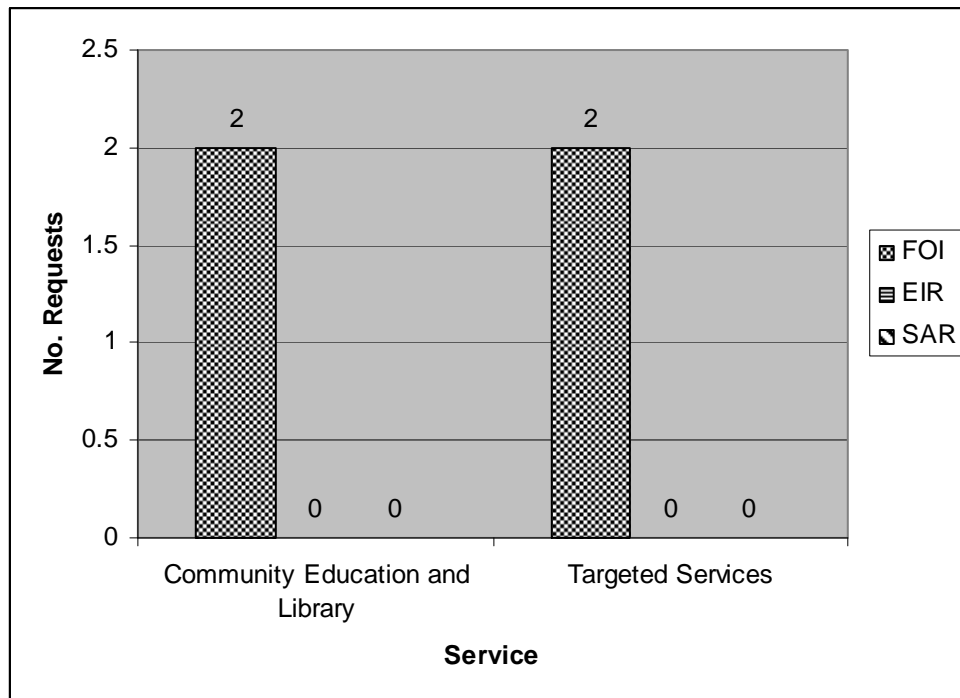
Children and Families received 36 requests in total. On analysis of the requests received by Children and Families, there are only two discernible themes; the service received four requests for statistics on children taken into care and three requests for statistics on the number of child protection referrals.

The service also received 11 subject access requests. It is important to note that handling this type of request, particularly in respect of child care files, takes a considerable amount of resource, both in terms of officer time and photocopying, scanning and postage costs.

Recommendations

- The service should consider periodically publishing statistics on child protection referrals and children taken into care providing that there is no risk of individual children or their families being identifiable from the data.

Partnerships

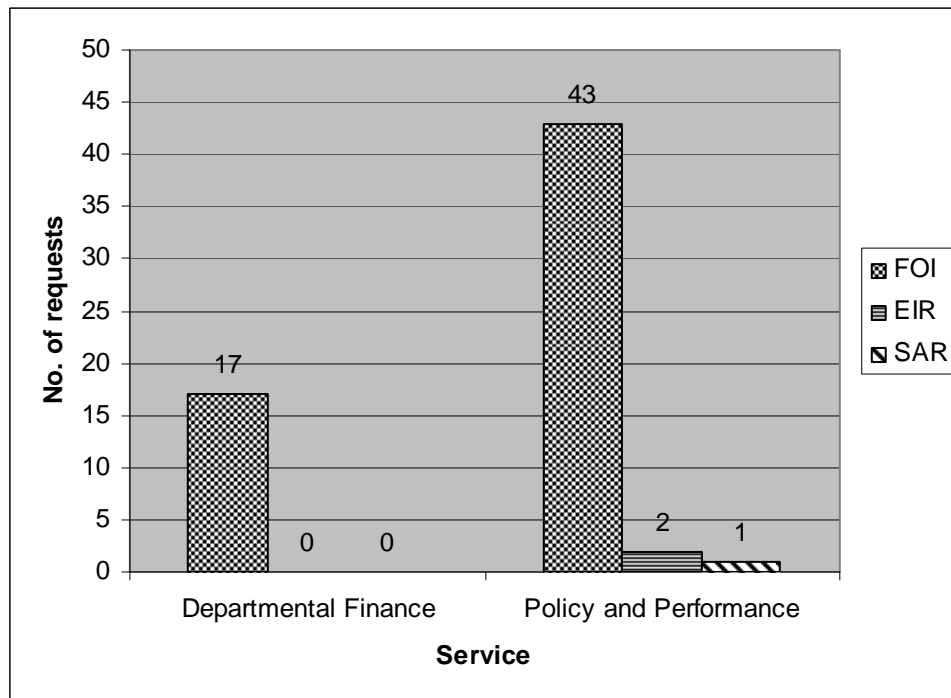


Partnerships received four requests in total. There are no particular themes emerging from the requests submitted to this service.

Recommendations

- There are no recommendations for this service.

Planning and Resources

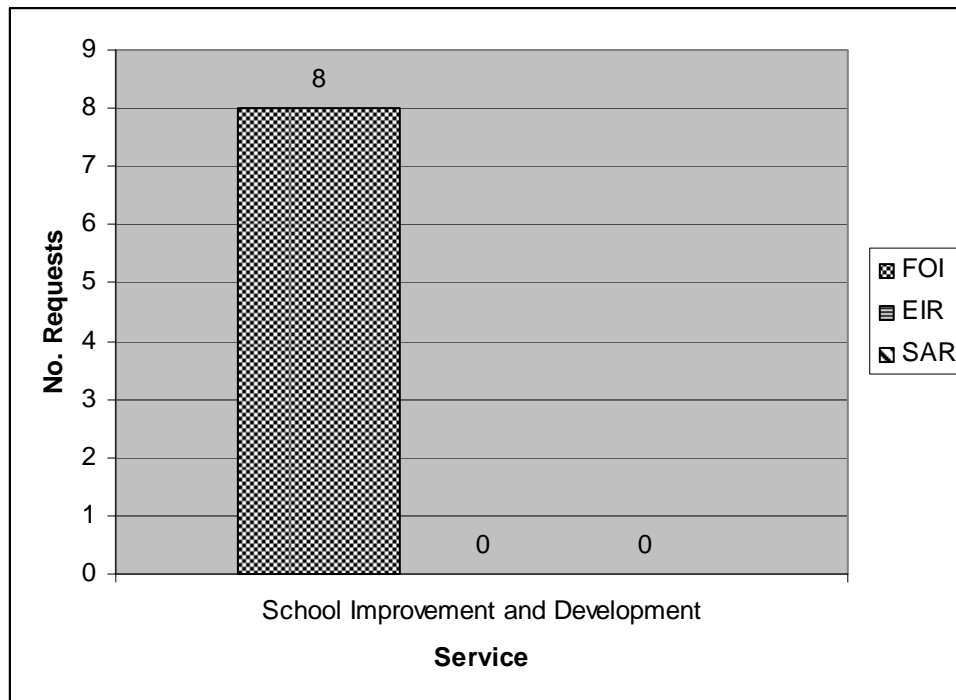


Of the 63 requests received by Planning and Resources there were 12 requests about school admissions, ten requests for information about spending/budgets, seven requests about government funding levels, five requests about contracts and four requests about school information technology.

