
**FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION
AND SUBJECT ACCESS REQUEST
ANNUAL REPORTS 2013/14**

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

**Responsible Director - Paul Wildsmith
Director Neighbourhood Services and Resources**

SUMMARY REPORT

Purpose of the Report

1. To provide Cabinet with the Freedom of Information (FOI), Environmental Information (EIR) and Subject Access (SA) Request Annual Report 2013/14 (**Appendix 1**).
2. To inform Cabinet of the decisions made in relation to the recommendations set out in the annual report 2013/14.
3. To inform Cabinet of the changes to be introduced to the Council's FOI and EIR Request Procedure following the introduction of the Protection of Freedoms Act 2012.

Summary

4. The Council saw a significant increase in the number of requests for information received during 2013/14.
5. The Council has amended its Freedom of Information and Environmental Information Request Procedure to set out how we will deal with requests for datasets following the changes to sections 11 and 19 of the Freedom of Information Act 2000 introduced by the Protection of Freedoms Act 2012.

Recommendation

6. It is recommended that Cabinet notes the content of the attached reports.

Reason

7. The recommendation is supported to make Cabinet aware of the progress made by the CIG Team 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 Neighbourhood Services and 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.

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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. The Council received a total of 1, 220 requests for information during 2013/14, an increase of some 37% compared to the previous year. The increase was reflected over all request types (**see Appendix 2**).
9. 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. The ICO determined three of these during 2013/14 and in one case concluded that the Council had not complied with the provisions of the Freedom of Information Act 2000. The ICO did not require the Council to take any action in relation to this matter.
10. Primarily as a result of publishing information following the recommendations of the previous annual reports 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. During 2013/14 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, 72 times compared to 48 times in 2012/13 and 22 times in 2011/12.
11. In relation to the recommendation set out in the annual report:
 - (a) The Assistant Director, Community Services decided to publish the details of public health funerals set out in the report.
 - (b) The Assistant Director, Highways decided not to publish details of all inspection reports; as the work involved in doing so would be significantly greater than responding to the number of requests received.
 - (c) The Assistant Director, Housing and Building Services decided not to publish details of commercial properties showing a business rates credit balance (National Non Domestic Rates) proactively as it is out of date the day after it is published.
 - (d) The Director, Children's Services decided to publish statistical information regarding home schooling, school places, Special Educational Needs placements, safeguarding and children taken into care (providing that individual children and young people cannot be identified from the data);
 - (e) The Assistant Director, Finance and HR decided to publish 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);
 - (f) The Assistant Director, Finance and HR decided not to publish information about zero hours contracts as the cost of doing so on a regular basis would be

greater than the cost of responding to relatively low number of requests received.

Protection of Freedoms Act 2012

12. 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 any other of the Council's functions.
13. 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.
14. 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.
15. The Council's FOI and EIR Request Procedure has been amended accordingly (**Appendix 3**).

Outcome of Consultation

16. No consultation was required in repairing this report.

APPENDIX 2 Total Requests by Year

Type of Request	2013/14	2012/13	2011/12
FOI	1, 073	815	811
<i>FOI Internal Review</i>	27	14	8
EIR	101	38	13
<i>EIR Internal Review</i>	2	0	0
Subject Access	46	40	22