



Freedom of Information, Environmental Information and Subject Access Request Report

1 April 2013 – 31 March 2014

Contents

	Page
Introduction	3
A note about recommendations	3
Overview of FOIA, EIR and SAR	4
Processing requests	5
Overview of Information Requests	6
Total requests for information by service	7
Services for People	9
Adult Social Care	9
Children, Families and Learning	11
Development and Commissioning	13
Local Safeguarding Children's Board (LSCB)	14
Public Health	15
Services for Place	16
Building Services	16
Community Services	16
Culture	17
Environmental Services	18
Highways, Design and Projects	19
Housing and Building Services	20
Services for Place	20
Policy and Regeneration	22
Revenues and Benefits	23
Resources Group	25
Finance	25
Finance and HR	27
Human Resource Management	29
ICT/Design and Print	30
Resources	31
Transformation	33
Performance and Response Type	34
FOI requests responded to in timescale	34
EIR requests responded to in timescale	34
SARs responded to in timescale	35
FOI response type	36
EIR response type	37
Reasons for refusal	38
FOI exemptions applied	38
EIR exceptions applied	39
Internal Reviews	40
Appeals to the Information Commissioner's Office	41

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 2013 and 31 March 2014. The report identifies key themes and makes recommendations as to the information that should be published by services to improve access to information and reduce the number of requests the Council is required to process.

Many services have taken steps to publish information on the Council's website. There is now a dedicated section entitled Open Data at:
<http://www.darlington.gov.uk/your-council/council-information/statistics/open-data.aspx>

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 Communications.

A note about recommendations

As stated above, many services have now published data following previous annual reports. It has also become evident that some data held by services is published by other organisations via annual returns, for example, government agencies and the Chartered Institute of Public Finance and Accountancy (CIPFA). Where this is the case, the CIG Team (often with advice from the service area) has been able to direct the applicant to the appropriate web address and refuse the request under section 21 of the FOIA (information reasonably accessible by other means).

The recommendations contained in this report fall into two categories; information which should be published and information which the Council should consider publishing. Where information is requested 10 times or more it is recommended that the information should be published. Where information is requested five times or more it is recommended that consideration should be given to publishing the information.

As these are recommendations in some cases, a reasoned decision not to publish information was made, for example, if the information changes so regularly that any information published would be instantly out of date and misleading to the public

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. 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, to 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 or e-mail 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.

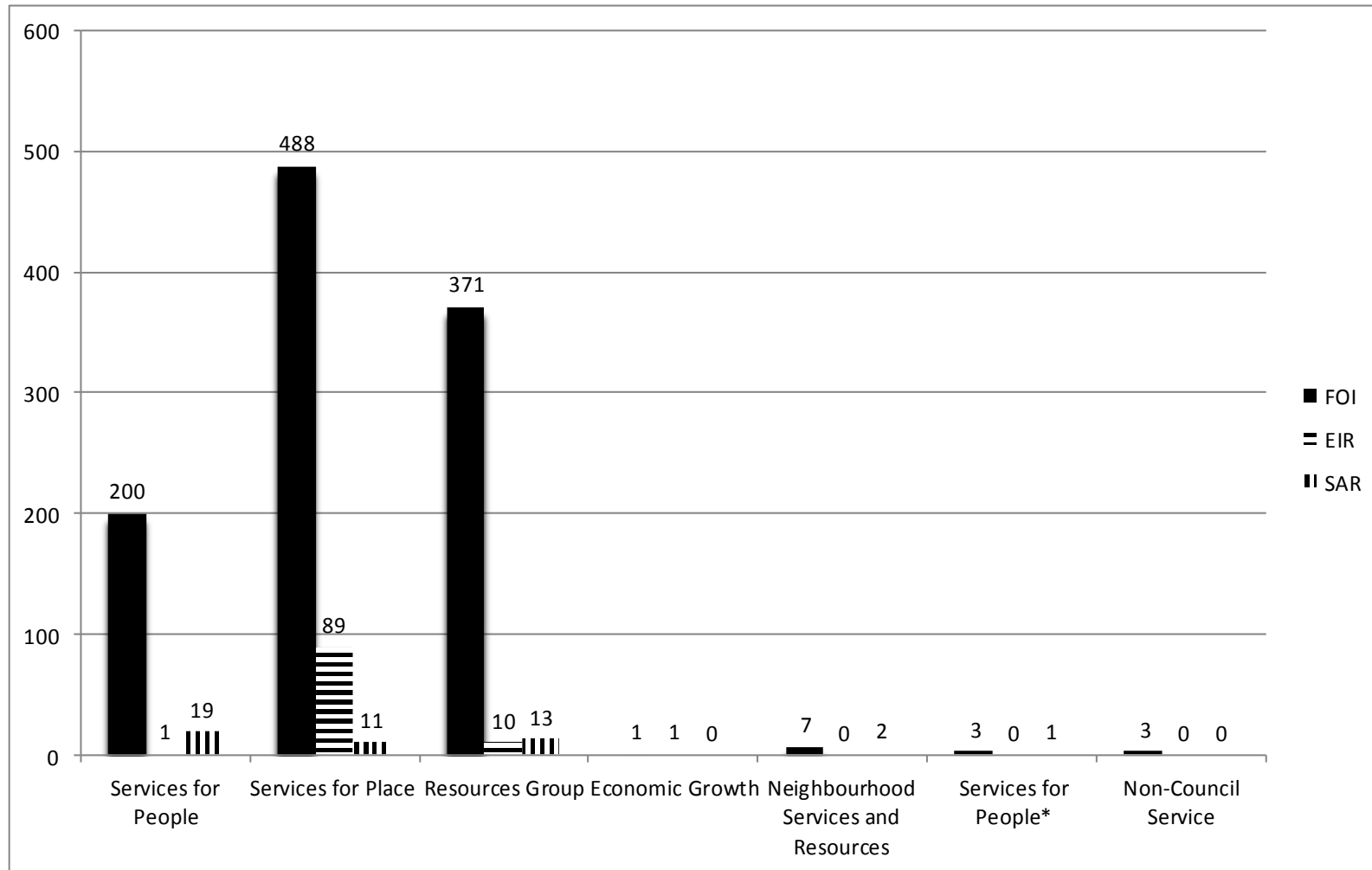
In terms of SARs, the applicant is required to request the information in writing, provide proof of identification and pay the fee of £10. On receipt of the three required elements, the CIG Team logs the request on the electronic request management system and sends an acknowledgement letter and receipt for the payment to the applicant. The CIG Team then contacts the relevant officer for a scanned copy of any documents that form the personal data of the applicant; this is often an officer in Children's or Adult Social Care. The scanned documents are then passed to the CIG Team, which reads through them and uses an electronic redaction tool to black out or remove any third party data or irrelevant information. If necessary, the documents are reviewed by Legal Services before being disclosed to the applicant. A 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.

On 1 April 2012, the Council introduced revised policies, procedures and practice guidance on the handling of requests for information. These were refreshed in April 2013.

Overview of information requests

Between 1 April 2013 and 31 March 2014 the Council received 1, 220 requests for information, compared to 893 in 2012/13. 1, 073 were dealt with under the Freedom of Information Act 2000 (FOI), compared to 815 in 2012/13 and 811 in 2011/12. 101 were dealt with under the Environmental Information Regulations 2004 (EIR), compared to 38 in 2012/13 and 13 in 2011/12. 46 were dealt with under the subject access provisions of the Data Protection Act 1998 (SAR), compared to 40 in 2012/13 and 22 in 2011/12.

Total Requests for information by department



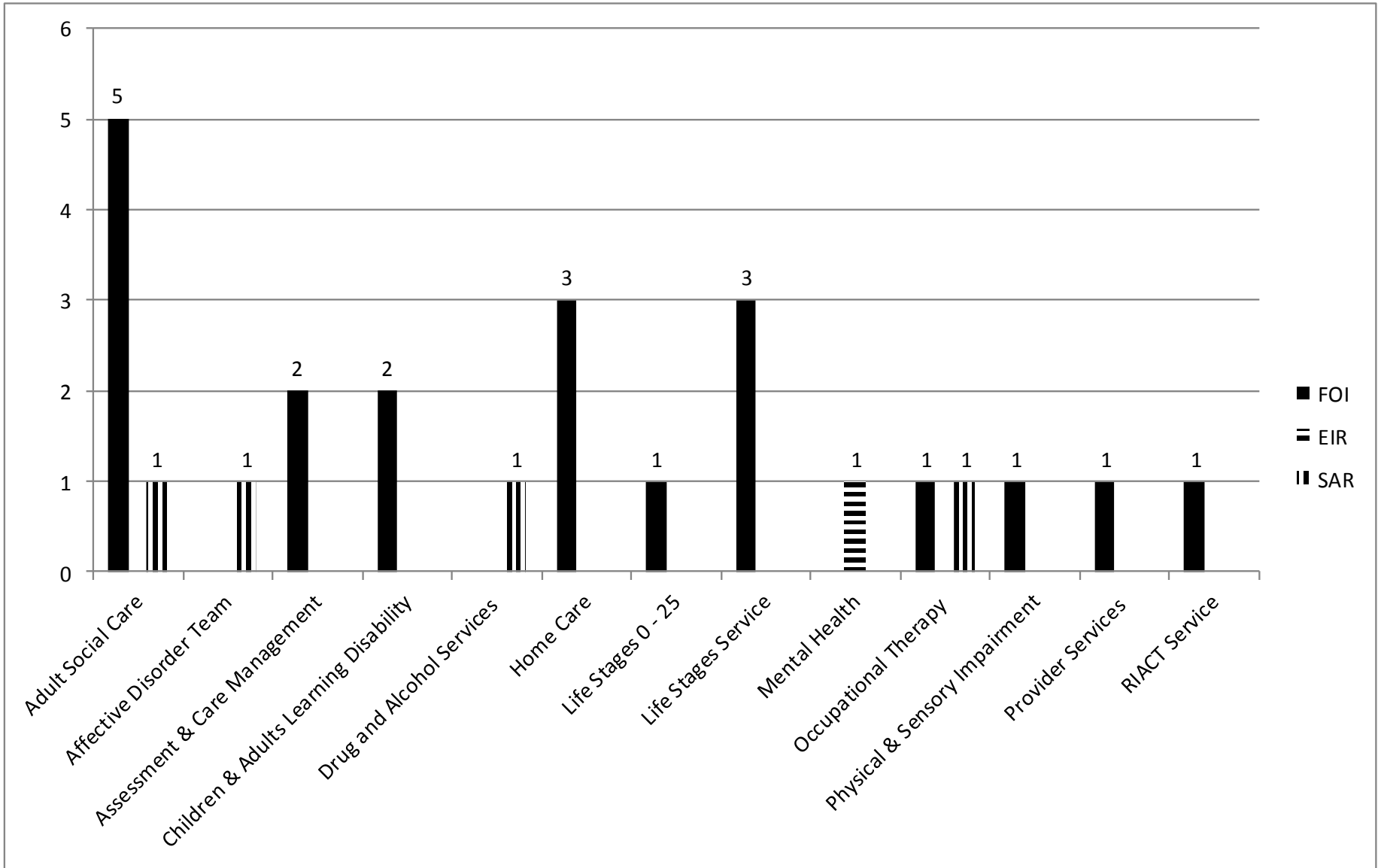
N.B. Following changes to the Council's organisational structure during 2013/14 some requests were recorded against the new departments, Economic Growth, Neighbourhood Services and Resources and Services for People. As a result some services may appear more than once in the graphs contained in this report.*

In terms of the overall volume of requests, Services for Place received the most requests 588, compared to 370 in 2012/13. Resources Group received 394, compared to 308 in 2012/13 and Services for People received 220, compared to 212 in 2012/13. There were also three requests for information held by non-Council services, the same number as in 2012/13. Two of these requests concerned pensions.

When considering these volumes, it is important to note that the electronic case management system, from which these statistics are taken, only permits a request to be recorded against one service area. Some requests may have been assigned to a number of different service areas; however, we are unable to reflect this in this report. In such cases, the request is recorded against the service that provided the majority of the information.