Recommendations

- The service should publish information about school admissions, including admissions policies, and associated statistics, e.g. the number of children being granted a place at their preferred school.
- The service should publish information about Children's Services spending, budgets and government funding (if not already available).
- The service should produce and publish a contracts log, with advice from the CIG Team about the level of detail that should be included.
- The service should consider producing and publishing a systems log, i.e. details of which systems are in use in which areas.

School Improvement and Development



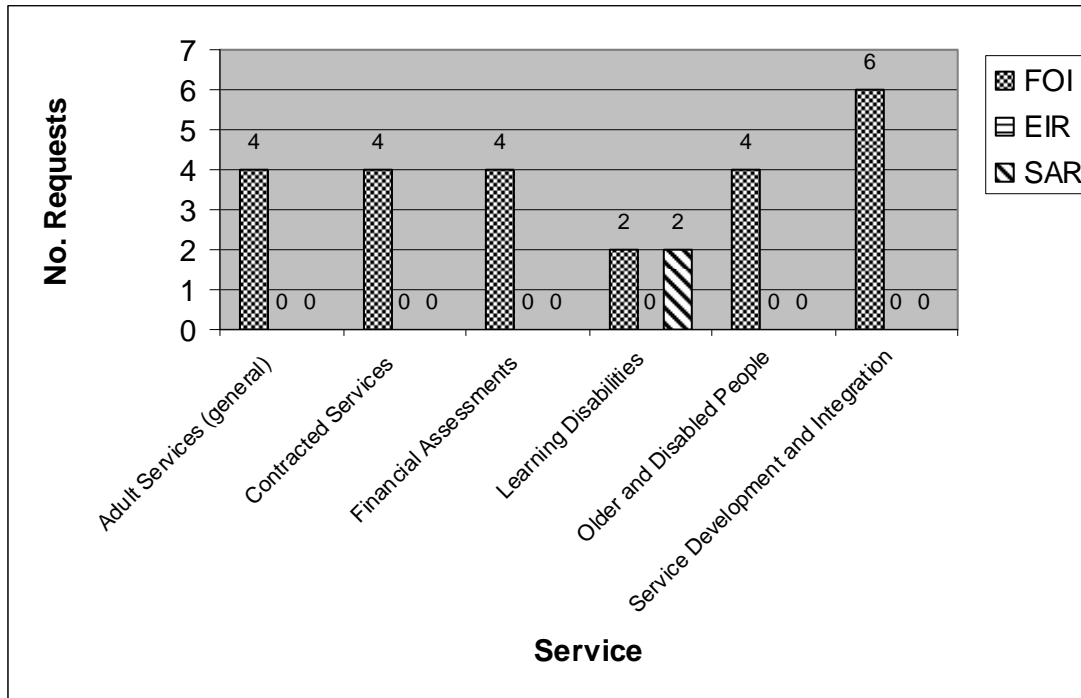
Of the eight requests received by School Improvement and Development, four requests were for information relating to pupils found to be in possession of weapons, two of which were for details of the number of pupils excluded for this reason. There was also a further request for statistical information about all exclusions.

Recommendations

- The service should consider publishing statistical information about exclusions, including the reason for the exclusion and the year group of the pupil involved providing that there is no risk of individual pupils being identifiable.

Community Services

Adult Services

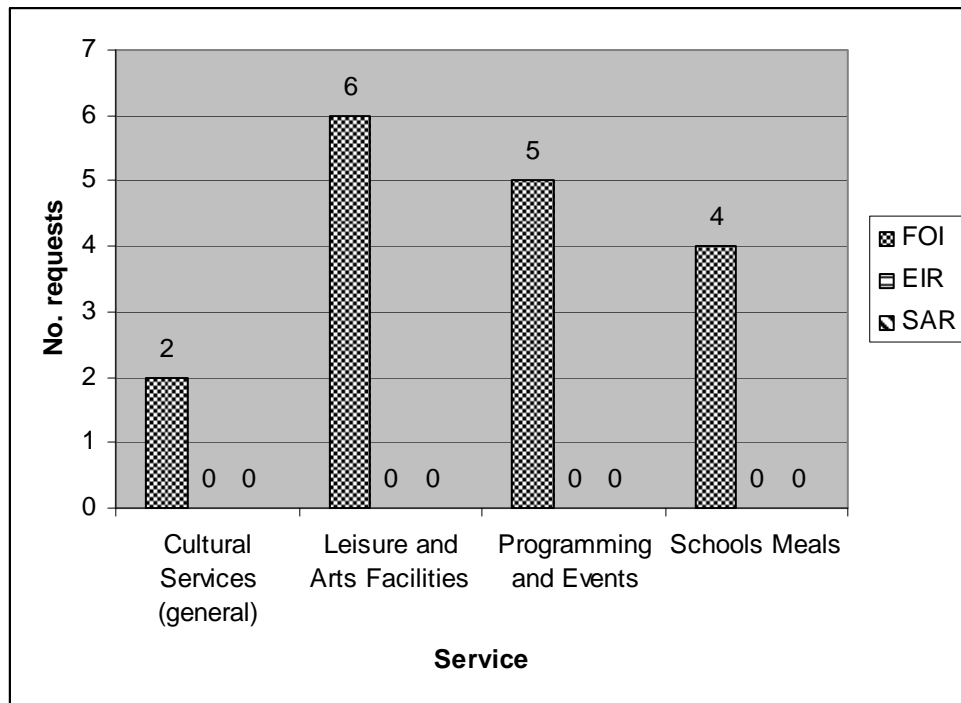


Adult Services received a total of 26 requests. Of these requests, six concerned structure charts of the service and/or contact details of certain officers. Five requests sought details of contracts that the service has with external organisations. There were also four requests for details of Adult Social Care budgets and/or expenditure.

Recommendations

- The service should consider publishing an anonymised structure chart, with contact details of individual teams if appropriate.
- The service should publish a contracts register, with advice from the CIG Team about the level of detail that should be included.

Cultural Services



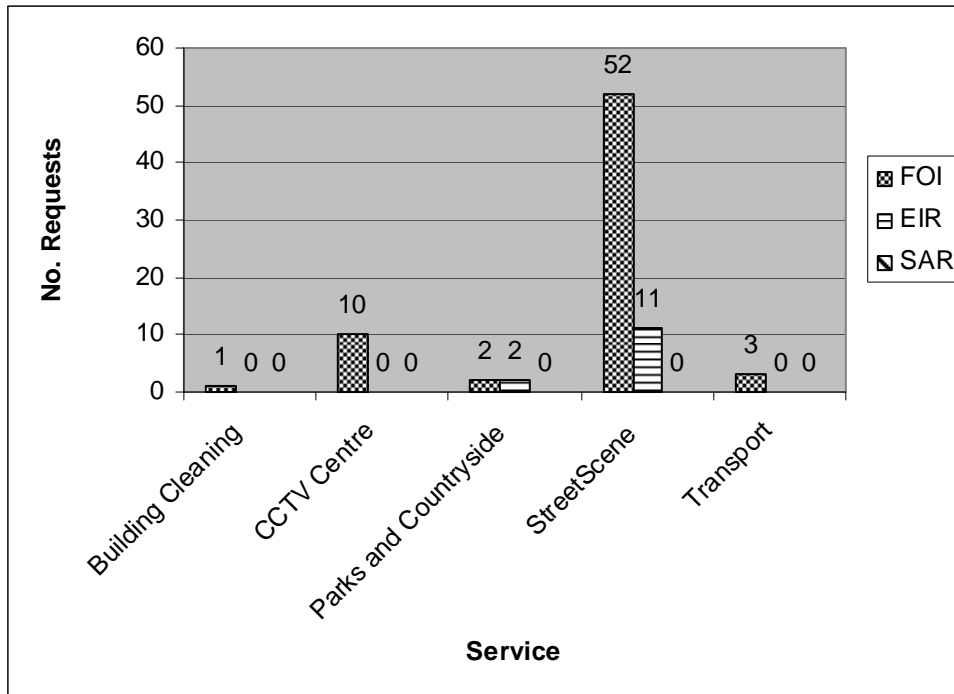
Of the 17 requests received by Cultural Services, 11 were for financial information. There was particular interest in the costs associated with hiring celebrities to appear at Council events (five of the 11 requests for financial information). Another five of the eleven requests received for financial information were for access to the accounts of leisure and arts facilities, which is likely to be a response to the budget proposals.

