1. **Recommendations**

1.1 To note the contents of the report.

2. **Volume of Enquiries and Speed of Response**

2.1 The FOI Team currently consists of two centrally based officers who sit within the ICT and Data Management directorate within Corporate Resources of the council. These two officers receive, log, send requests to officers within services areas, receive initial draft responses back, seek approval from the relevant director and send out the final response.

2.2 The statutory timescales for processing and completing a Freedom of Information (FOI)/Environmental Information Regulations (EIR) request is 20 working days.

2.2.1 The process followed for completing requests is:

**Day 0**
Entering request onto internal spreadsheet and sending request to relevant service area(s).
Day 1-5
Request dealt with service, which provides response to request.

Day 5-10
Reminder of request response outstanding sent.

Day 10
Reminder of response deadline sent (further chases sent if deadline not met).

Day 11-15
Review of response and dealing with any issues such as further info needed, by sending draft back to service to complete. If no further info needed, draft sent for approval.

Day 15-19
Await approval for response. Dealing with any further changes/info needed and obtain further approval if required.

Day 20
Complete request by sending approved response.

2.2.2 The process timeline can differ from time to time for the following events:
Clarification
We can ask the requester for further information to help answer with the correct information. This puts the request on hold until the requester replies with clarification.

Extension (EIR)
An extension of a further 20 working days can be asked for if the request is viewed to be large/complex. This extension needs to be submitted before the original 20 working days.

2.2.3 Requests in full or part can become subject to rejection under:
23 FOI Exemptions
There are two types of exemptions – Absolute and Non-Absolute
Absolute exemptions do not require consideration of the Public Interest test
Non-Absolute exemption require consideration of the Public Interest test
The Public Interest test - This is where we must decide whether it is in the public interest to disclose the information requested or to withhold it.

14 EIR Exceptions
All Exceptions are Non-Absolute and are subject to the Public Interest test.

2.4 Comparisons of performance in 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 show the following:

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<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ENVIRONMENTAL INFORMATION REGULATIONS 2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of FOI/EIR requests</td>
<td>998</td>
<td>1,312</td>
<td>1,345</td>
<td>1,473</td>
<td>1,606</td>
<td>1,706</td>
<td>1,719</td>
<td>1,878</td>
</tr>
<tr>
<td>Number completed within statutory timescales</td>
<td>827</td>
<td>1,147</td>
<td>1,244</td>
<td>1,369</td>
<td>1,419</td>
<td>1,486</td>
<td>1,581</td>
<td>1,677</td>
</tr>
<tr>
<td>% completed within statutory timescales</td>
<td>83%</td>
<td>87%</td>
<td>92%</td>
<td>93%</td>
<td>88%</td>
<td>87%</td>
<td>92%</td>
<td>90%</td>
</tr>
</tbody>
</table>
2.5 The service was moved from the Strategy and Engagement area to the ICT department to work alongside the Data Protection team in April 2017. The service decided to reduce the internal deadlines from 10 working days to 5 working days to try and improve the level of responses received and completed within 20 working days, this improved the level of completion within statutory timeframes.

2.6 The number of enquiries received by the Council has increased every year since 2005.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Growth per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>376</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>390</td>
<td>4%</td>
</tr>
<tr>
<td>2007</td>
<td>425</td>
<td>9%</td>
</tr>
<tr>
<td>2008</td>
<td>556</td>
<td>31%</td>
</tr>
<tr>
<td>2009</td>
<td>831</td>
<td>49%</td>
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<tr>
<td>2010</td>
<td>998</td>
<td>20%</td>
</tr>
<tr>
<td>2011</td>
<td>1,312</td>
<td>31%</td>
</tr>
<tr>
<td>2012</td>
<td>1,345</td>
<td>3%</td>
</tr>
<tr>
<td>2013</td>
<td>1,473</td>
<td>10%</td>
</tr>
<tr>
<td>2014</td>
<td>1,606</td>
<td>9%</td>
</tr>
<tr>
<td>2015</td>
<td>1,706</td>
<td>6%</td>
</tr>
<tr>
<td>2016</td>
<td>1,719</td>
<td>0.6%</td>
</tr>
<tr>
<td>2017</td>
<td>1,878</td>
<td>9.2%</td>
</tr>
</tbody>
</table>

2.7 The average number of requests received per month in 2017 was approximately 156, which was an increase of 9% compared to 2016.