Services for People

Adult Social Care

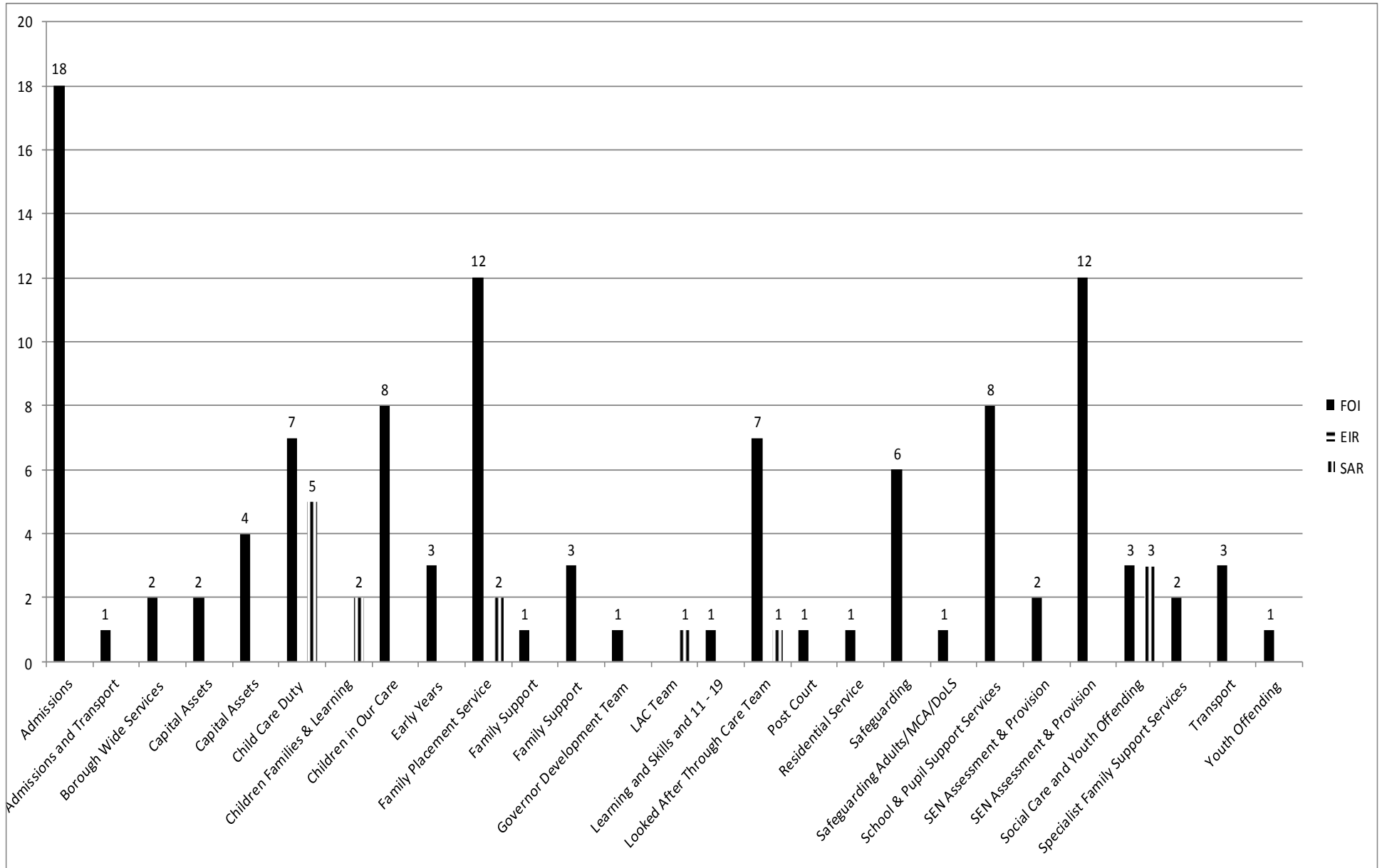


There were no discernable themes in relation to requests received for Adult Social Care.

Recommendations

- There are no recommendations for this section.

Children, Families and Learning



The following themes should be noted in respect of the requests assigned to Admissions:

- Five requests were received regarding home schooling;
- Five requests were received regarding funding for, number and allocation of school places.

The following theme should be noted in respect of the requests assigned to Children in Our Care and Family Placement Service. Five requests were received for the number of children taken into the care of the Local Authority and the reasons why. *A further five requests for People (Legal) were for information about the reasons children were taken into care.*

The following theme should be noted in respect of the requests assigned to Safeguarding and Children in Our Care. Five requests were received for the number of children safeguarded by the Local Authority and the reasons why.

Six requests were received concerned the number of SEN placements, the reasons for those placements and the cost.

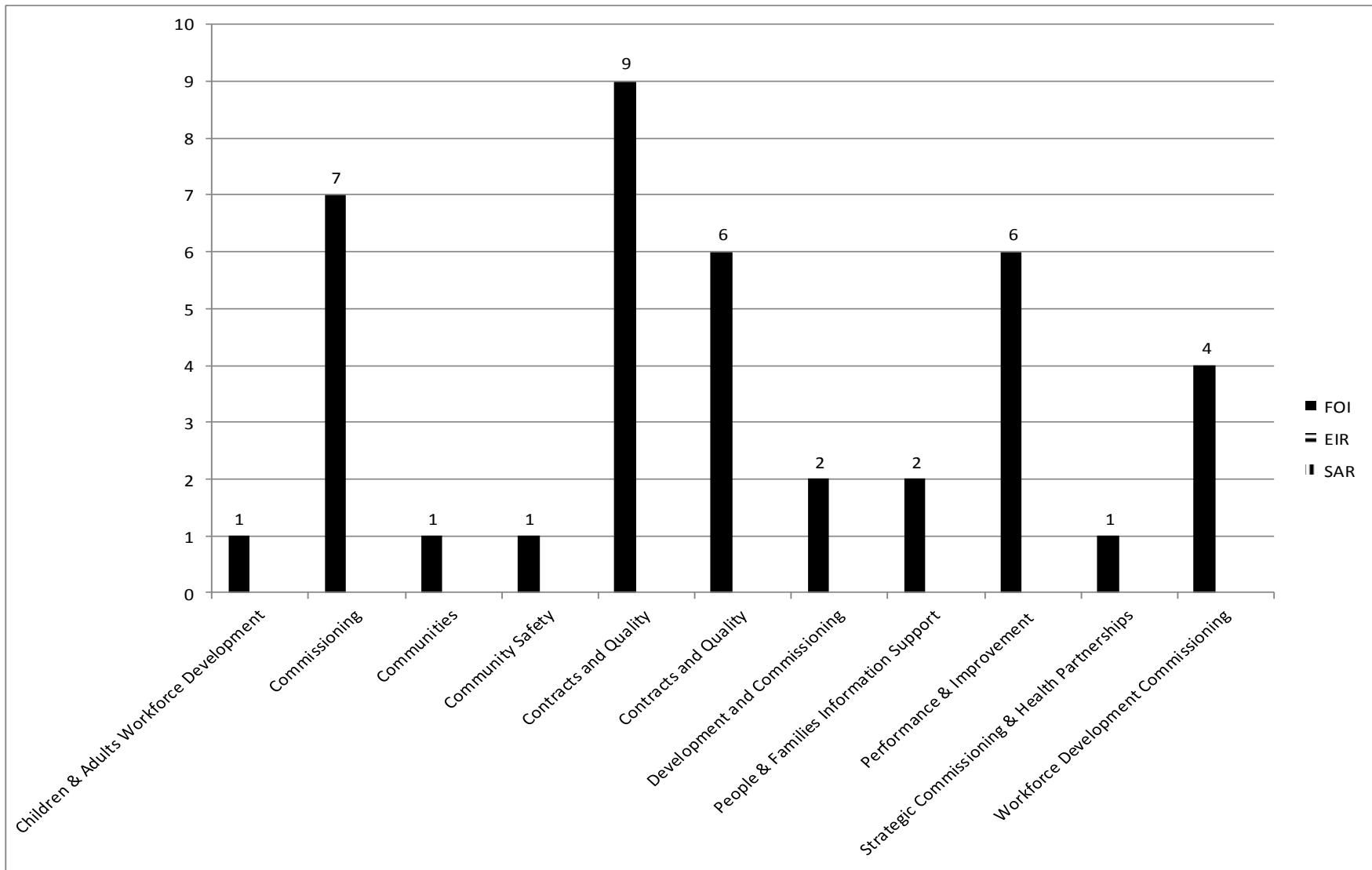
Recommendations:

Children, Families and Learning should consider publishing:

- statistical information about home schooling;
- statistical information about school places;
- statistics relating to safeguarding referrals (providing that individual children and young people cannot be identified from the data); and
- statistics relating to SEN placements (providing that individual children and young people cannot be identified from the data).

The Council should publish information regarding the number of children taken into our care and the reasons why (providing that individual children and young people cannot be identified from the data).

Development and Commissioning

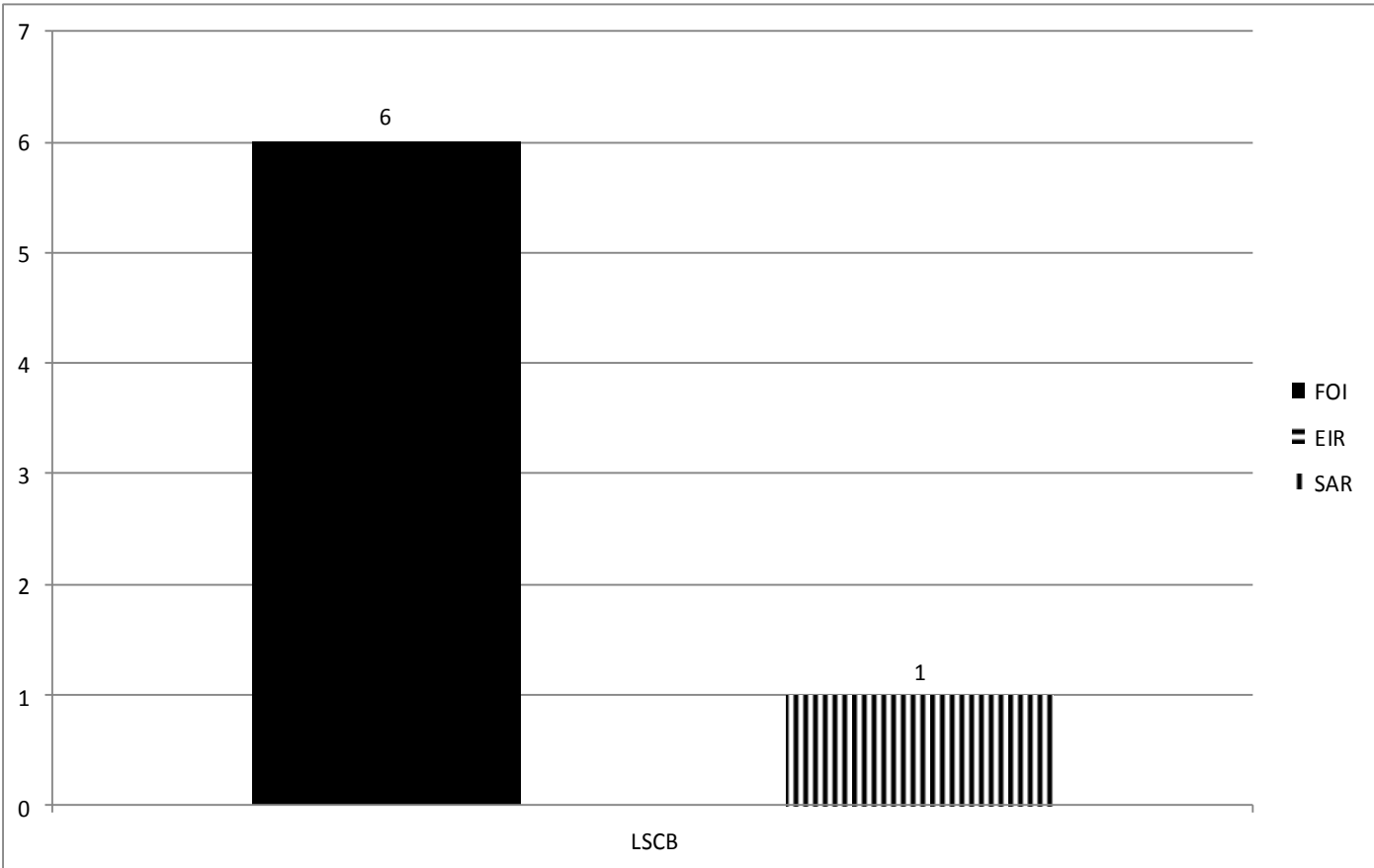


While there were no discernable themes in relation to particular service areas, Development and Commissioning received a number of requests relating to the provision of services under contract, in particular domiciliary care and care homes.

Recommendations

- There are no recommendations for this section.

Local Safeguarding Children’s Board (LSCB)

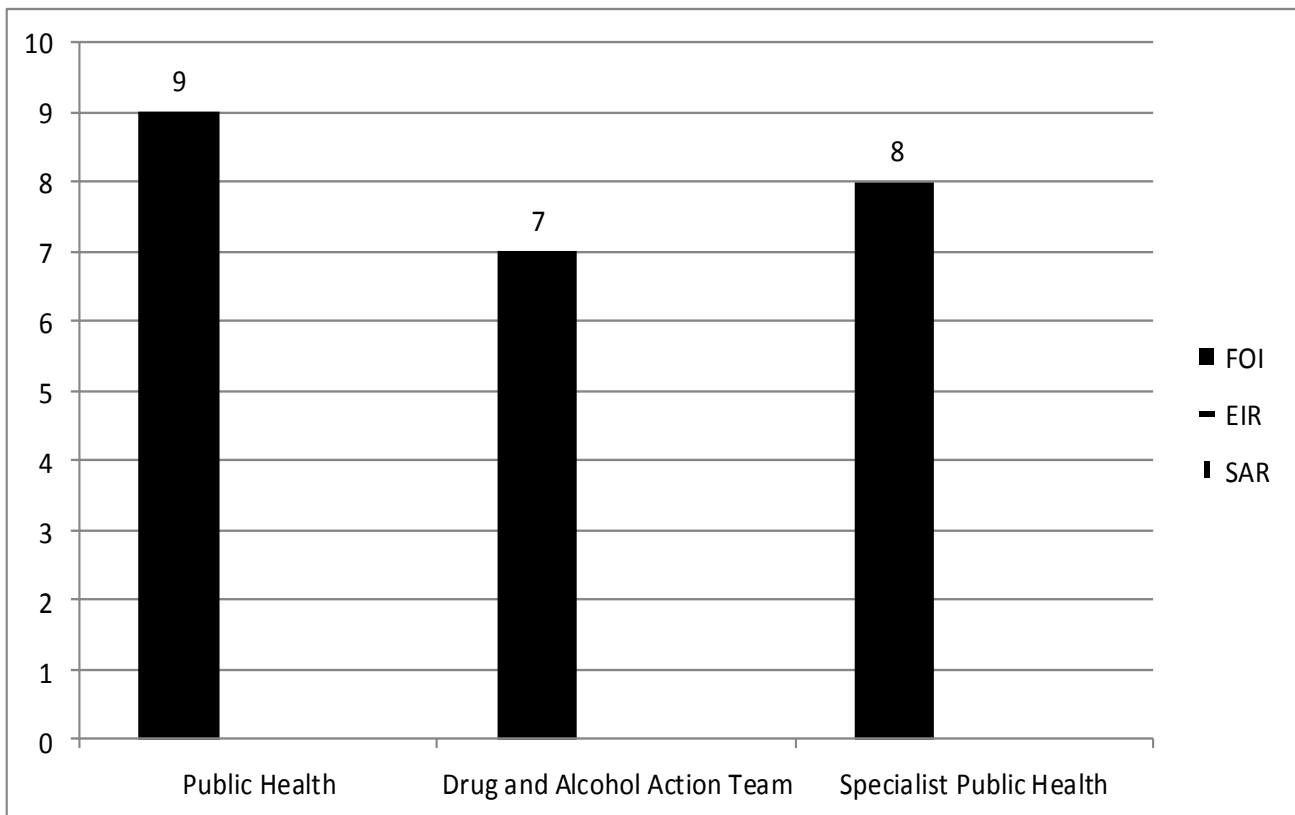


There were no discernable themes in relation to requests received for LSCB.

Recommendations

- There are no recommendations for this section.

Public Health



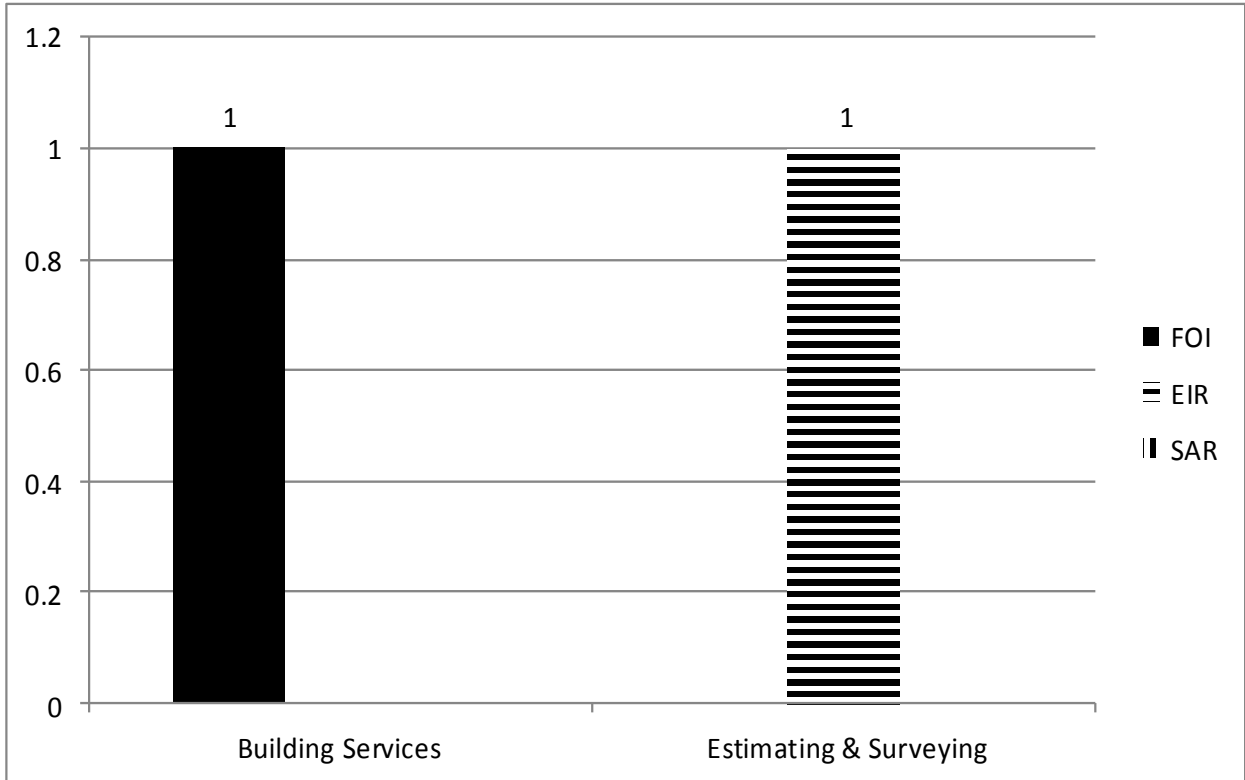
There were no discernable themes in relation to requests received for Public Health.

Recommendations

- There are no recommendations for this section.

Services for Place

Building Services



Given the low number of requests assigned to Building Services there are no emerging themes.

Recommendations

- There are no recommendations for this section.

Community Services

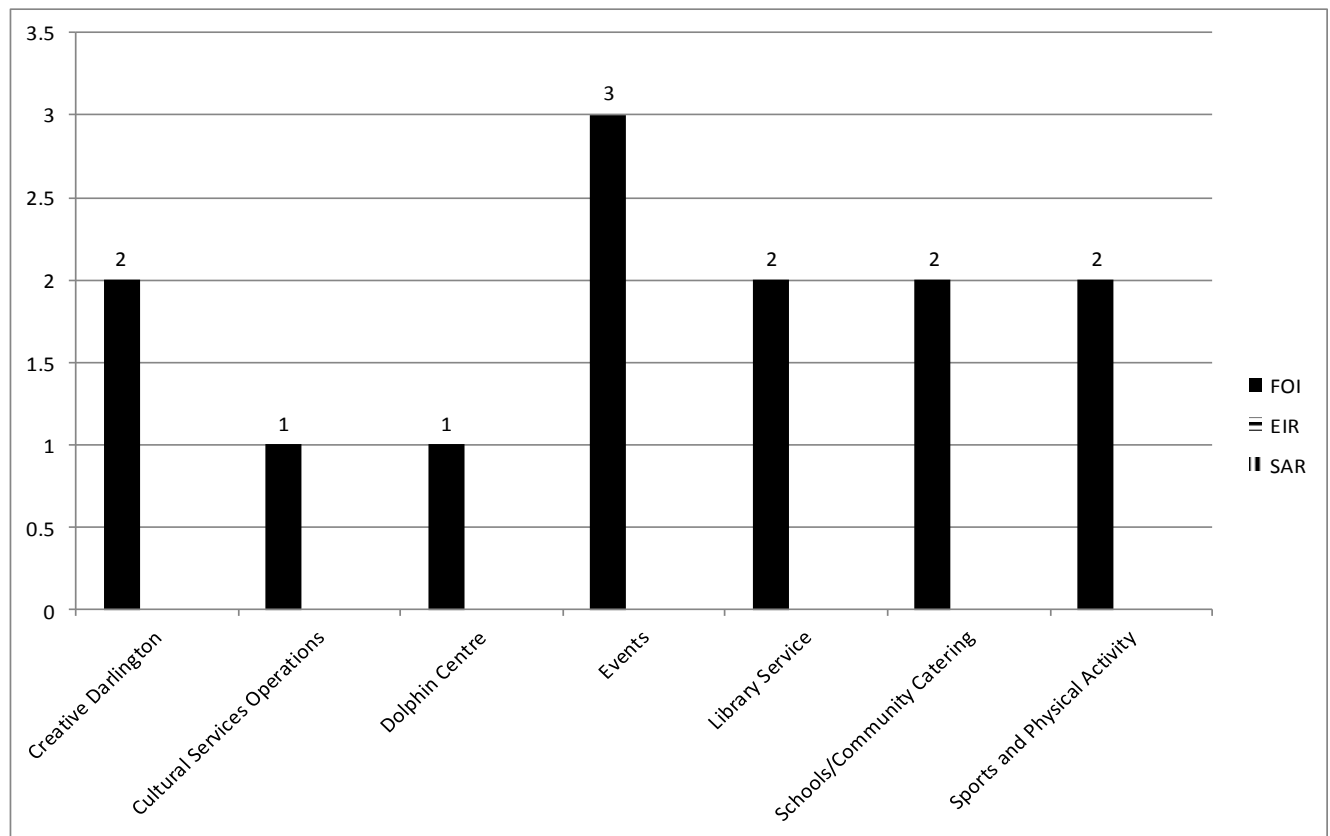
Quality & Operational Health & Safety received one FOI request.

Given the low number of requests assigned to Quality & Operational Health & Safety there are no emerging themes.

Recommendations

- There are no recommendations for this section.

Culture

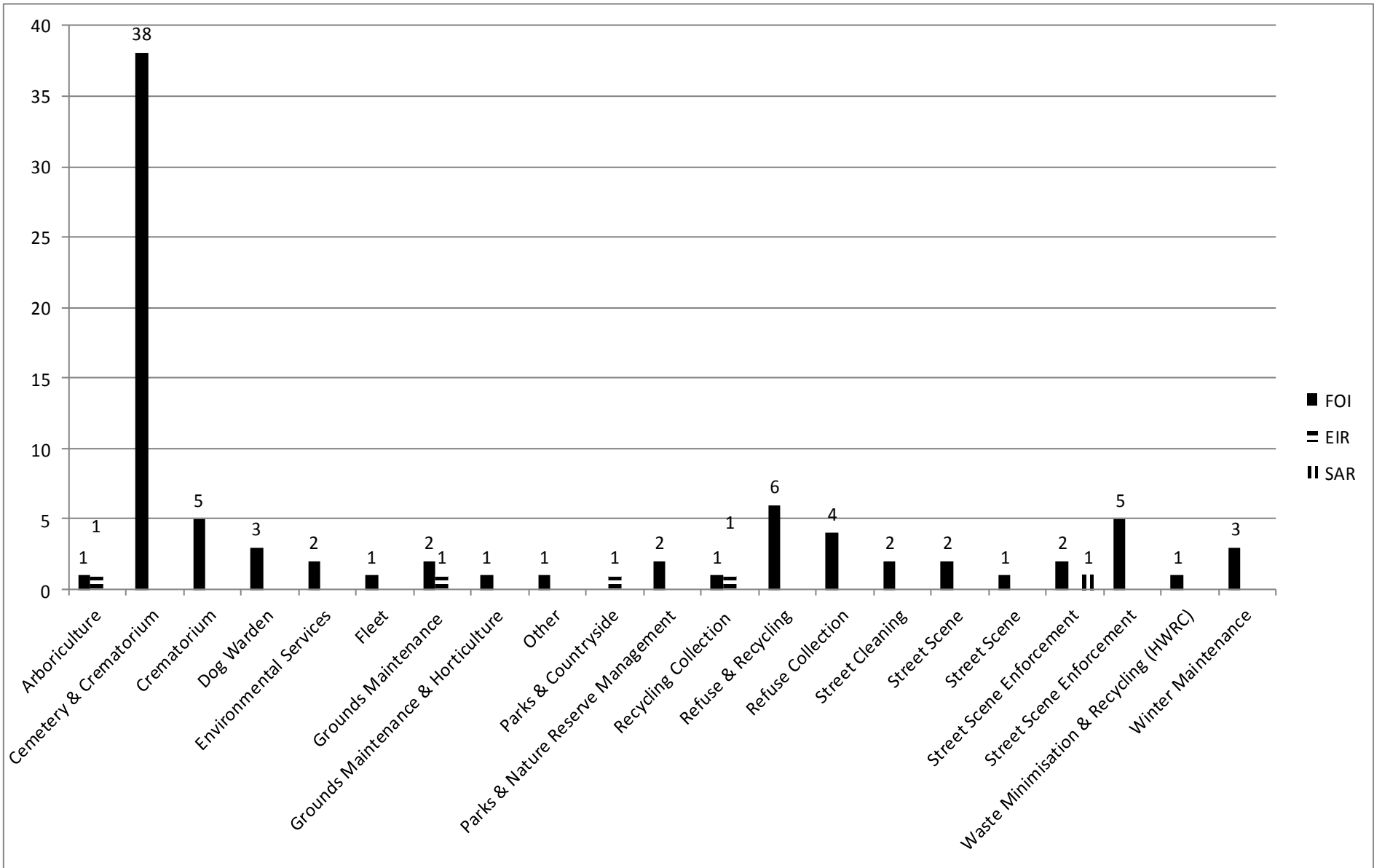


There were no discernable themes in relation to requests received for Culture.

Recommendations

- There are no recommendations for this section.

Environmental Services



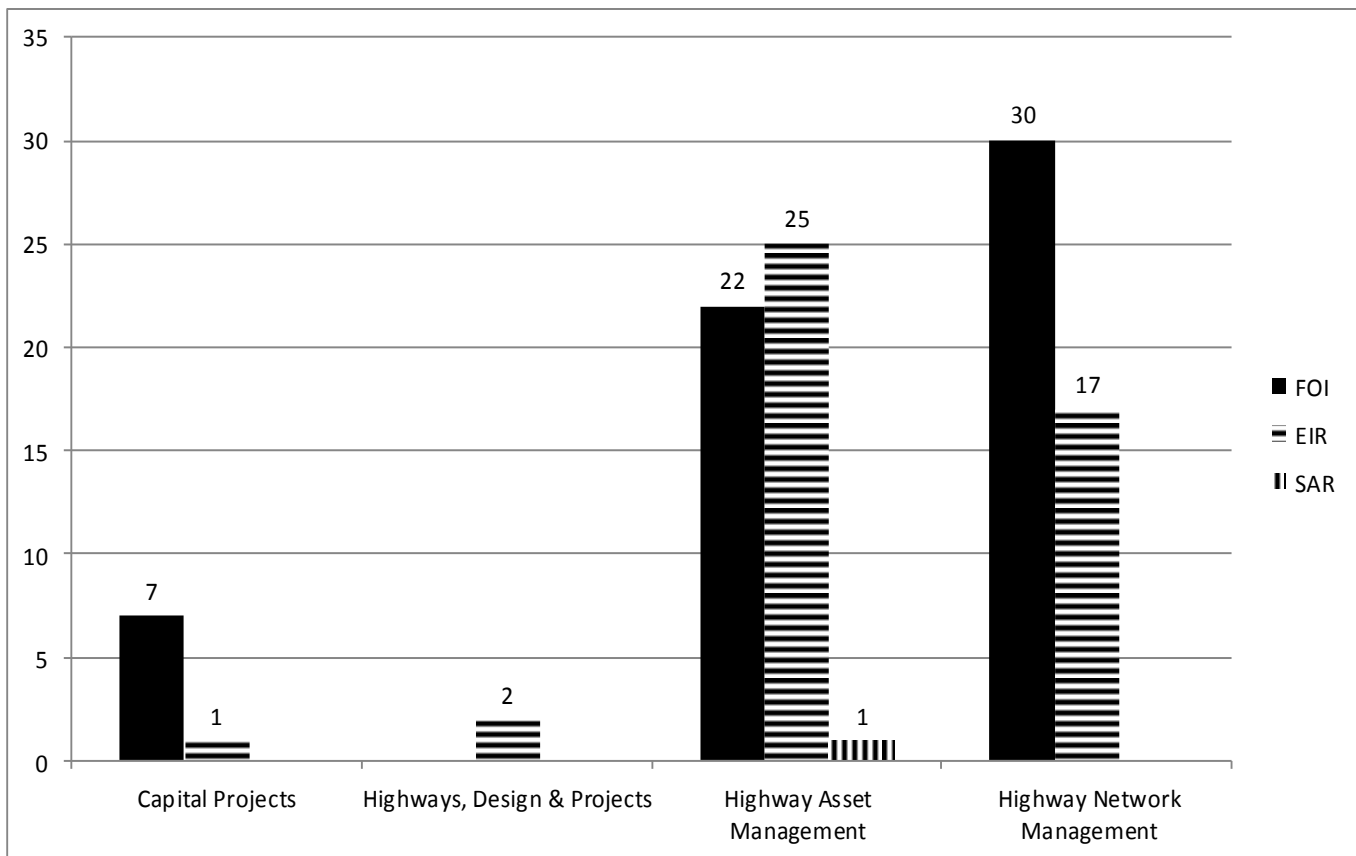
The following themes should be noted in respect of the requests assigned to Environmental Services. 42 requests were received for information about public health funerals.

Recommendations

Environmental Services should publish the following information about public health funerals:

- The number held each year;
- The cost; and
- The details of those individuals with no next of kin, including those not referred to the treasury.

Highways, Design & Projects



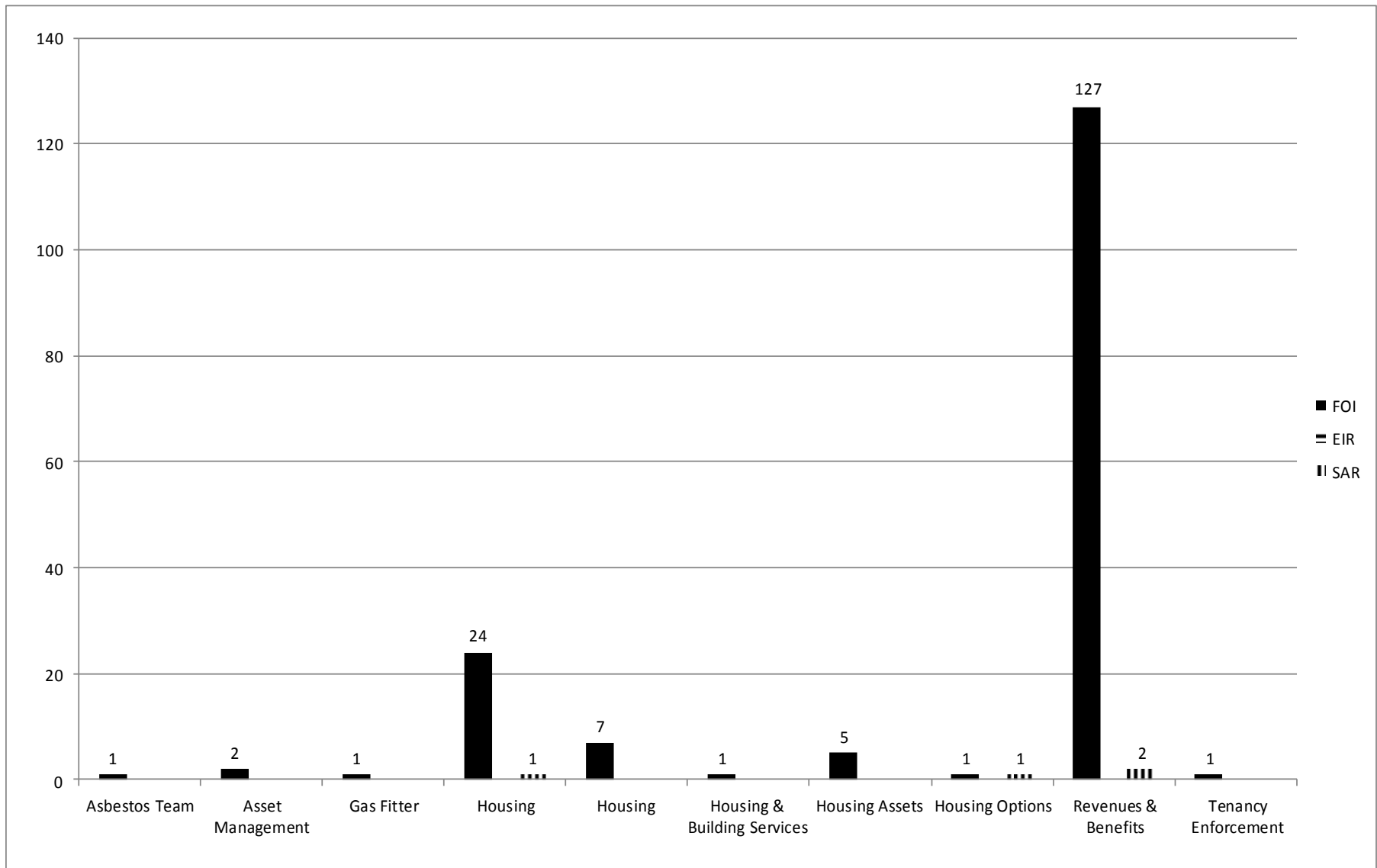
The following themes should be noted in respect of the requests for Highways:

- Ten FOI requests and one EIR request received were for inspection reports.

Recommendations

- Highways should publish details of inspection reports.

Housing & Building Services



The following themes should be noted in respect of the requests assigned to Housing & Building Services. Revenues & Benefits received:

- 50 FOI requests for National Non-Domestic Rates information;
- 13 FOI requests concerning the spare room subsidy (bedroom tax); and
- Seven requests relating to discretionary housing payments.

Recommendations

- Revenues & Benefits should publish information on National Non-Domestic Rates.
- Revenues & Benefits should consider publishing information concerning the spare room subsidy.
- Revenues & Benefits should consider publishing information relating to discretionary housing payments.

N.B. While it was recommended in the 2011/12 and 2012/13 Annual Reports that Revenues and Benefits should publish details of commercial properties showing a business rates credit balance it was decided that we would not publish this information proactively as it is out of date the day after it is published.

Services for Place

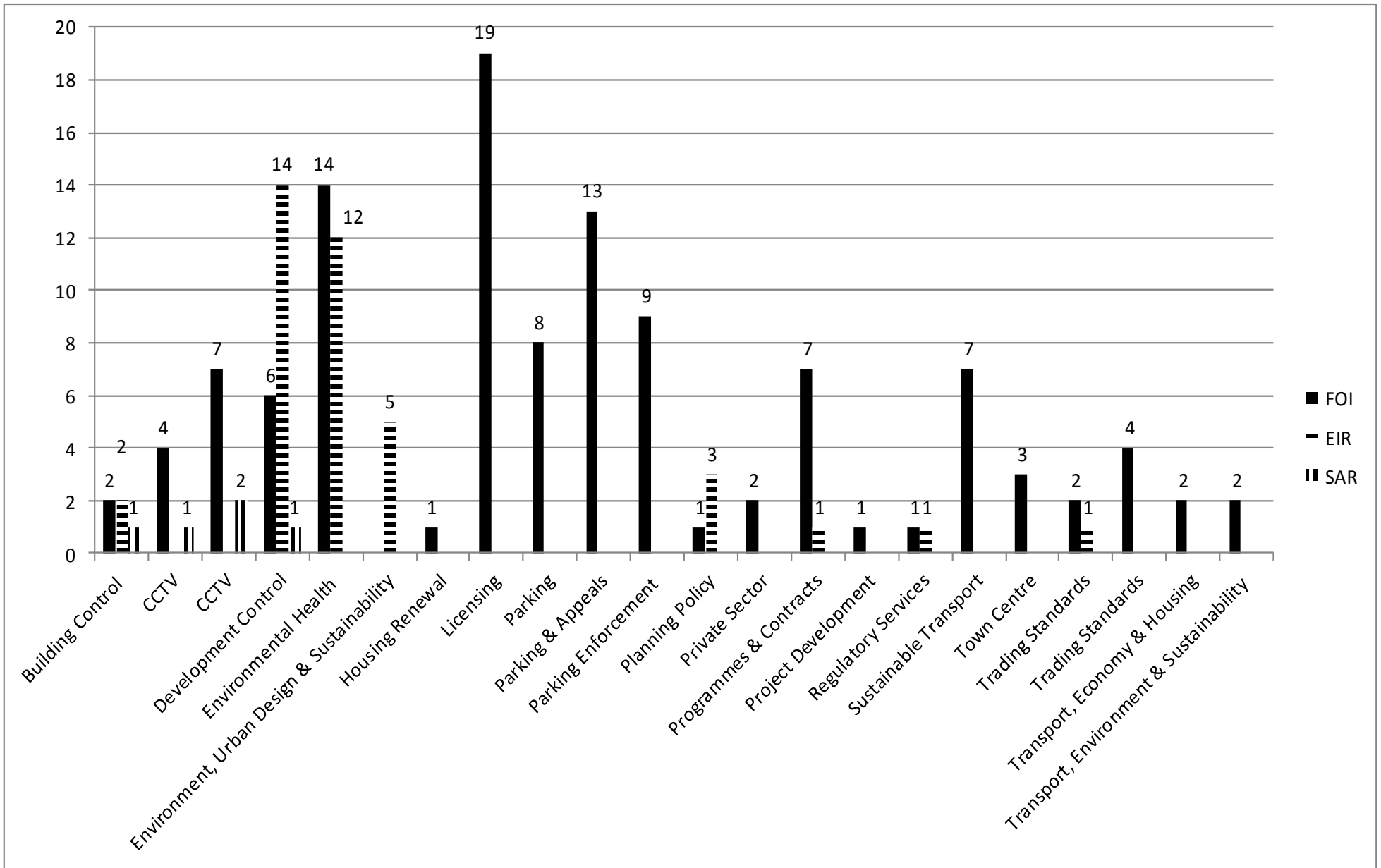
One FOI request received was assigned to Services for Place; this concerned Durham Tees Valley Airport.

Given the low number of requests assigned to Quality & Operational Health & Safety there are no emerging themes.

Recommendations

- There are no recommendations for this section.

Policy & Regeneration



The following themes should be noted in respect of the requests assigned to Regulatory Services:

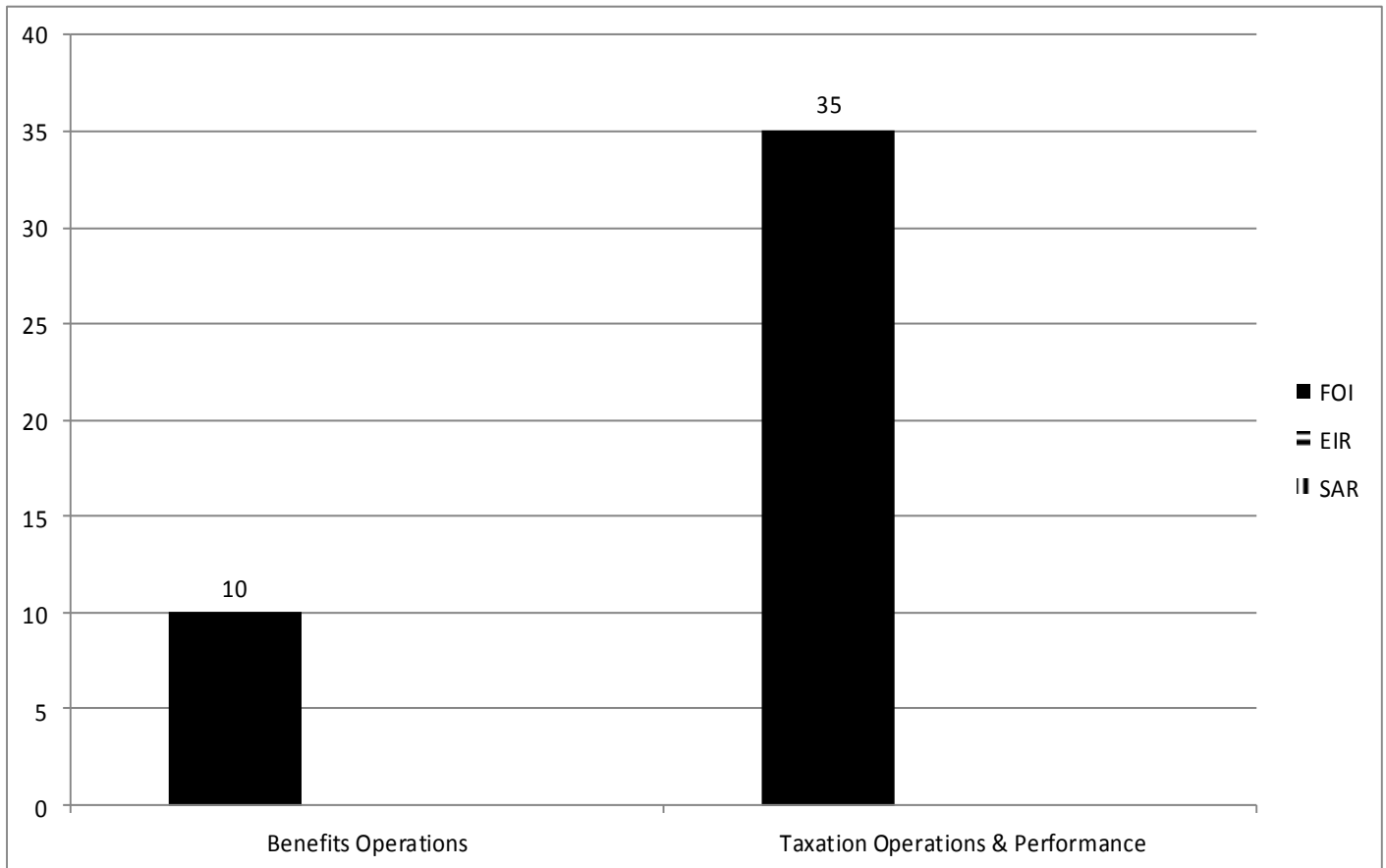
- 19 requests were received for number of Penalty Charge Notices (PCNs) issued.
- Five requests were received regarding income generated from parking enforcement/car parking.

Recommendations

- Policy and Regeneration should publish statistical information about PCNs.
- Policy and Regenerations should consider publishing information about income generated from parking enforcement/car parking.

NB. Following this recommendation being made it was identified that this information is already published in the Parking Annual Report.

Revenues and Benefits



The following themes should be noted in respect of the requests assigned to Taxation Operations & Performance:

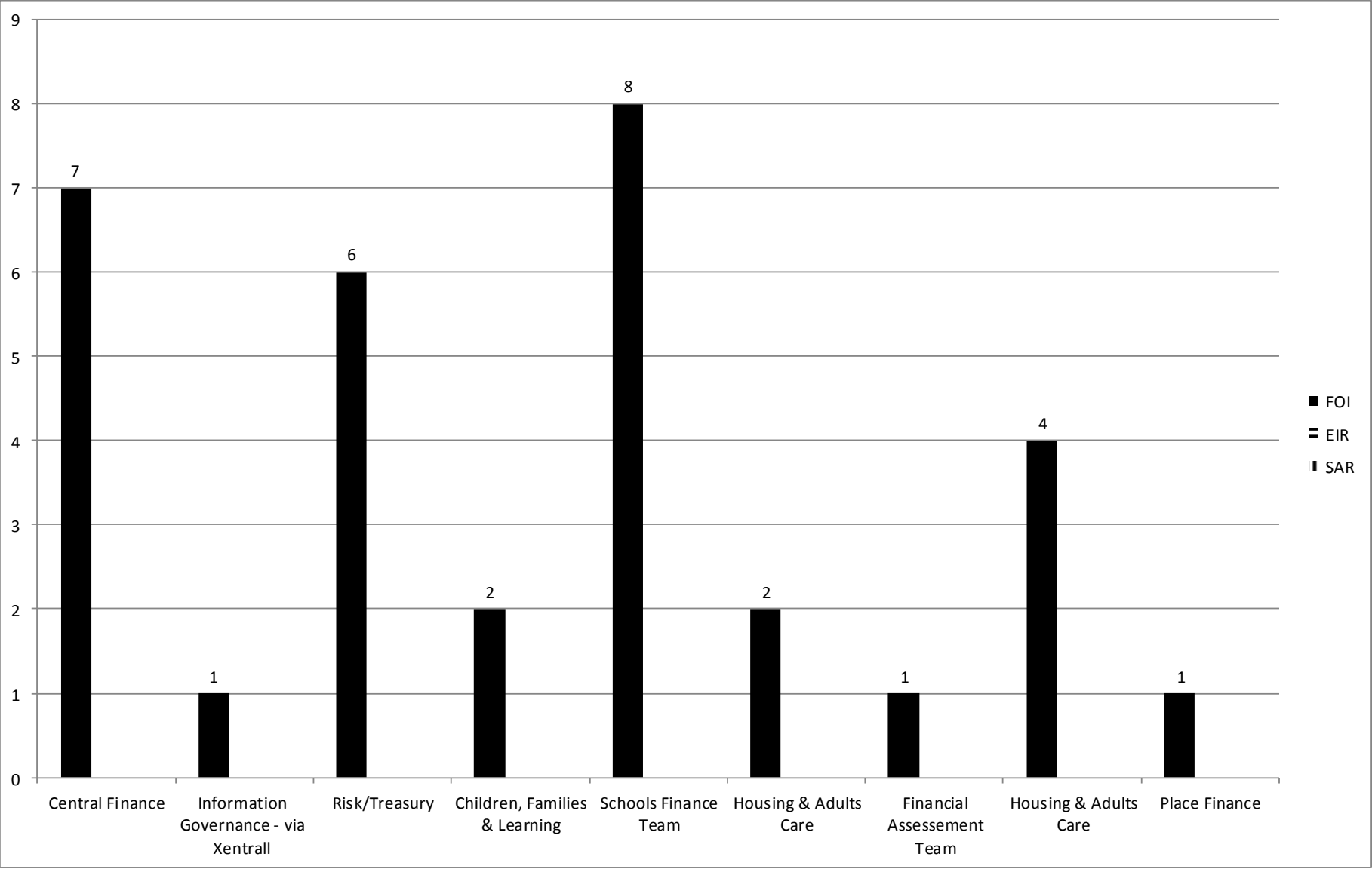
- 19 of the FOI requests received concerned National Non-Domestic Rates. This is in addition to the 50 detailed under Housing & Building Services above.

Recommendations

- Revenues & Benefits should publish information on National Non-Domestic Rates

Resources Group

Finance

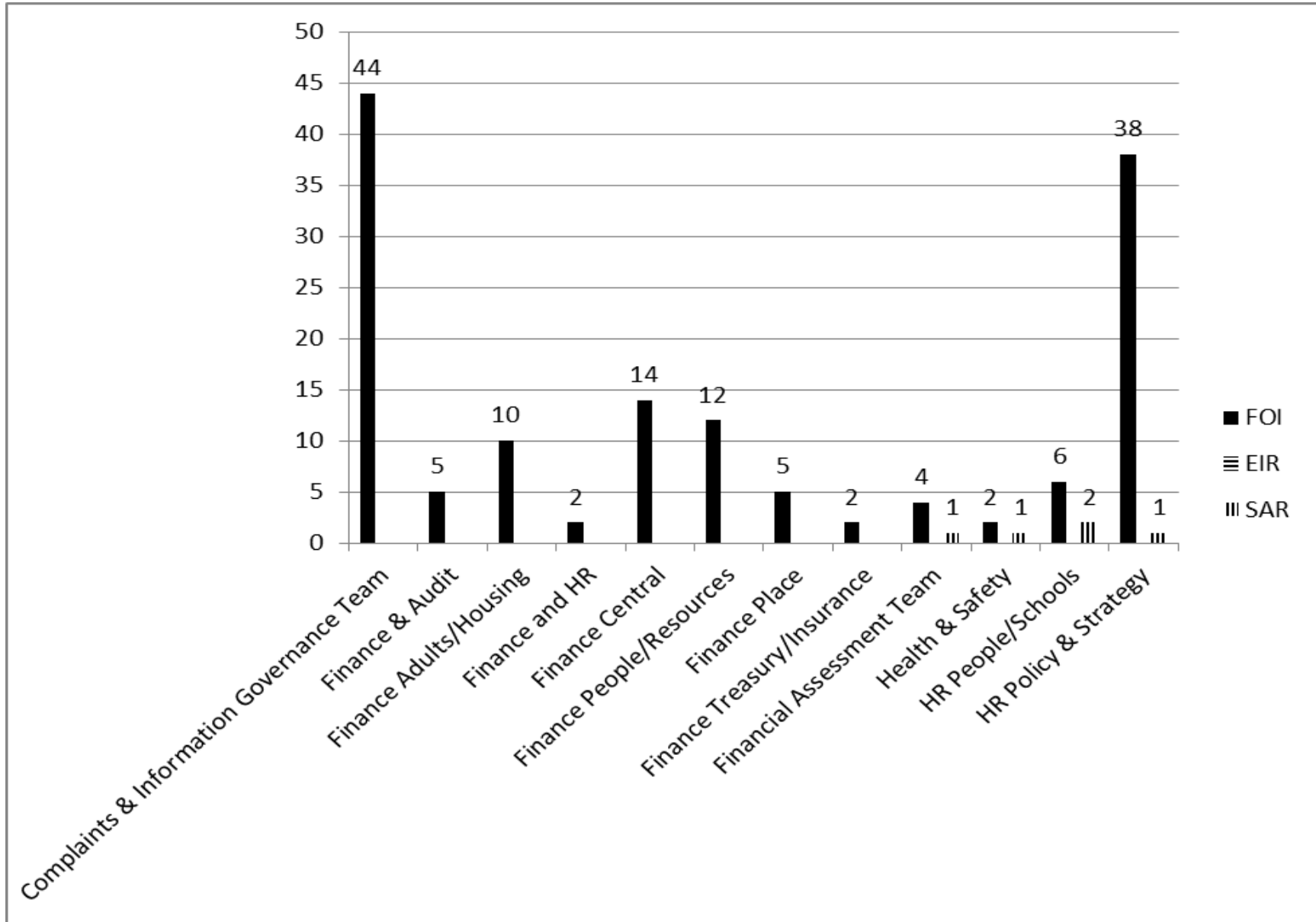


There were no discernible themes in respect of the requests assigned to Finance.

Recommendations

There are no recommendations for this section.

Finance & HR



While some of the requests logged to the Complaints & Information Governance Team were for information held, the majority were those the team responded to on behalf of services having already received the information in relation to a previous request. These included requests for information about public health funerals and National Non-Domestic Rates.

Six requests were received for Finance & HR regarding adult social care budgets. In addition a further two requests were received for Finance in relation to this issue.

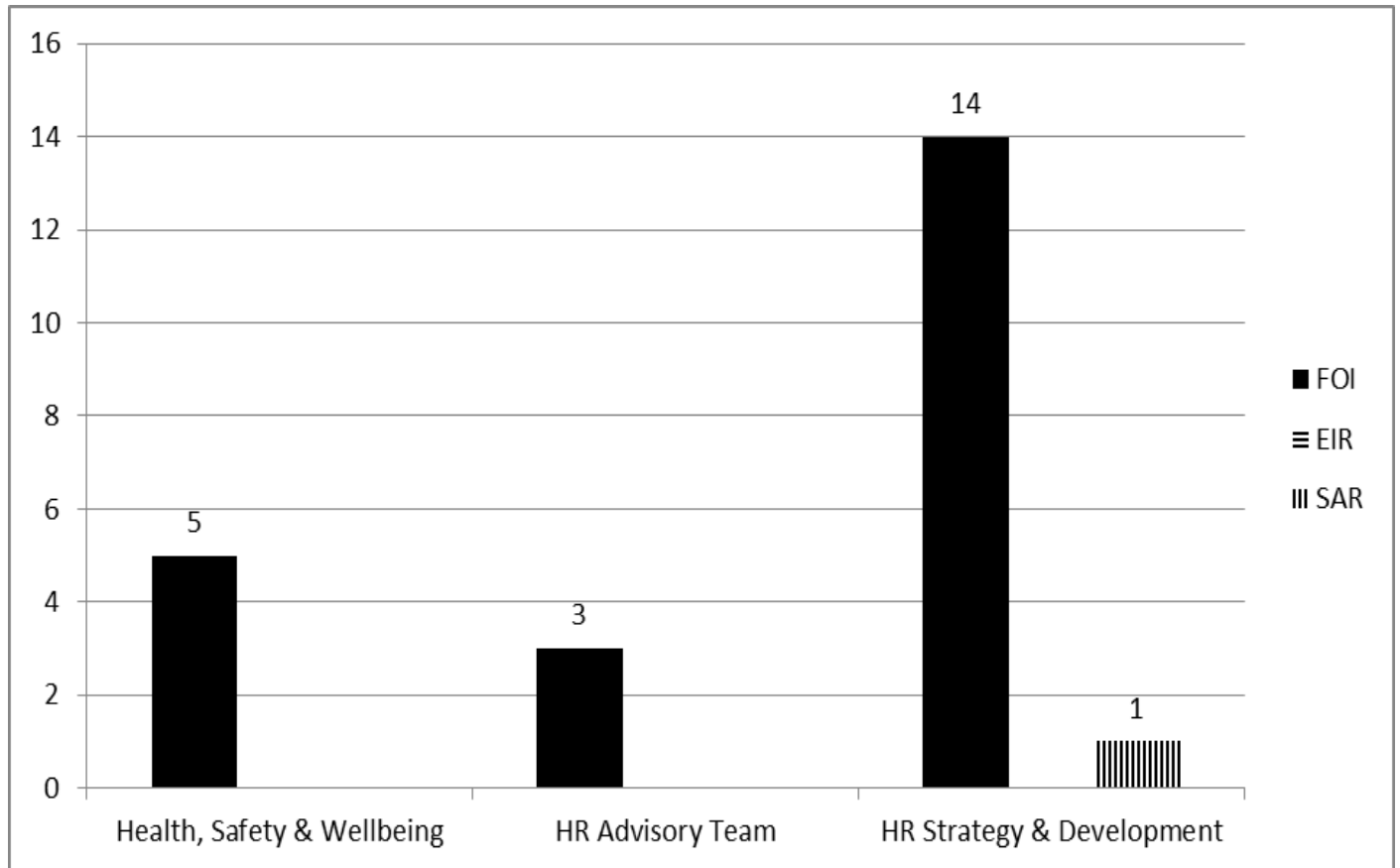
Six requests for HR Policy & Strategy concerned zero hours contracts.

Recommendations

Finance & HR should consider publishing information about adult social care budgets, including spend on domiciliary care, care homes and Direct Payments (providing that individuals cannot be identified from the data).

Finance & HR should consider publishing information about zero hours contracts.