Of the four requests directed to School Meals, two were for information relating to free school meals, which is information not held by the Local Authority.

Recommendations

- The service should publish the costs associated with specific, high-profile leisure and arts events.
- The service should publish high-level accounting information relating to leisure and arts facilities.

Environmental Services



Environmental Services received 81 requests for information in total. Of these, there were 21 requests for details of contract funerals; this is in response to the recent emergence of 'heir hunters', i.e. companies that seek out the next of kin of deceased individuals and assist them, for a fee, in making a claim on the estate.

There were eight requests regarding waste management and recycling arrangements in Darlington (including contract details) and three requests for access to national indicator sets for waste management and recycling.

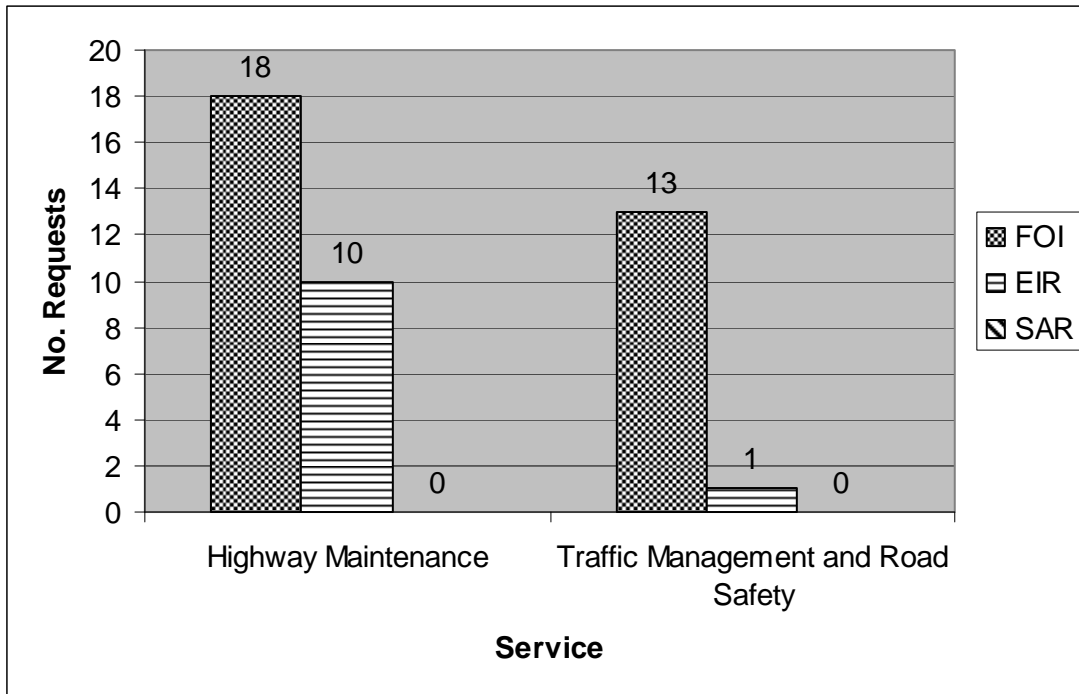
There were eight requests on the subject of fixed penalty notices issued in respect of environmental crimes, such as fly-tipping, littering and dog fouling. There were also four requests for information about the Council's stray dog policies, procedures and associated statistics.

Recommendations

- The service should publish details of contract funerals, where the deceased has no known next of kin.
- The service should consider publishing detailed information about waste management and recycling, including details of any contracts and performance indicators in this area.
- The service should consider publishing statistics on the enforcement activities undertaken by StreetScene.

- The service should consider publishing statistical information about its handing of stray dogs.

Highways and Engineering Operations



Of the 42 requests directed to Highways and Engineering Operations, ten were for information about, or in furtherance of, claims made against the Council for accidents allegedly caused as a result of carriageway defects. Six requests were for the cost of erecting signage in car parks or on streets around the town.

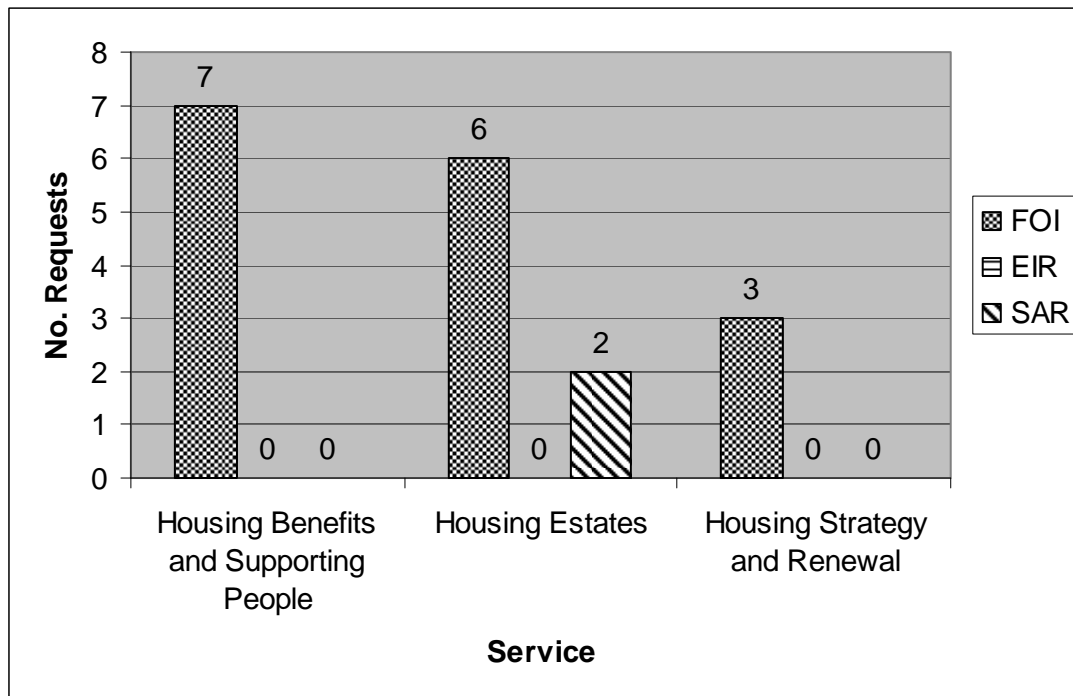
There were three requests for statistics on the duration of street works. There were also three requests for the criteria used by highways inspectors to determine whether a hedge is causing an obstruction (although it is important to note that all three requests were from the same applicant).

There were two requests for details of the tonnage and costs of road salt used by the Council to grit roads during the winter and two requests relating to the service's general budgets/expenditure.

