

31ST JULY 2024

REPORT NO. LEG2403

FREEDOM OF INFORMATION – ANNUAL UPDATE REPORT 2024

SUMMARY AND UPDATE:

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 encourages openness and scrutiny of the Council's decisions. Rushmoor Borough Council has a statutory duty to fulfil its obligations under FOIA 2000.

The Council's performance on FOIs is steadily improving and there is further work planned, including training, and publishing more information online.

A new Microsoft Lists system has been launched to improve resilience and increase oversight by senior management.

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 (FOI) 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.
- 1.3 Rushmoor has 1 part-time officer overseeing information requests and data protection, along with support from the Corporate Manager, Legal Services, who also is the Data Protection Officer and Deputy Monitoring Officer. Service teams can liaise with the Legal team for complicated requests and FOI advice.

2. FOI SNAPSHOT

2023

- Operations – received 254 (including cross service requests), 39% of requests.
- Finance – 91 requests (including cross service requests), 14% of requests.
- Environmental Health – received 81 (including cross service requests), 12.5% of requests.
- Hampshire County Council (HCC) – we received 79 requests for information not held by Rushmoor, 11% of requests.
- People – 58 requests (including cross service requests), 9% of requests.
- Communications, Policy, and Performance – 51 requests (including cross service requests), 7.8% of requests.
- Democracy, Strategy and Partnerships – 32 requests (including cross service requests), 5% of requests.
- Legal – 11 (including cross service requests), 1.7% of requests.

Services that receive a high number of requests

- Housing options - received 53 requests, 8.2% of all requests. Requests include looking for homelessness figures and housing list waiting times.
- IT - received 42 requests, 6.5% of all requests. Requests include were looking at systems we use, use of AI, phone contracts and network providers. Most are marketing requests or looking for business.
- Finance – 91 requests, 14% of all requests. Requests include asking for business rates dates, council spending, funding gap and Council Tax information.
- Crematorium – received 30 requests, 4.6% of all requests. Requests include looking for public health funeral data.
- HR – 58 requests, 9% of requests. Requests include looking for council structure, equality roles, zero hours contracts, pay levels and training software.
- Planning – 40 requests, 6% of requests. Requests include looking for s106 planning agreements, planning breaches, Tree Preservation Orders (TPOs) and conservation areas.
- HCC – 79 requests for information not held by RBC, 11% of all requests. Requests include looking for information about social care, public health, highways, schools, and trading standards.

3. FOI PERFORMANCE UPDATE

3.1 Freedom of information requests data (Rushmoor)

TABLE A

Number of requests received	Q1	Q2	Q3	Q4
2020/21	114	131	174	156
2021/22	142	139	141	166
2022/23	155	131	108	149
2023/24	167	162	162	193
2024/25	198			

We calculate this data one month behind to allow for the time to responses. So Q1 (April, May and June) data would be March, April, May.

TABLE B

% responded to on time (one month behind)	Q1	Q2	Q3	Q4
2017/18	85%	89%	89%	85%
2018/19	87%	83%	87%	81%
2019/20	84%	93%	85%	81%
2020/21	68%	65%	60%	82%
2021/22	58%	63%	76%	71%
2022/23	62%	37%	50%	70%
2023/24	73%	72%	68%	86%
2024/25	71%			

3.2 Whilst there has been a fall in Q1 2024/2025 for FOI response turnaround time, there has been an increase generally in percentage turnaround time since 2023.

3.3 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.

3.4 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).

3.5 FOI performance and management is discussed regularly at the Information Governance Group (IGG) and the Corporate Governance Group (CGG). The Legal team are liaising with Service Managers and individual officers to reduce those FOIs that go overdue.

- 3.6 On 15 July 2024, the Legal and Transformation Team jointly launched Microsoft (MS) Lists across the Council as a tool to manage the handling of FOIs. The MS system sends automatic reminders to the relevant services when an FOI is nearing the end of the time to comply. It also allows senior management better oversight of the number of outstanding and overdue FOIs across the Council.
- 3.7 One way to reduce the burden of dealing with FOIs is to publish more data proactively. This is ideal for requests that we receive on a frequent basis. If we get requests for information that we publish or are due to be published on our website, it is 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).
- 3.8 According to FOI statistics for central government for January to March 2024, across all monitored bodies, 76% of requests were responded to in time, down from 86% in Q1 2023. The volume of FOI requests across all monitored bodies has steadily increased from 2021 until 2024. Please see Annex A.
- 3.9 In line with the national FOI statistics for monitored bodies (www.gov.uk), the Council's overall number of requests is at its highest recorded level.
- 3.10 There are no approved FOI statistics to measure our performance against other local authorities, however the ICO have intervened in cases where councils have performed poorly over a prolonged period (e.g., 2022 – 2024), and no formal action plan is in place.
- 3.11 An example of this is the ICO enforcement notice against Shropshire Council in April 2023. In this case, individual service areas were responsible for recording and collating their own FOI requests and there was not sufficient management oversight. Another example is Norfolk County Council, who had only responded to 260 out of 511 Subject Access Requests (SARs) it received within the statutory timescales from 6 April 2021 to 6 April 2022.
- 3.12 The Council will be offering FOI training to staff towards the end of this year to increase knowledge and awareness. This will cover some of the most frequent exemptions (e.g., possible reasons for refusal).

4) LEGAL IMPLICATIONS

- 4.1 As above, Rushmoor Borough Council is under a statutory obligation to respond to FOI requests within the timeframes.
- 4.2 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. This is typically done through the ICO issuing enforcement notices or a reprimand to local authorities.

5) FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no direct financial implications. The processing of FOIs across the Council takes considerable legal officer time and resource.

5.2 There is a continuing drive at Rushmoor to ensure that any overdue FOIs are reduced to zero.

5.3 The increase in the number of the FOI requests received, increases workload across the Council and service teams.

6) EQUALITIES IMPACT IMPLICATIONS

There are no equality issues relating to this report.

7) RECOMMENDATION:

It is recommended that officers:

- (a) Continue their work on reducing the number of overdue FOIs within the system in 2024 towards the 90% turnaround time, as per the ICO target;
- (b) Continue to raise FOI awareness and knowledge across employees, through regular training and guidance; and
- (c) Publish as much information proactively to reduce the number of FOI requests.

CONTACT DETAILS:

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Annex A

Volume of FOI requests by quarter since Q1 2021 for other public bodies (excluding local authorities) – www.gov.uk data

