

**KEY DECISION? YES/NO**

## **FREEDOM OF INFORMATION – ANNUAL UPDATE REPORT**

### **SUMMARY AND RECOMMENDATIONS:**

#### **SUMMARY:**

The Freedom of Information Act 2000 (FOIA 2000) provides public access to information held by a local authority. Freedom of Information requests are a fundamental part of local government and encourage openness and scrutiny of the Council's decisions. Rushmoor Borough Council has a statutory duty to fulfil its obligations under FOIA 2000.

#### **RECOMMENDATION:**

- (i) For the Corporate Manager of Legal Services to review the FOI system for logging requests to make as robust as possible (assuming no additional budget for 2023/2024)
- (ii) For officers to continue their work to reduce the number of overdue FOIs within the system by December 2023, following the Information Commissioner's Office (ICO) guidance notes.

## **1. INTRODUCTION**

- 1.1 Public authorities spend money collected from taxpayers and make decisions that can significantly affect many people's lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed.
- 1.2 Any member of the public or external organisation can submit a freedom of information request to Rushmoor Borough Council. Rushmoor Borough Council is under a duty to comply with the statutory timeframes to respond to requests (20 working days to process for a normal FOI request). This can be extended for more complex requests.

## **2. FOI ANNUAL UPDATE**

- 2.1 From a quarterly perspective, we were pleased to see a 3% increase in response times in Q1 of 2023/34 compared with Q4 of 2022/23. This

reflects the hard work from colleagues around the council prioritising responding to requests for information. We are hopeful that the response times will continue to improve over the coming months as there is ongoing work to deal with the outstanding and overdue FOIs.

- 2.2 We are pleased to report a 43.65% reduction in overdue requests since 7 June 2023 and hope to be able to reduce this much further by the December 2023.
- 2.3 The regulatory body, the Information Commissioner's Office (ICO) expect to see 90% responded to within the 20 working-day statutory timeframe - as a minimum.
- 2.4 There could be a potential financial penalty from the ICO or a decision notice due to lack of responses/not responding in time and therefore not complying with our obligations under the Freedom of Information Act 2000 (FOIA).
- 2.5 On 1 March 2023 the ICO actioned a [decision notice in relation to an FOI request received at RBC](#). The ICO supported RBC withholding the information as we did in the first instance however the ICO noted that we had failed to comply with our obligations under the FOIA 2000, as we failed to respond within the statutory timeframe.
- 2.6 By way of information Shropshire Council had 143 overdue FOI requests and were issued an enforcement notice by the ICO in May 2023: <https://ico.org.uk/action-weve-taken/enforcement/shropshire-council/>
- 2.7 FOI performance and management is being discussed regularly at the Information Governance Group (IGG) and the Corporate Governance Group (CGG). Sophie Thorp, the Legal Service Corporate Manager and our Data Protection Officer (DPO) are liaising with Service Managers and individual officers in order to continue reducing those FOIs that go overdue.
- 2.8 The Legal team have implemented steps to keep FOIs at the forefront across the Council; and to provide assistance in increase response times. A list of all open and overdue FOIs are sent to Service Managers so that they are able to chase up any that are nearing the deadline and that are overdue. This also serves as providing reminders to the service.
- 2.9 We have enquired about using MS Lists as a potential solution to manage FOI handling. We are in the early stages of investigating this with support from Technical Services. This would allow the FOI service representatives to help manage the FOI log sheet as well as being able to send automatic reminders to the relevant services when an FOI was nearing the end of the time to comply. This is in progress along with other commitments within the IT service.

2.10 One way to reduce the burden of dealing with FOIs would be to publish data that we can publish. This is ideal for requests that we receive on a frequent basis. If we were to get requests for information that we published or are due to be published on our website it would be a simple refusal response from the service detailing that the information is already in the public domain with a link to the data under [section 21 of the FOIA](#) or that the information is intended for future publication under [section 22 of the FOIA](#) (if the data was not yet published).

2.11 As of 31 August 2023, the overdue FOIs are as follows:

- 2021 – 4 overdue
- 2022 – 29 overdue
- 2023 – 38 overdue

**TOTAL – 71 overdue**

Compared with as of 7 June 2023:

- 2021 - 577 FOIs received, 32 are open and overdue
- 2022 – 544 FOIs received, 58 are open and overdue
- 2023 - 292 FOIs received thus far up to 5 June 2023, 71 are open and 36 of those are overdue.

**TOTAL – 126 overdue**

### **3 IMPLICATIONS**

3.1 As above, Rushmoor Borough Council is under a statutory obligation to respond to FOI requests within the timeframes.

3.2 The ICO is taking a robust approach with local authorities who do not comply with FOIA 2000 and/or who do not have a clear action plan in place to reduce any backlog of overdue FOIA request.

### **4 FINANCIAL AND RESOURCE IMPLICATIONS**

4.1 There are no additional financial implications. The processing of FOIs across the Council takes considerable officer time and resource.

4.2 There is a continuing requirement to ensure that any overdue FOIs are reduced to zero.

### **5 EQUALITIES IMPACT IMPLICATIONS**

5.1 There are no issues relating to this report.

## **6 RECOMMENDATIONS:**

- 6.1 That the Corporate Manager of Legal Services reviews the FOI system for logging requests to make as robust as possible (assuming no additional budget for 2023/2024);
- 6.2 For officers to continue their work to reduce the number of overdue FOIs within the system by December 2023, following the Information Commissioner's Office (ICO) guidance notes.

## **CONTACT DETAILS:**

Report Author  
Sophie Thorp – Corporate Manager – Legal Services  
[sophie.thorp@rushmoor.gov.uk](mailto:sophie.thorp@rushmoor.gov.uk)