Recommendations

- The service should consider publishing the costs of high-level highways schemes, for example, the cost of installing the blue cycling signs in the town centre.
- The service should consider publishing details of its budgets and expenditure.

Housing

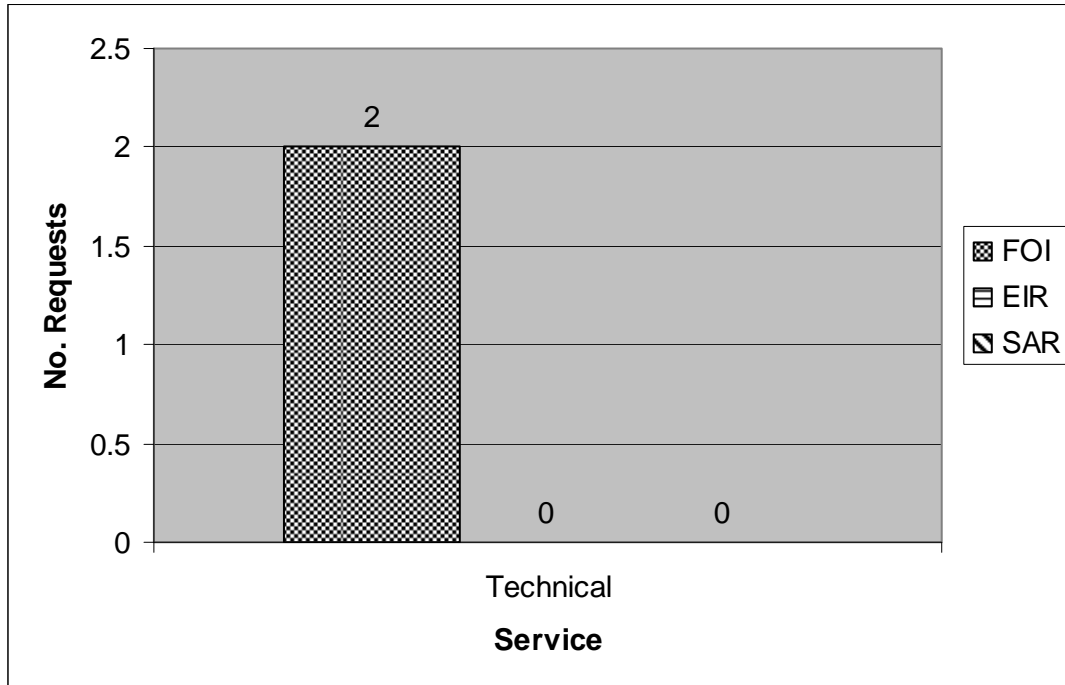


Of the 18 requests received by Housing, four were related to housing stock, i.e. details of house sizes, locations and refurbishment projects. There were three requests on the subject of Council Tax and Housing Benefits claims and two requests for details of complaints made against private landlords.

Recommendations

- The service should consider whether it is possible to publish anonymised statistical information about Council Tax and Housing Benefit claims.
- The service should consider publishing statistical information regarding complaints made against private landlords.

Technical



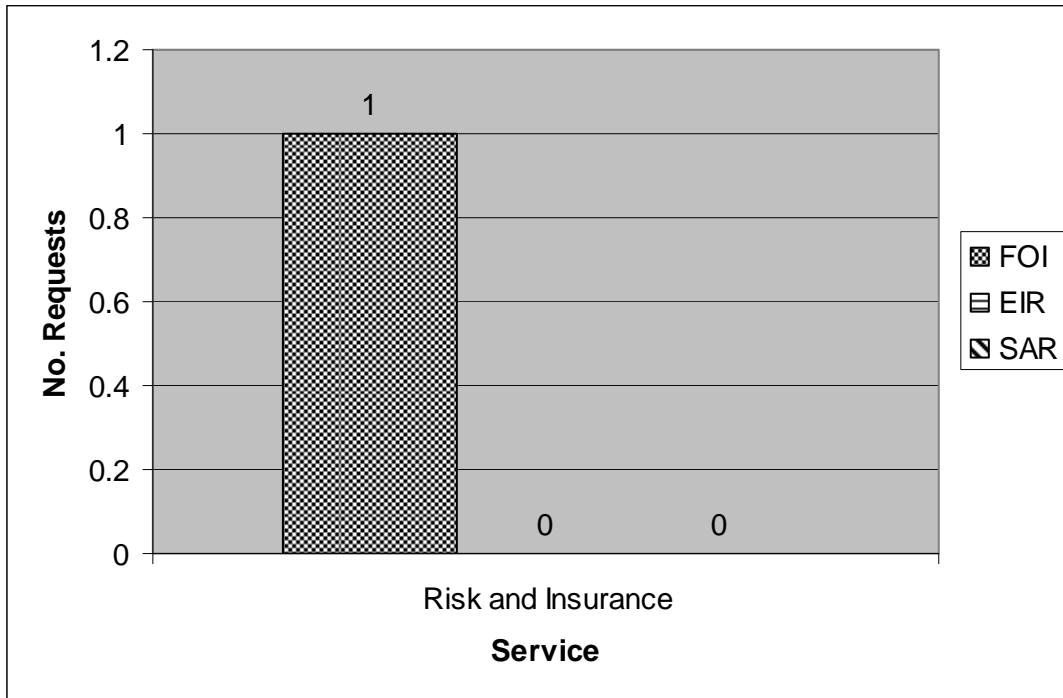
The two requests directed to Technical Services were for information relating to income and expenditure. The first was a request for details of the revenue received by the Council from sale of excess materials purchased in respect of the Pedestrian Heart Scheme and the original purchase price. The second was a request for the costs of refurbishing the bandstand in North Lodge Park.

Recommendations

- The service should consider publishing high-level costs of important building or refurbishments schemes.

Corporate Services

Audit Services

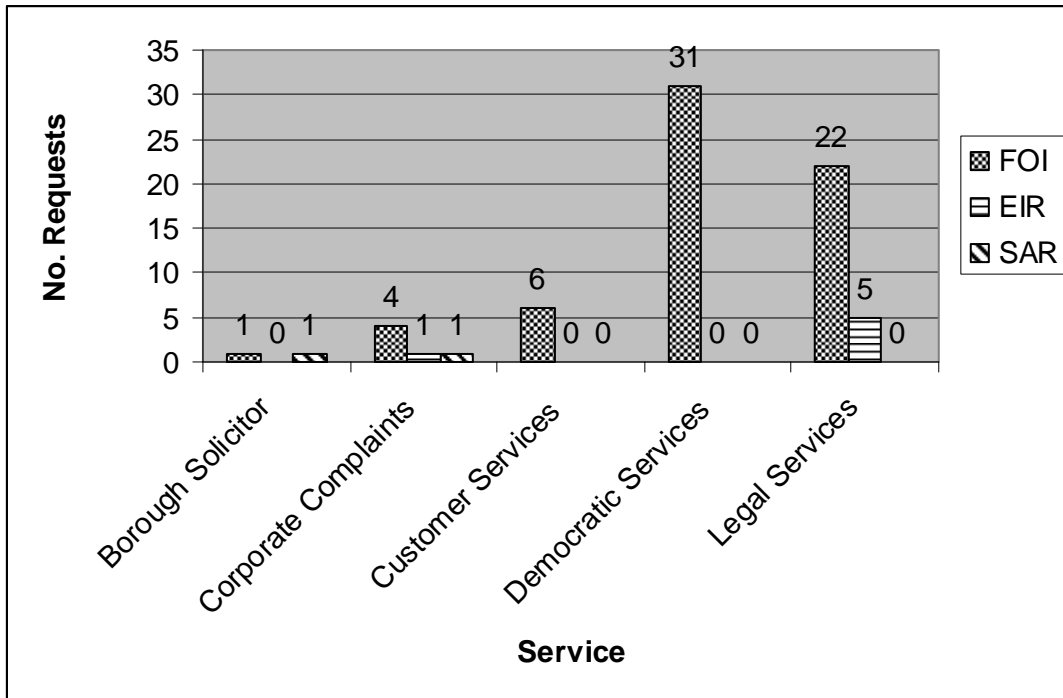


The request directed to Audit Services was for details of insurance claims made against the Council.

