

<b>Board/Committee:</b>	Standards & Audit Sub Board
<b>Date of meeting:</b>	19 September 2024
<b>Title:</b>	Freedom of Information Performance July 1 <sup>st</sup> 2023 – June 30th 2024
<b>Author:</b>	Borough Solicitor and Monitoring Officer
<b>Status:</b>	For Noting

## **Purpose**

To report to the Sub Board on the performance of the administration of Freedom of Information (FOI) requests.

## **Recommendation**

**That the Sub Board notes the report.**

### **1.0 Background**

**1.1** The Freedom of Information Act 2000 (the Act) provides public access to information held by public authorities. There are two main obligations under the Act:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

**1.2** Anyone has a right to request information from a public authority. The Council has two separate duties when responding to these requests:

- to tell the applicant whether any information falling within the scope of their request is held; and
- to provide that information (unless an exemption applies)

The Act allows 20 working days to respond to a request.

**1.3** The Gosport Borough Council website provides information and guidance for the public regarding FOI requests and includes an automated request form. Requests can also be received by email or letter.

**1.4** Historically the request process was administered by the particular administration roles in each section. Over time several of these posts have been removed from the organisation and so more processing of FOI requests has fallen to the Democratic Services team, leaving only Housing, Streetscene, Benefits, Council Tax and Environmental Health still acknowledging and responding to their specific requests.

## **2.0 Report**

- 2.1** The process for how a Freedom of Information request is dealt with is shown in the flow chart at Appendix A
- 2.2** Democratic Services maintain a control spreadsheet for all requests, which can be accessed by authorised administrators, and it is this document that has provided the data in Appendix B. The spreadsheet advises the administrator of the deadline and clearly shows those that are outstanding and whether or not they have met the target of 20 working days.
- 2.3** Many of the requests received relate to functions not carried out by Gosport Borough Council, such as Education, Adult Services and Highways, and these requests have to be referred to Hampshire County Council.
- 2.4** Corporate requests are those that require input from more than one department and are administered by Democratic Services.
- 2.5** The Council can refuse to share information if the criteria of one the exemptions are met. This can be information that is accessible to applicants by other means, commercially sensitive or covered by legal professional privilege. Whether an exemption is applicable is a matter of consultation with the Borough Solicitor and Monitoring Officer, who also serves as Qualified person for the purposes of Freedom of Information.
- 2.6** In the event that the requester does not think that the Council has dealt with their request correctly, they may apply for an Internal Review of how the request has been dealt with. The Council's Data Protection Officer deals with Internal Reviews.
- 2.7** Information that is personal to the requester would be processed through the Subject Access Requests system.
- 2.8** The Freedom of Information administration is audited by Internal Audit, and an Agreed Action from the most recent audit recommended producing a summary report for consideration by senior management.
- 2.9** At the last review of this data, it was agreed to include a breakdown of the type of requester, and some more detail of refusals and part refusals.

## **3.0 Risk Assessment**

- 3.1** Applicants have recourse to the Information Commissioners Office should they feel that we have not dealt with their FOI request in time or correctly, once they have followed our Internal Review process. Should the matter persist then it is possible that it could be escalated through formal litigation.
- 3.2** By providing this report to the Sub Board, Officers have ensured compliance with the most recent audit of FOI practices.

## 4.0 Conclusion

4.1 It is intended to report these figures to the Standards and Audit Sub Board on an annual basis.

<b>Financial Services comments:</b>	No comments
<b>Legal Services comments:</b>	Contained within the report
<b>Equality and Diversity:</b>	No comments
<b>Climate Change implications:</b>	No comments
<b>Crime and Disorder:</b>	No comments
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan:</b>	
<b>Risk Assessment:</b>	Contained within the report
<b>Background Papers:</b>	None
<b>Appendices:</b>	Appendix A Flowchart Appendix B results from July 1 2023- June 30 2024.
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