

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Cabinet
Date:	25 October 2010
Title:	Freedom of Information
Reference:	2212
Report From:	Chief Executive

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1. Executive Summary

1.1 The purpose of this report is to update Cabinet on the numbers, nature and cost of handling Freedom of Information and Environmental Information Regulation requests across the County Council. This item is linked to a second report on the agenda in relation to progress with the development of local transparency.

2. Contextual information

2.1 The Freedom of Information Act (FOI) and Environmental Information Regulations (EIR) came into force in 2005. They regulate the way that the County Council responds to requests for information. The numbers and complexity of requests have been increasing across the County Council.

2.2 The FOI Act allows a small number of exemptions to providing information requested however these are extremely limited and the Information Commissioners Office, who regulate the operation of the Act, are taking an increasingly hard line against public organisations who do not apply the exemptions appropriately.

2.3 Since the act came into force the County Council's policy has been to provide full, relevant and helpful responses to FOI requests. The County Council has often recognised that disclosure of certain information may lead to a negative interpretation of the data. It is recommended however that the Council continues with its existing policy to recognise that disclosure and scrutiny of its activities are both relevant to the development of arrangements around transparency and to the future constitutional review of the Council's procedures, business practices and processes. It is therefore recommended

that the existing policy be endorsed and amended as required by the developments around transparency.

3. Numbers and trends

- 3.1 In 2009/10 there were a total of 707 FOI and EIR requests, an overall increase of 46% on the previous year. The figures for the first half of 2010/11 show no reduction, in fact there is a projected increase of a further 3%.

Department	2008/09	2009/10	% change	Half year 2010/11
Adults Services	26	51	96%	32
CCRA	35	10	-71%	9
Chief Executives	102	190	86%	111
Children's Services	103	143	39%	68
Environment	86	133	55%	73
IT Services	21	33	57%	
PBRS	72	92	28%	* 55
Treasurer's	40	55	38%	16
Grand Total	485	707	46%	364

* includes IT figures

- 3.2 As can be seen from the above table the numbers of FOI requests received are not evenly spread across Departments, with the majority being handled by the Chief Executive's, Children's Services and Environment Departments.
- 3.3 Both the nature and source of requests vary widely. Of the 364 requests received in the first half of 2010-11, less than half came from individuals (43%). Approximately 25% came from the media, 16% from commercial and lobby interests and a further 16% from researchers. Increasingly requests are being made not to individual authorities but to all authorities through sites such as 'What do they know'
- 3.4 Many of the requests received relate either to the time of year or to matters that are of general interest at the time e.g. following the bad weather about gritting and potholes. Information on how much is spent on specific services and activities is requested fairly frequently e.g. salaries and pensions of senior staff, expenses and expenditure on credit cards. There are also regular requests for information on claims against the County Council and how much has been paid out in settlement.

4. Resources and Costs

- 4.1 We continue to monitor closely the costs associated with meeting the requirements of the FOI Act. The rules for charging requestors for information are laid down in the Act. Charges can be made if the upper limit

of resource and time will be reached (18.5 hours or £450 chargeable time). In determining whether the upper limit (£450) is likely to be exceeded, a public authority is limited to considering those costs it reasonably expects to incur in:

- determining whether it holds the information requested,
- locating the information or documents containing the information
- retrieving such information or documents
- extracting the information from the relevant document(s) and editing or redacting information where necessary).

They **may not** take into account the cost taken in considering the decision whether to release the information. Costs related to staff time have to be calculated at a standard rate of £25 per hour.

- 4.2 The normal process when receiving a request is to assess whether the information is available and how long it will take to extract and collate the information to answer the request. If it is estimated that the upper limit will be exceeded then the requester is informed. This usually results in the request being refined. There has not to date been a request to proceed with the requester being prepared to pay the cost. Although the County Council has the power to do so, it has not charged for printing and postage as the vast majority of responses are by email.
- 4.3 Given the number of FOI requests received in 2009-10 (707) and on the basis of having to meet any requests that take up to £450 chargeable time means an expectation that the County Council had to bear costs of £318,150 to meet its statutory requirements. This would not include the costs of reviewing decisions relating to exemptions or carrying out internal reviews if requested following a refusal to release information. A detailed analysis of requests made over a 6 month period show that the total annual estimated cost of responding to requests was around £346,000. The University of Central London (UCL) has calculated that the approximate annual cost of FOI to all English local authorities is around £34 million.

5 Summary

- 5.1 There remains significant interest in using the Freedom of Information Act to obtain information about public authorities. Although there was an initial expectation that the volume of requests and associated work would reduce this has not happened in practice. It is possible that with the publication of further information more routinely that the number of FOI requests will reduce. This could however lead to an increase in more general requests e.g. a shift from how much is being spent on some activity to why is expenditure being incurred.
- 5.2 As part of the development of local transparency it will be important to use the information in relation to FOI requests to determine what information to publish. This, together with the ongoing work to streamline the processes

for dealing with FOI's will help to control the costs associated with responding to requests. On the basis of the current volume of activity it is likely however that they will continue to be significant for some time.

6. **Recommendation**

- 6.1 Cabinet is asked to note the content of this report and to further endorse its policy with regard to FOI enquiries.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Direct links to specific legislation or Government Directives

<u>Title</u>	<u>Date</u>
Freedom of Information Act 2000	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1. Not applicable

2. Impact on Crime and Disorder:

2.1. Not applicable

3. Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

Not applicable

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable