
**FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION
AND SUBJECT ACCESS REQUEST
ANNUAL REPORTS 2012/13**

**Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To provide Cabinet with the Freedom of Information (FOI), Environmental Information (EI) and Subject Access (SA) Request Annual Report 2012/13 (**Appendix 1**).
2. To make Cabinet aware of the legislative changes introduced by the Protection of Freedoms Act 2012.

Summary

3. The Council saw an increase in the number of requests for information during 2012/13 compared to 2011/12.
4. The Council received a total of 893 requests for information in 2012/13 compared to 846 in 2011/12.
5. The Protection of Freedoms Act 2012 amends sections 11 and 19 of the Freedom of Information Act.

Recommendation

6. It is recommended that Cabinet
 - (a) Notes the content of the attached reports.
 - (b) Receives a further report on the implications of the Protection of Freedoms Act 2012.

Reason

7. The recommendations are supported in order to make Cabinet aware of the progress made in ensuring the Council understands the nature of the requests for information it receives and facilitating the publication of the most frequently requested information in order to increase the efficiency with which the Council is able to deal with such requests.

Paul Wildsmith, Director of Resources

Background Papers

Note:

1. Protection of Freedoms Act 2012
2. Secretary of State's Code of Practice (datasets) on the discharge of [public authorities' functions under Part 1 of the Freedom of Information Act.
3. Datasets (section 11, 19 & 45) Freedom of Information Act – Information Commissioner's Office.

Lee Downey,
Complaints and Information Governance Manager
Extension 2401

S17 Crime and Disorder	There is no specific impact on Crime and Disorder.
Health and Well Being	There is no specific impact on health and well being
Carbon Impact	There is no specific impact on Carbon Impact.
Diversity	There is no specific impact on Diversity.
Wards Affected	All Wards.
Groups Affected	All members of the public.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is not classed as a key decision and has not been included in the forward plan.
Urgent Decision	This does not represent an urgent matter.
One Darlington: Perfectly Placed	This report does not contribute to the themes set out in One Darlington: Perfectly Placed.
Efficiency	Efficiency issues are highlighted in this report.

MAIN REPORT

Information and Analysis

8. In relation to requests handled in accordance with the Freedom of Information Act 2000, the Council received 815 requests compared to 811 in 2011/12.
9. In relation to requests handled in accordance with the Environmental Information Regulations 2004, the Council received 38 requests compared to 13 requests in 2011/12.
10. In relation to requests handled in accordance with the subject access provisions of the Data Protection Act 1998, the Council received 40 requests compared to 22 requests in 2011/12.
11. By making the information most frequently requested readily available to the public via the Council's website, the Council has not only ensured a high degree of transparency but has improved the efficiency with which it complies with the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
12. During 2012/13 the Council was able to apply Section 21 of the Freedom of Information Act 2000, an exemption for information that is already accessible to the applicant by some other means, 48 times compared to 22 times in 2011/12 and 17 times in 2010/11; predominantly as a result of publishing information following the recommendations of the two previous annual reports.
13. In accordance with the analysis of the most frequently requested information the details of public health funerals and statistical information about Penalty Charge Notices (PCNs), have been published.
14. While there were a number of requests relating to contracts, as the Council now provides details of all contracts in a Contracts Register it is likely that in future we will be able to refuse many of the requests we received for contact information under section 21 of the Freedom of Information Act; on the basis the information is already accessible to the applicant by some other means.

Protection of Freedoms Act 2012

15. The changes to the Freedom of Information Act 2000 introduced by the Protection of Freedoms Act 2012 concern datasets, i.e. factual, electronic data obtained for the purpose of providing a service or the carrying out of any other of the Council's functions.
16. When releasing a dataset or part of a dataset, under the Freedom of Information Act 2000, the Council is required, as far as reasonably practicable, to provide it in an electronic form which is capable of re-use, for example, a Comma-separated Value (CSV) format.

17. Where an individual has only requested part of a dataset, while not obliged to, the Council may consider it easier or more helpful to the requestor to provide the whole dataset.
18. A detailed report will be prepared for Cabinet regarding the changes introduced by the Protection of Freedoms Act 2012 and the impact this will have on the Council.

Outcome of Consultation

19. No consultation was required in preparing this report.