Recommendations

- The service should consider publishing high-level statistics on the types of claim made, the outcomes and the amount paid out in settlement of the claim.

Borough Solicitor



Of the 72 requests directed to the Borough Solicitor's section, ten requests related to personal searches and land charges, in particular personal search volumes and the Council's response to the government's advice that local authorities should refund fees to personal search companies.

There were eight requests for details of various expenditure, including the salary costs of political advisors (not applicable to Darlington Borough Council), payments received by the Returning Officer, costs of providing elected Members with ICT equipment, costs associated with Christmas parties (again, not applicable to Darlington Borough Council), costs associated with overseas travel and details of reductions in administrative spend.

There were four requests regarding access to the electoral roll, i.e. requests for details of the companies/individuals that have accessed the electoral roll and the fees received by the Council in that regard. There were also four requests for statistical information about investigations undertaken under the Regulation of Investigatory Powers Act (RIPA) and three requests for statistical information on freedom of information, environmental information and subject access requests received by the Council.

There were three requests for details of Members' allowances, which are published on the Council's website and in local newspapers. There were three requests for information about the Mayor's car, i.e. the make, model, cost and

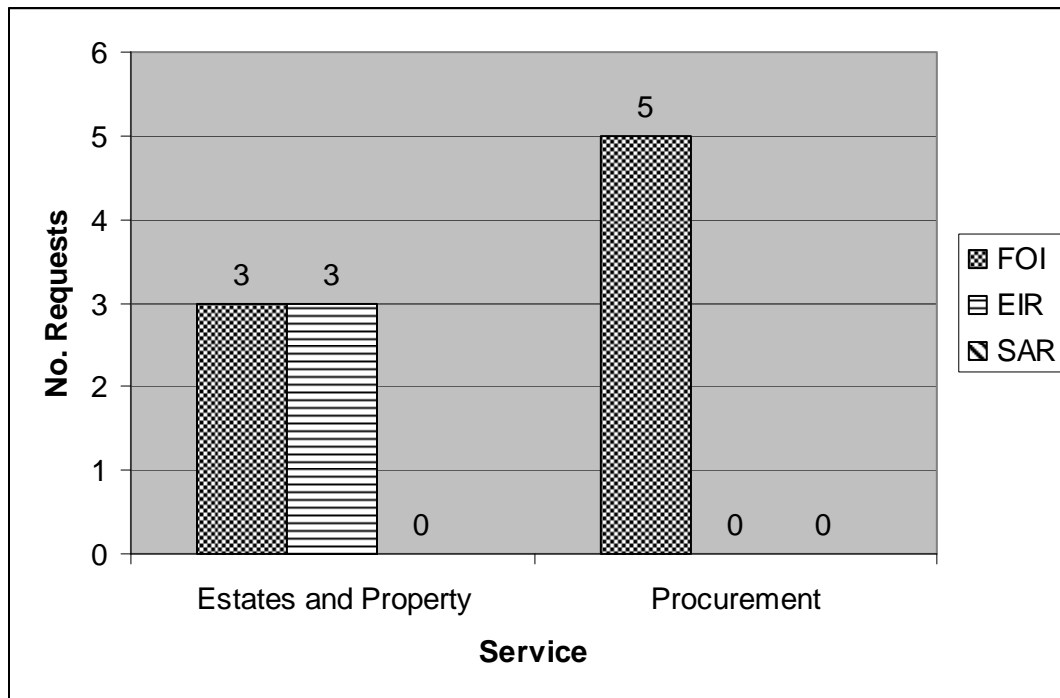
details of any personalised number plates and three requests for information about the Council's websites, i.e. details of contracts and expenditure.

There were four requests for details of complaints made to the Council (two in relation to Adult Social Care complaints and two in relation to Standards Board complaints). The Council already publishes statistical data on complaints in the Corporate, Adult Social Care and Children's Social Care Complaints, Compliments and Comments Annual Reports and via the report on Ethical Health Indicators to Scrutiny Committee.

Recommendations

- The service should publish statistical information on personal search volumes. The service should also consider publishing details of the Council's approach to refunding personal search companies.
- The service should consider publishing information about the Council's website, e.g. details of contracts with third parties and associated costs.
- The service should consider publishing details of the Mayor's car and associated costs.
- The service should consider publishing information about third party access to the Electoral Roll, including details of which companies have accessed it and the income received by the Council.
- The service should consider publishing statistical information on investigations undertaken under RIPA.

Corporate

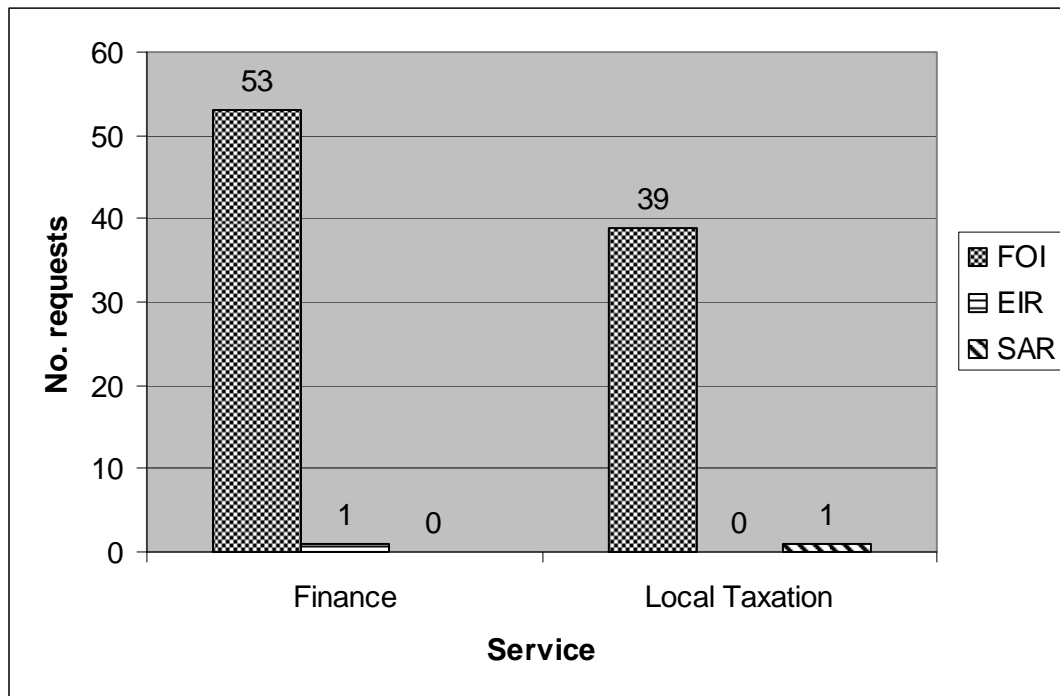


Of the 11 requests directed to the Corporate section, there were three requests regarding contractual arrangements, i.e. details of the Council's requirements with regard to certain contracts (this information is generally already available from the Council's website or the North East Purchasing Organisation (NEPO) portal). There were also two requests about energy efficiency in Council buildings/schools. There was also a request for details of any renewable energy generation facilities that the Council may operate.