Human Resource Management

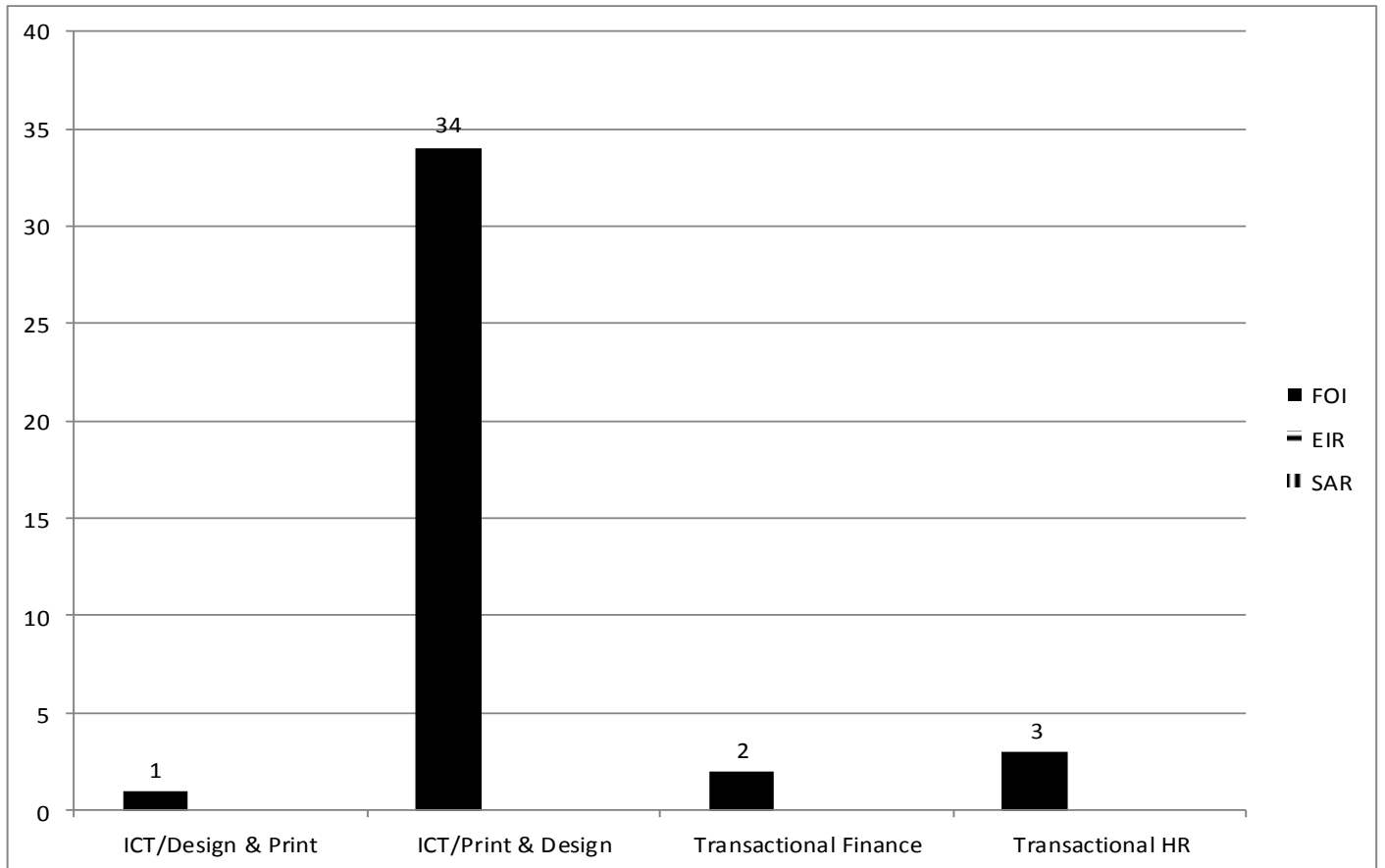


There were no discernible themes in respect of the requests assigned to Human Resource Management.

Recommendations

There are no recommendations for this section.

ICT/Design & Print

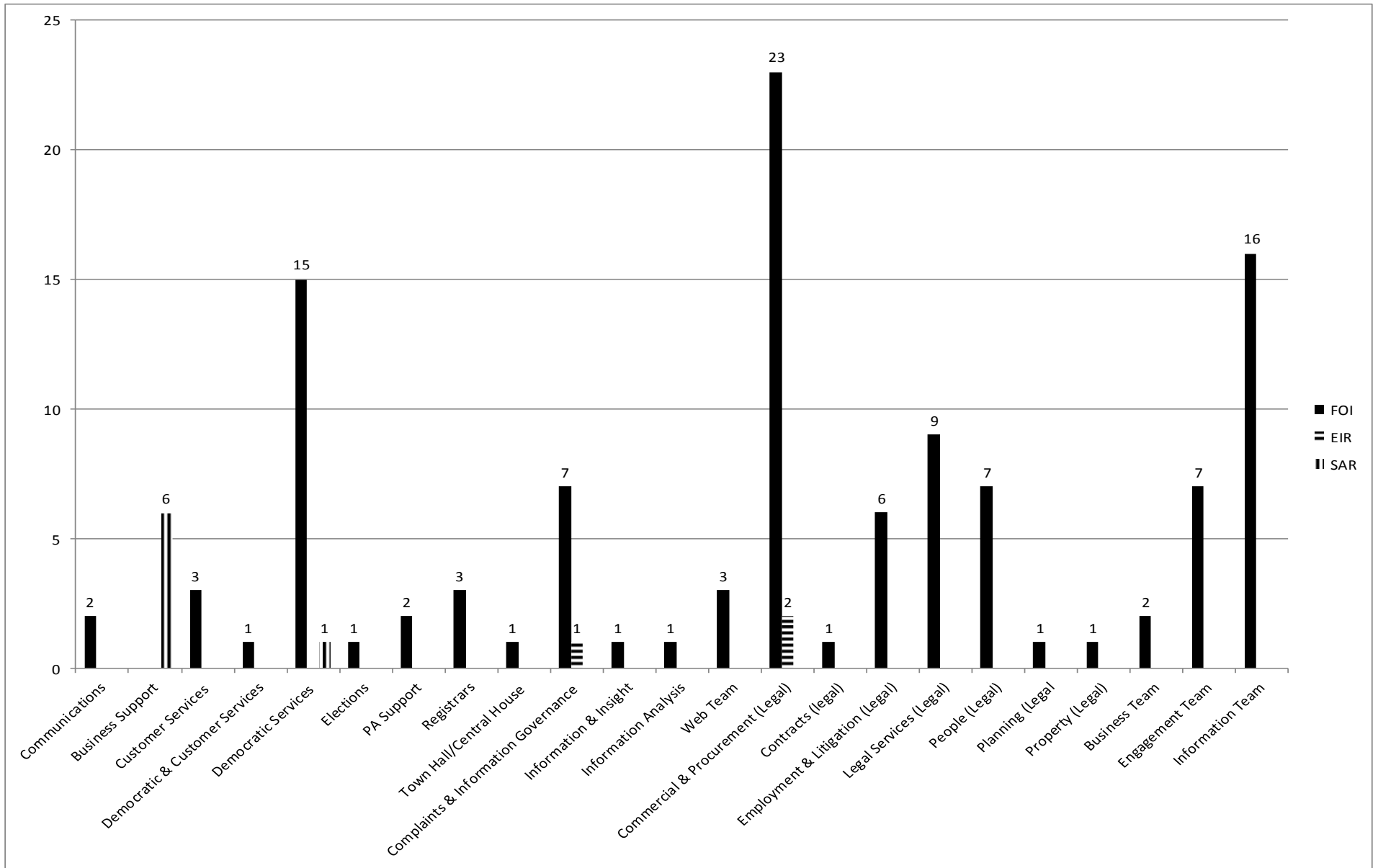


Eight requests for ICT Print & Design concerned ICT contracts.

Recommendations

ICT/Design & Print should ensure that the contracts register is up to date for their service area.

Resources



Commercial & Procurements received 11 requests for contract information.

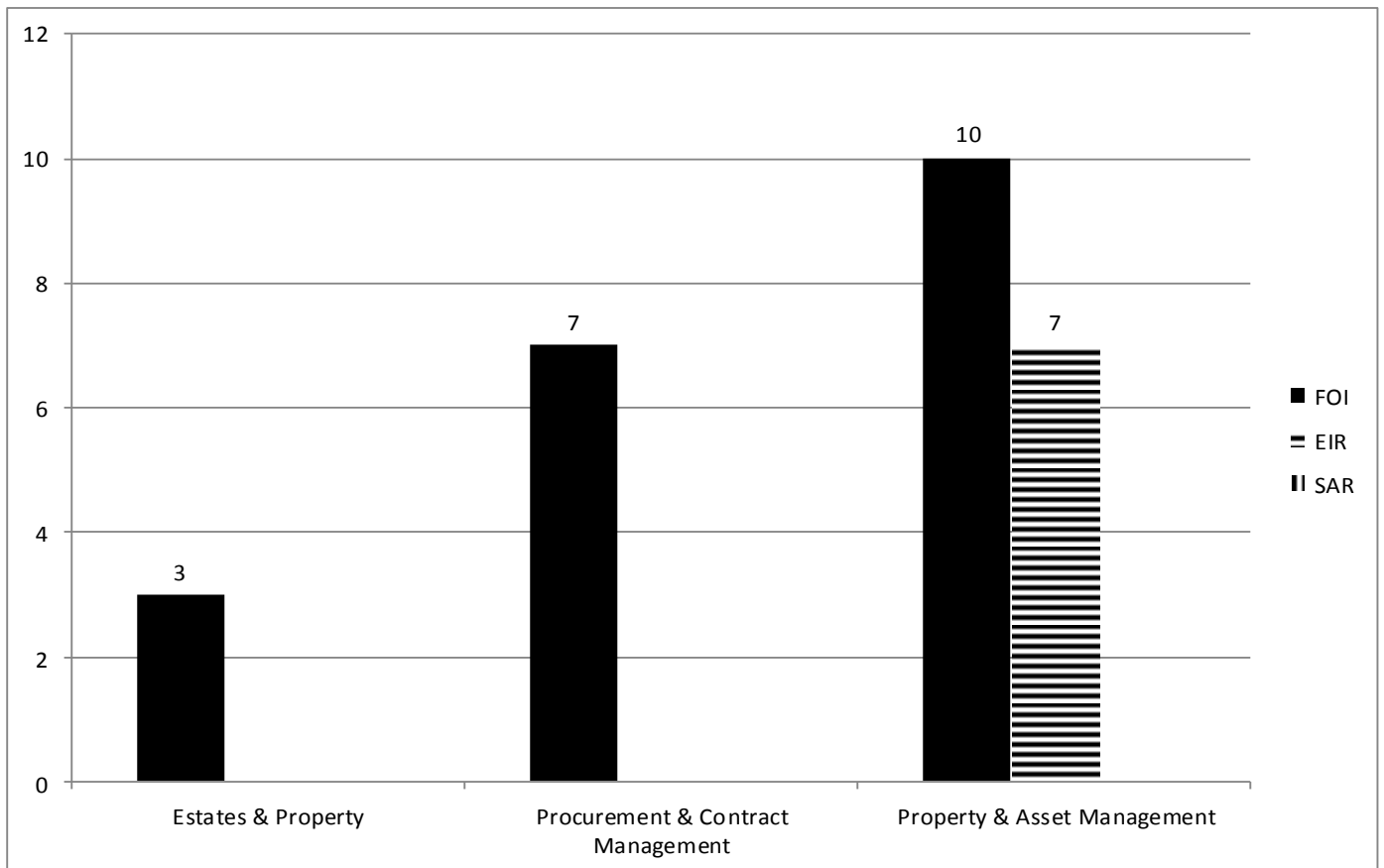
People (Legal) received five requests for information regarding the reasons children were taken into care. *As noted in the People section five requests for Children in Our Care and Family Placement Service were received for the number of children taken into the care of the Local Authority and the reasons why.*

Some of the requests for the Information Team concerned information already identified, in this report, as frequently requested, for example, adult social care budgets and SEN placements. The recommendations already made in this report in relation to the publication of this information are not affected by these additional requests.

Recommendations

The Council should publish information regarding the number of children taken into our care and the reasons why (providing that individual children and young people cannot be identified from the data).

Transformation



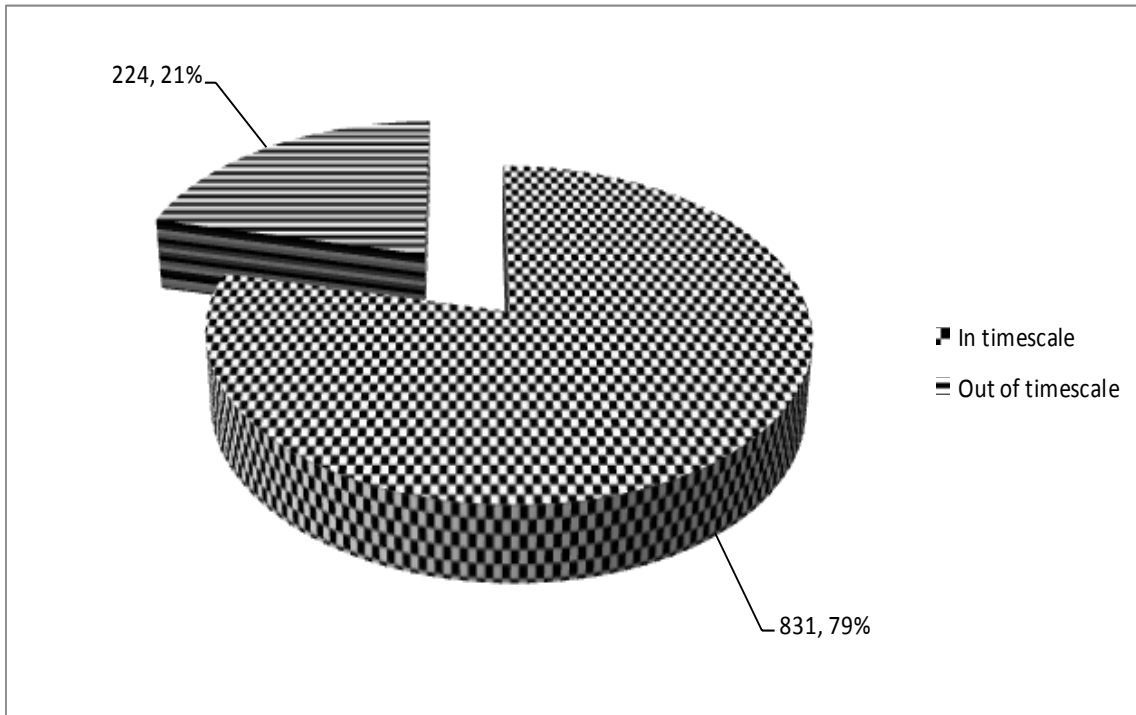
There were no discernible themes in respect of the requests assigned to Transformation.