Recommendations

- The service should consider publishing information about the Council's approach to energy efficiency and any relevant statistical information.

Finance



94 requests in total were received by Finance. The majority of the requests (53) related to the Council's budgets and expenditure. The following is a sample of some of the requests received:

- There were seven requests regarding travel, including information about destinations, travel costs, accommodation costs and additional expenses.
- There were five requests for details of payments made to specific, named companies.
- There were two requests for details and costs associated with the employment of external consultants.
- There were also two requests regarding the cost of translating documents into foreign languages and British Sign Language.

It should be noted that the Council is already routinely publishing details of expenditure over £500.

There were also 11 requests for details of empty properties and ten requests for details of commercial properties showing a business rates credit balance. There were five requests for details of non-domestic rate liability of specific properties, three requests for information about rate reductions/relief and two requests regarding non-domestic rate liability orders.

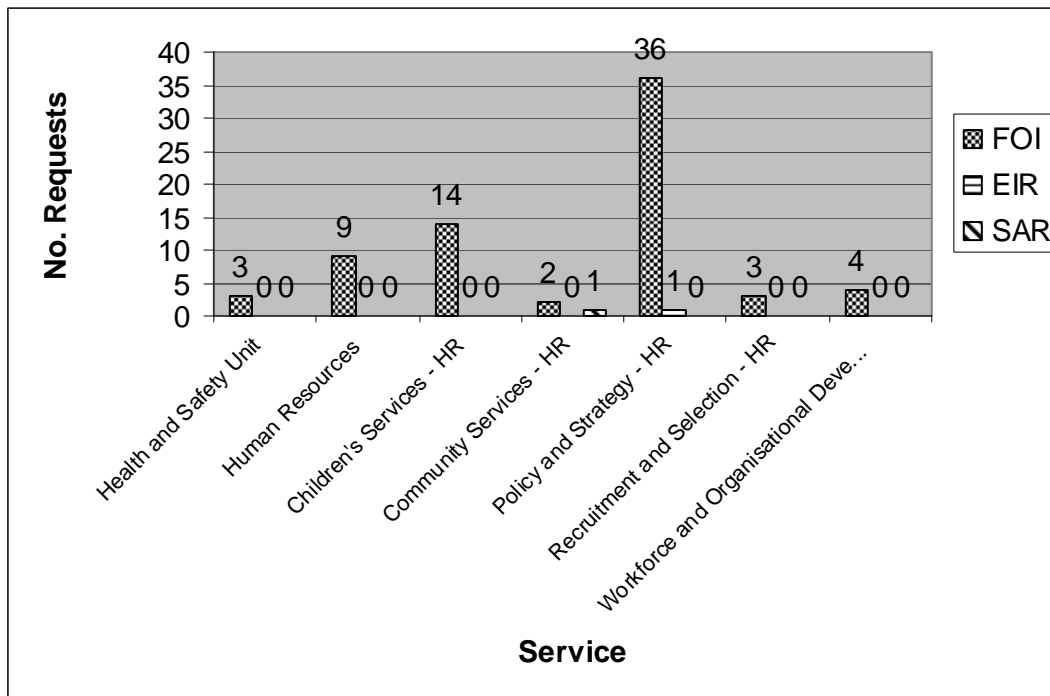
Recommendations

- It is currently very difficult to collate details of officers' or members' travel expenses, attendance at conferences, training sessions or 'away days'

due to the fact that the Council operates a devolved financial management system. The Council may, therefore, wish to consider having a central recording system for this information in order to periodically publish this information on the Council's website.

- The service should consider publishing details of consultancy spend.
- The service should consider periodically publishing a list of empty properties owned by commercial organisations.
- The service should consider periodically publishing a list of non-domestic rate credit balances.

Human Resource Management



There were 73 requests in total received by Human Resource Management. Of these requests there were 17 for contact details and/or structure charts. There were nine requests for details of the salaries, expenses and/or allowances paid to senior managers.

There were seven requests for sickness absence statistics, five requests for staffing numbers and five requests for statistical information about retirements and redundancies. There were also four requests for information about staff disciplinary procedures, in particular details of allegations made against teaching staff and information about staff suspended during disciplinary investigations.

There were three requests for details of the costs associated with trade union representation, two requests for information about the pension fund and two requests associated with staff health and safety (one request was for statistical information about attacks against council staff and one request was for details of the Council's corporate potential risk indicator system¹).

Human Resource Management, in particular the Policy and Strategy Team, has already made significant progress in publishing information on the Council's website. The service already publishes a senior management structure chart, salary information, staffing numbers, the staff turnover rate, sickness absence

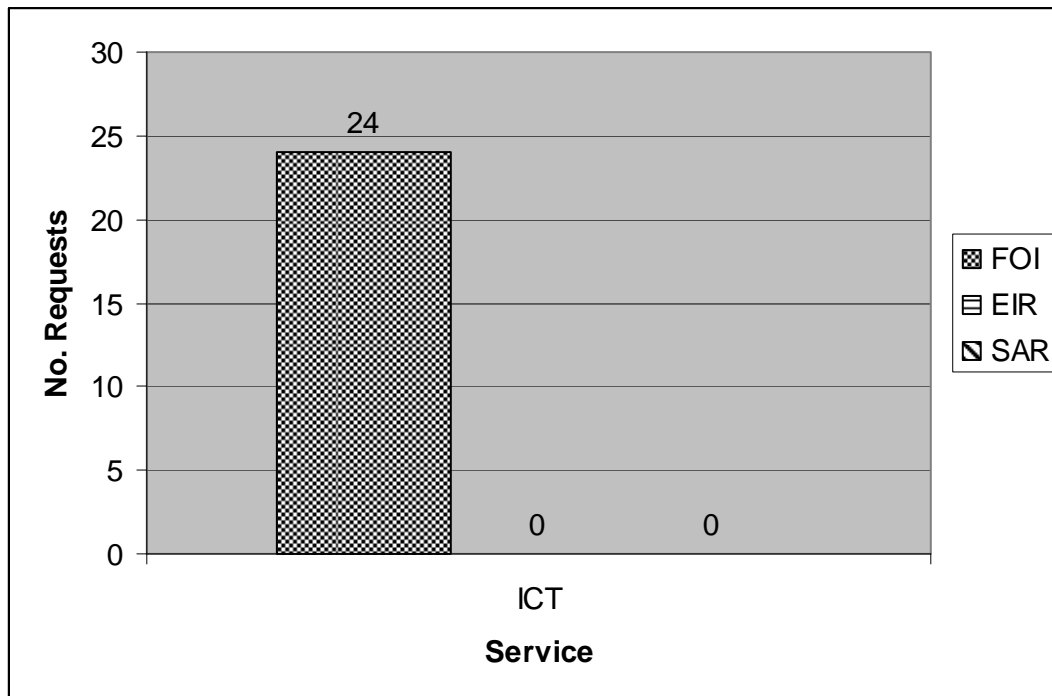
¹ The Corporate Potential Risk Indicator System (CPRIS) is an electronic system that records details of members of the public who may present a risk to staff (e.g. if they are potentially violent or abusive).

statistics and details of the Council's position on redundancy payments. The service should be held up as an example of good practice.

Recommendations

- The service should consider publishing full structure charts and appropriate staff contact details.
- The service should consider publishing statistical information about retirements and redundancies.
- The service should consider publishing, subject to agreement from trade unions, outline information about the employment of trade union representatives.
- The service should consider publishing statistical information about staff subject to disciplinary investigations providing that individuals are not identifiable.

ICT

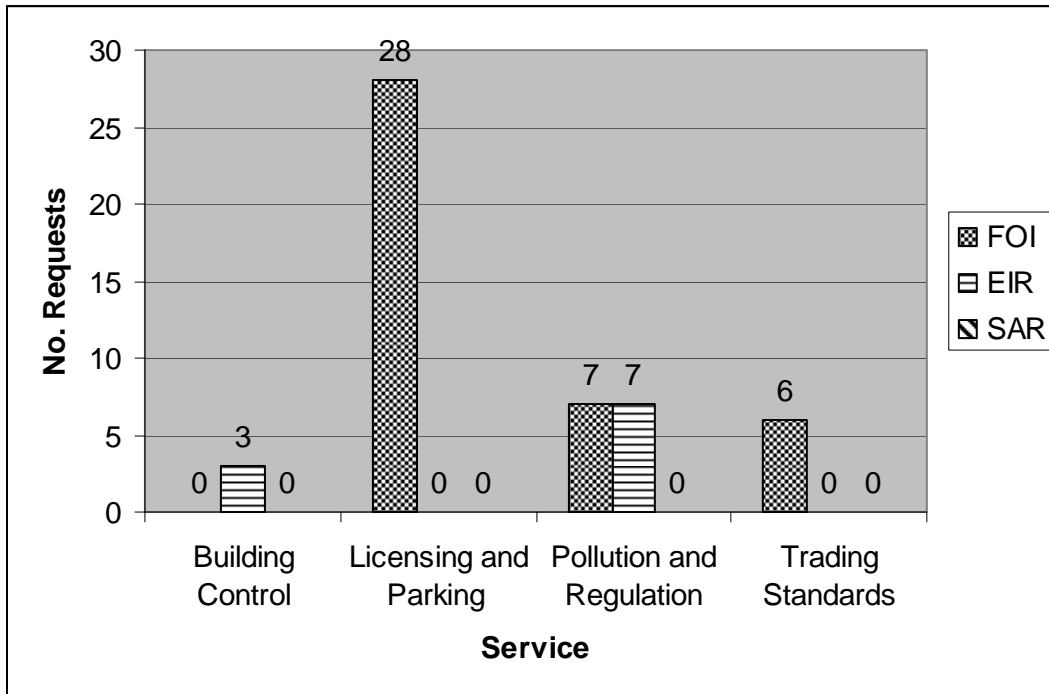


Of the 24 requests directed to ICT, eight were on the subject of expenditure relating to ICT. There were also seven requests for information about the ICT systems employed by the Council (including details of hardware and software) and four requests for details of contracts in this area. There were also three requests for contact details and/or structure charts of the ICT service.

Recommendations

- The service should publish a contracts log, with advice from the CIG Team about the level of detail that should be included.
- The service should consider publishing details of ICT expenditure.
- The service should consider publishing information about the ICT systems used by the Council, providing that disclosure of the information would present no risk to the security of such systems.

Public Protection



There were 51 requests in total directed to Public Protection. Of these requests 11 were for licensing information (for example, the number of licences issued in respect of dangerous wild animals, details of licensed dog boarders and puppy traders, etc). There were eight requests for statistical information relating to penalty charge notices issued in respect of parking infringements. There were five requests for copies of food hygiene inspection reports and three requests for a list of food business within the town.

In addition, there were three requests from personal search companies for building control certificates and three requests for details of parking enforcement contracts.

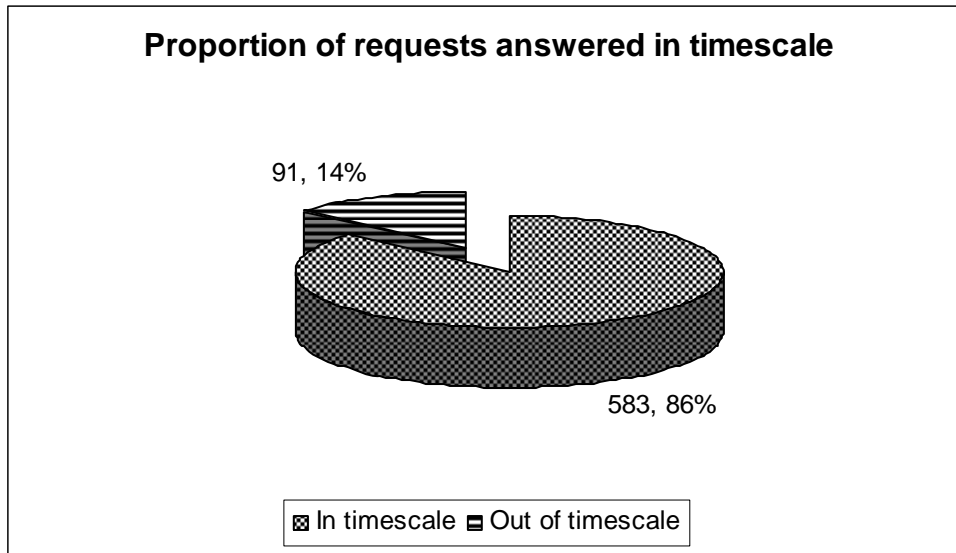
There were two requests for statistical information about residents' parking zones and two requests for information relating to investigations undertaken by Environmental Health. There were also two requests for statistical information about complaints made to Trading Standards.

Recommendations

- The service should publish information about licences (there may be personal data contained within the documents; advice should be sought from the CIG Team before any information is published).
- The service should publish statistical information about penalty charge notices issued in respect of parking infringements.

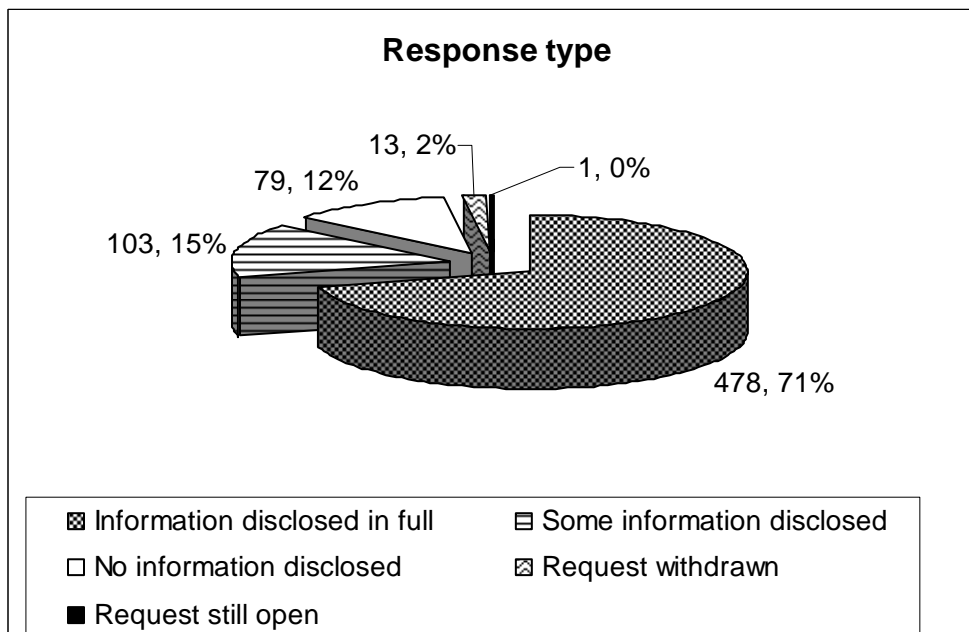
- The service should consider publishing copies of food hygiene inspection reports after redacting any personal data from the documents.