Recommendations

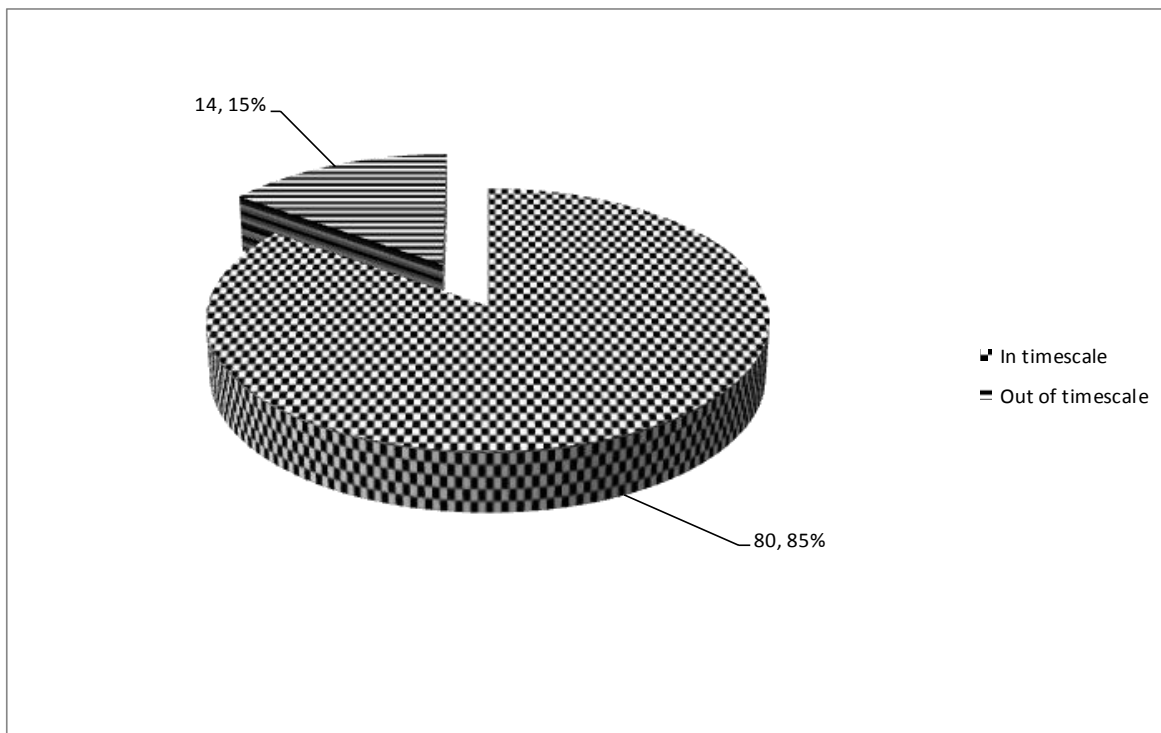
There are no recommendations for this section.

Performance and response type

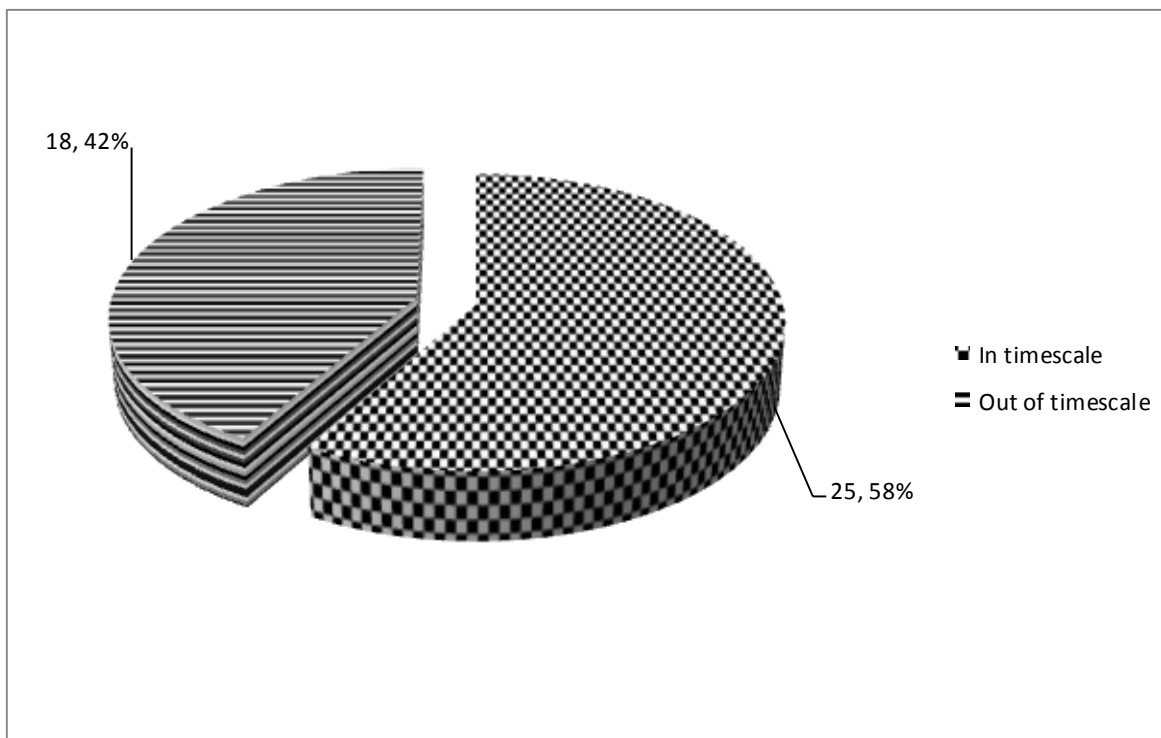
FOI requests responded to in timescale



EIR requests responded to in timescale



SARs responded to in timescale



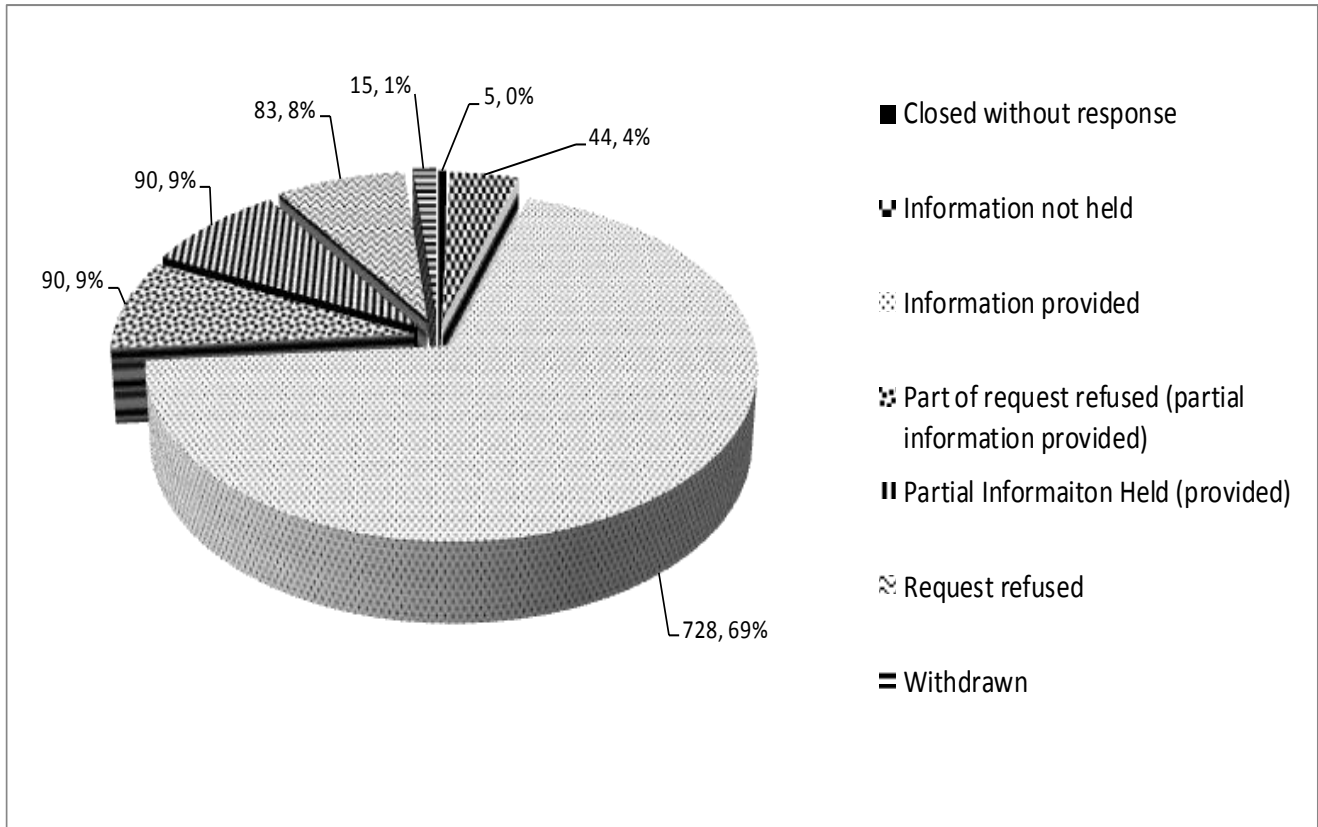
The above charts show the number of requests responded to by the Council during 2013/14; some of which were received during 2012/13.

Although the charts represent 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 FOI and EIR requests, it also does not take into account instances where the requestor was contacted for clarification of their request; 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.

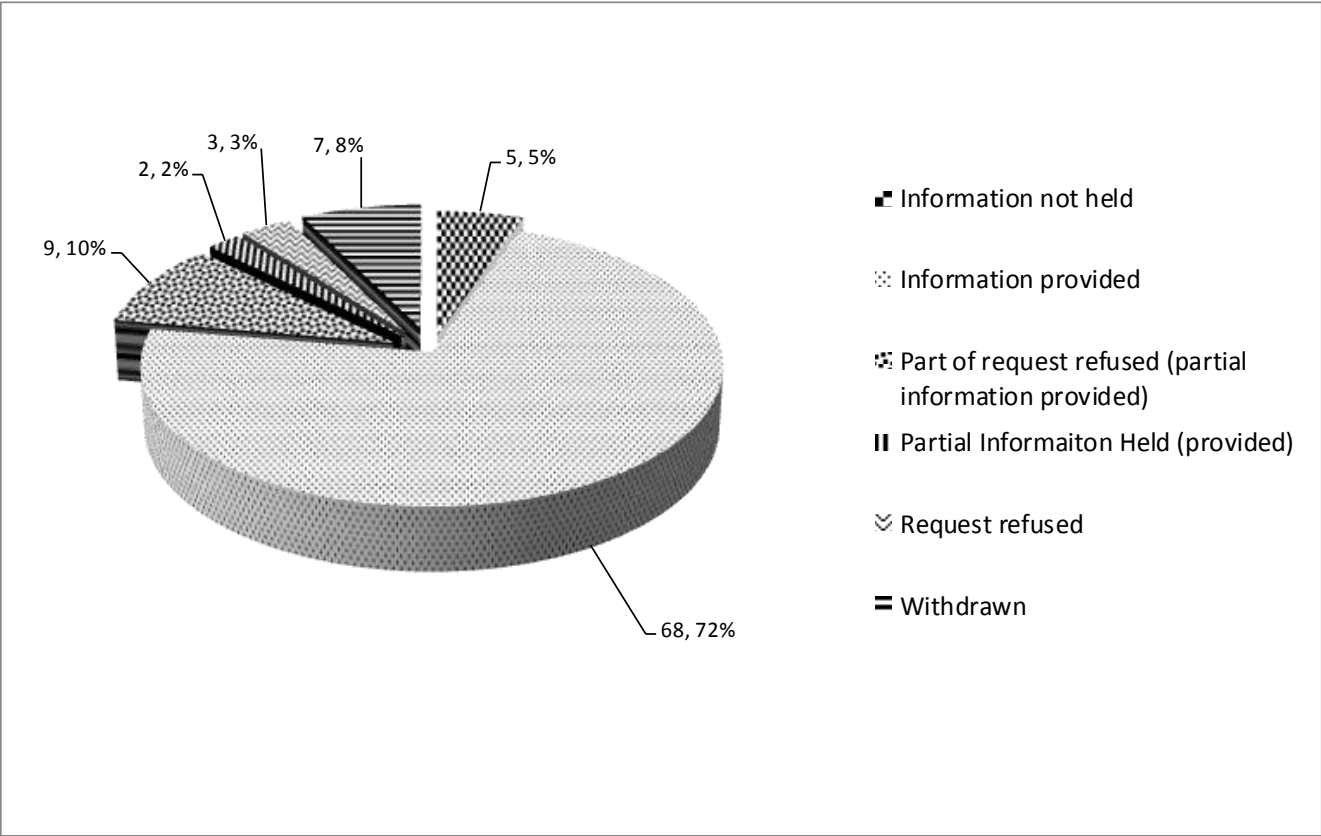
Despite the increase in the number of FOI requests received the Council's performance improved from 75% responded to within timescale during 2012/13. Similarly in relation to EIR requests the Council's performance improved from 76% in 2012/13 despite an increase in the number of requests received. In relation to subject access requests, while the Council saw a slight increase in the number received we were able to improve our performance from 46% in 2012/13. However, performance in responding to subject access requests remains an area of concern for the Council.

FOI response type



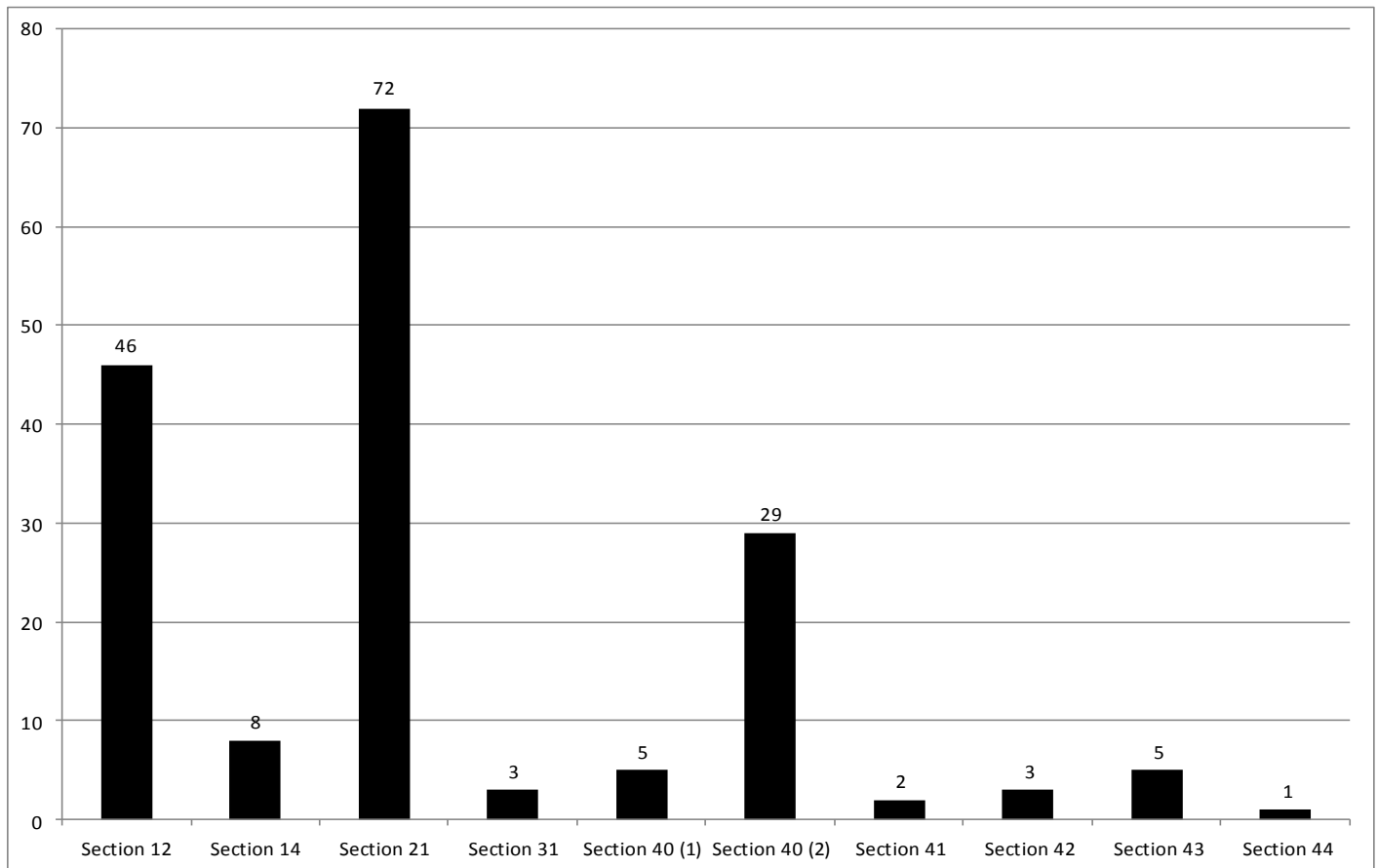
The above chart show the response type in relation to FOI requests responded to by the Council during 2013/14; some of which were received during 2012/13.

EIR response type



The above chart show the response type in relation to EIR requests responded to by the Council during 2013/14; some of which were received during 2012/13.

Reasons for refusal



While a single request can be refused for more than one reason the above graph shows the primary exemption applied.

FOI exemptions applied

In 2013/14, the most common exemption applied to an FOI requests was section 21 (applied 72 times compared to 48 in 2012/13). Section 21 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. This exemption was applied 22 times in 2011/12 and 17 times in 2010/11. The increase in the number of times the Council has been able to apply this exemption is primarily as a result of information published following the recommendations of the three previous annual reports, along with the work of those more proactive service areas who have published information on the Council's Open data web page:

www.darlington.gov.uk/opendata

Section 12 was applied 46 times, compared to 45 in 2012/13. Section 12 is applied 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.

Section 40(2), an exemption for personal data about third party individuals was applied 29 times, compared to 20 in 2012/13.

EIR exceptions applied

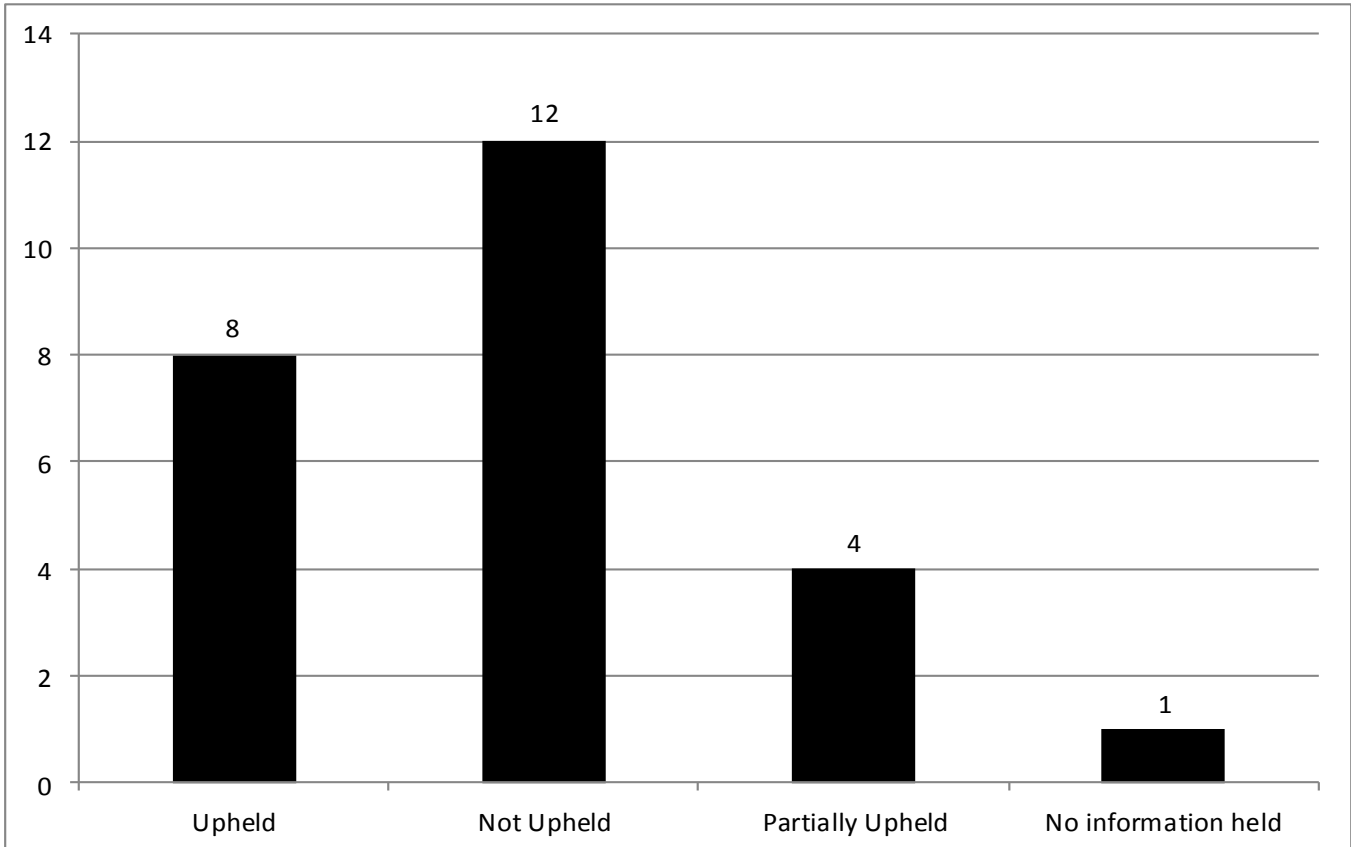
Two requests were refused under Regulation 12 (5) (f) Interests of the Information Supplier.

Nine requests were refused under Regulation 13. Regulation 13 is an exception for personal data about third party individuals.

Internal Reviews

The Council received 27 requests for internal reviews of FOI requests and two requests for reviews of EIR requests during 2013/14, compared to 14 requests for internal reviews of FOI requests during 2012/13.

FOI internal review outcomes 2013/14



The above graph details the outcomes of those internal reviews determined during 2013/14.

Following an internal review being upheld or partially upheld, all additional information held by the authority was provided as appropriate.

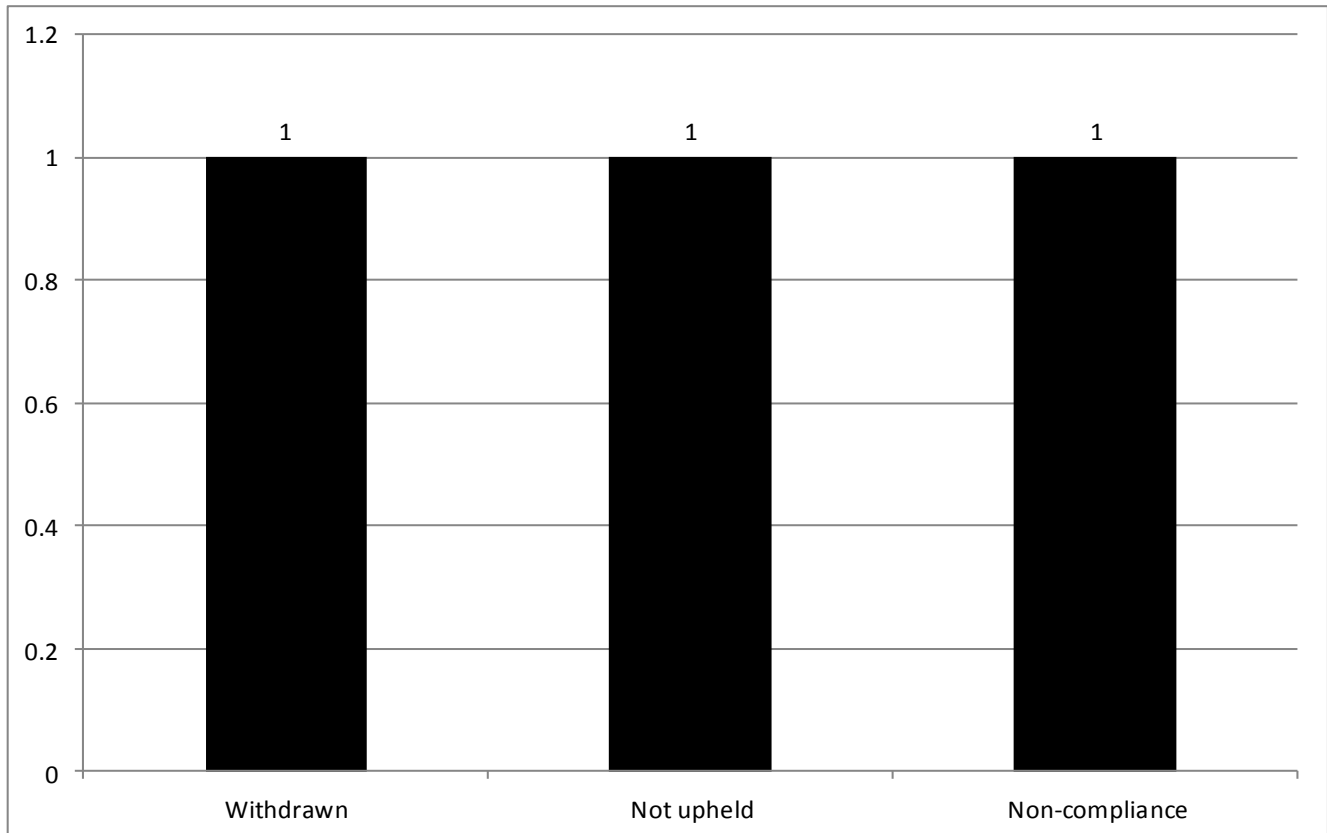
EIR internal review outcomes 2013/14

One internal review was determined as not upheld during 2013/14.

Appeals to the Information Commissioner's Office

Four requestors referred a complaint to the Information Commissioner's Office (ICO) having been dissatisfied with the Council's response to their FOI request/internal review.

ICO Decisions



The above graph details the outcomes of the ICO's investigations determined during 2013/14. In the case where the ICO found the Council had not complied with the FOIA they did not require the Council to take any action.