Proportion of requests answered in timescale

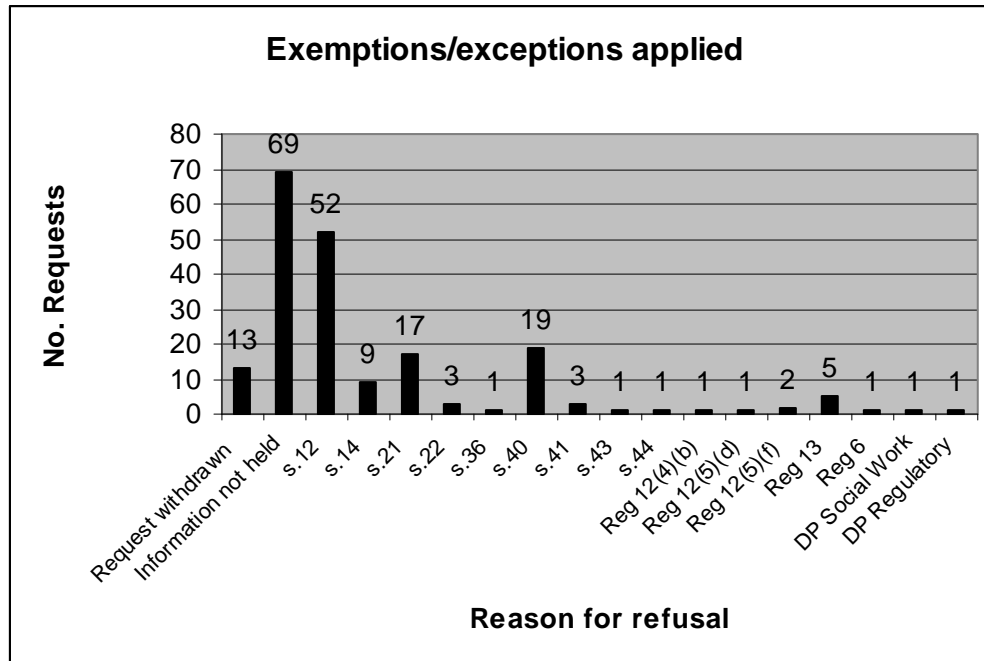


Although this chart represents the number of requests for information responded to in or out of timescale, it does not take into account instances where an extension was agreed with the requestor. With regards to freedom of information requests, it also does not take into account instances where the requestor was contacted for clarification of their request (which is permitted under the FOIA); in such instances, the Council is entitled to 'restart' the 20 working day timescale from the working day following the date of receipt of the necessary clarification. The Council's electronic request management system has now been developed to record this information.

Type of response



Exemptions/exceptions applied



As stated above, requests can be refused for a number of reasons. Please note that the figures provided above will not tally with the figures provided in the previous graph; this is due to the fact that a single request can be refused for more than one reason, e.g. two exemptions might apply to the information or part of the information may be exempt and part of it may not be held.

In 2010/11, the most common reason for refusing a request was that the information requested (or part of the information) was not held by the Council (69 requests).

52 requests were refused/partially refused under section 12 of the FOIA; this is where the estimated cost of providing the information requested would exceed the 'appropriate limit' of £450 (equivalent to 18 hours of officer time which, for the purpose of the estimate, the legislation states should be valued at £25 per hour). In order to refuse a request on this basis the Council must be confident that the aggregated cost of determining whether the information is held, locating and retrieving it and then extracting the relevant elements would be in excess of £450. In addition, one request for environmental information was refused under Regulation 12(4)(b) of the EIR. Regulation 12(4)(b) applies when a request is deemed to be 'manifestly unreasonable'.

19 requests were refused/partially refused under section 40 of the FOIA and five requests were refused/partially refused under Regulation 13 of the EIR; section

40 and Regulation 13 are, respectively, an exemption and an exception for personal data about third party individuals.

17 requests were refused/partially refused under section 21 of the FOIA; this is an exemption for information that is already accessible to the applicant by some other means. It usually applies to information that is already published on the Council's website, hence the recommendations contained within this report. Similarly, Regulation 6 of the EIR was applied to one request for environmental information. Regulation 6 applies where the applicant requests the information in a specific format but the information is already reasonably accessible in an alternative form or format.

13 requests were withdrawn, either by the applicant retracting the request or the applicant failing to provide the Council with the clarification needed in order to process the request.

Nine requests were refused under section 14 of the FOIA; this is where a request is deemed to be repeated and/or vexatious. For a request to be 'repeated' it has to be identical or substantially similar to a previous request, be made by the same person who submitted the previous request and be submitted without a reasonable interval having elapsed since the previous request. Vexatious requests are those which cause unjustified distress, disruption or irritation; the threshold for designating a request vexatious is high and the authority must take a number of criteria into consideration before reaching the decision to apply section 14. It should be noted that all of the requests refused under this section were submitted by the same individual; the individual has been informed that the Council will not communicate with him/her on that particular subject.

Three requests were refused/partially refused under section 22 of the FOIA; this is applicable in cases where the Council holds information with a view to its publication at some point in the future.

Three requests were refused/partially refused under section 41 of the FOIA; this exemption applies to information that was provided to the Council in confidence, where disclosure would be likely to result in legal action being taken against the Council for breach of confidence. There are two exceptions in the EIR that work in a similar way to section 41 of the FOIA; Regulation 12(5)(f) and Regulation 12(5)(d). Regulation 12(5)(f) applies to information that, if disclosed, could adversely affect the interests of the person who supplied it. Regulation 12(5)(d) applies to information that, if disclosed, could adversely affect the confidentiality of any proceedings in which the Council may be involved. Two requests were refused under Regulation 12(5)(f) and one request was refused under Regulation 12(5)(d).

One request was refused/partially refused under section 36 of the FOIA. Section 36 applies to information that, if disclosed, would prejudice the effective conduct of public affairs.

One request was refused/partially refused under section 43 of the FOIA. This exemption applies to commercially sensitive information.

One request was refused/partially refused under section 44 of the FOIA. Section 44 applies where there is a provision in another piece of legislation that prohibits disclosure of the information.

Finally, two subject access requests were refused/partially refused under exemptions contained within the Data Protection Act 1998. The first was refused under the social work exemption; this exemption applies where disclosure of information would prejudice the ability of the Council to carry out its social work function. The second was refused under the regulatory activity exemption; this exemption applies to information held by the Council as part of its regulatory functions.

Appeals to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the regulator with responsibility for enforcing compliance with the FOIA, EIR and Data Protection Act 1998 (including the SAR provisions).

In 2010/11, only one request was referred to the Council by the ICO. This request was for a copy of a Local Government Ombudsman (LGO) report on a complaint made against the Council in relation to a Development Control issue.

The Council liaised with the LGO and the ICO and successfully defended its decision to refuse the request under Regulation 12(5)(d) of the EIR (information that, if disclosed, could adversely affect the confidentiality of any proceedings in which the Council may be involved).