3. Other Performance Information

i) Internal Reviews

3.1 The number of referrals of requests to be reviewed under Internal Review has decreased significantly in the last year:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Growth per year</th>
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<tbody>
<tr>
<td>2010</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>21</td>
<td>-19%</td>
</tr>
<tr>
<td>2012</td>
<td>21</td>
<td>0%</td>
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<tr>
<td>2013</td>
<td>21</td>
<td>0%</td>
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<tr>
<td>2014</td>
<td>25</td>
<td>19%</td>
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<tr>
<td>2015</td>
<td>46</td>
<td>84%</td>
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<td>2016</td>
<td>24</td>
<td>-48%</td>
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<tr>
<td>2017</td>
<td>13</td>
<td>-46%</td>
</tr>
</tbody>
</table>
3.2 An Internal review can be submitted within:
Two calendar months (FOI)
40 working days (EIR)
Internal Reviews are submitted if the requester is unhappy with any response they have received.
The statutory timeframes to process and complete any requests for an Internal Review are as follows:
20 working days (FOI)
40 working days (EIR)

3.3 If a requester is still unhappy with the response they receive they can contact the Information Commissioners Office (ICO) to lodge a complaint. The ICO will investigate and try to work with the FOI team and the requester to help resolve any complaint regarding a response. If any action taken by the ICO following a complaint is not followed or met, they have the power to instruct the organisation to disclose the information and/or put the organisation on a monitoring list.

3.4 Less than 1% (0.7%) of all requests received were escalated to internal review stage compared to the previous year (1.4%).

3.5 The average amount of Internal Reviews received per month decreased in 2017 with an average of just over 1 per month compared to an average of 2 in 2016.

3.6 8 cases have been referred to the ICO during 2017. Most cases raised to the ICO were due to the time taken to respond to the requester. The FOI team worked with the requester and the ICO to come to a satisfactory completion and the complaints were closed.

4. Financial
N/A

5. Legal
This is a statutory function

6. Value For Money
This is a statutory function

7. Sustainability Impact Appraisal
N/A

8. Risks
8.1 The increasing number and complexity of requests provides a challenge to the Council to maintain performance and quality of responses.
For example, if Internal deadlines are not met, and the FOI team spend time chasing service areas this detracts from time available to process requests. This can result in the final response being sent closer to final statutory deadlines rather than earlier.

8.2 Similarly if request the query is allocated to another service area and we are not advised they are not the correct area that may hold the information requested this also results in shorter deadlines for internal response.

9. Community Safety

9.1 None.

10. Links to the 5 Priorities for the Borough

10.1 None.

11. Equalities, Human Rights and Community Cohesion

11.1 Not applicable.

12. Staffing/Workforce and Accommodation implications:

12.1 In 17/18 the Council will reform the way in which it processes FOI requests. Responsibility for FOI services will move from the Marketing & Communications team to the ICT team (3rd Floor, Perceval House), this is where DPA services are currently located. This move is intended to realise efficiencies in the processing of requests whilst ensuring the Council meets its statutory responsibilities. In the new model staff will cover both Freedom of Information and Data Protection Act compliance. Work will also be undertaken to use technology to improve the experience and efficiency of the process for both requesters and staff. Key activity to operationalise this change includes:

In April 2017 the FOI service moved to sit within the ICT & Data Management service area and sits alongside the Data Protection team. This enables staff to undertake both types of work to enable more flexibility within the resources available.

12.2 Implementation of a Web form accessible via the FOI page on Ealing Council website.  
This is to help requesters make FOI requests

12.3 Looking into developing a Publication scheme where requests can be viewed by perspective requesters.

13. Property and Assets

13.1 None.
14. Any other implications
14.1 None.

15. Consultation
15.1 No specific consultation on this report has been undertaken.

16 Timetable for Implementation
16.1 Not applicable.

17. Appendices
17.1 None.

18. Background Information
18.1 None.

**Consultation**

<table>
<thead>
<tr>
<th>Name of consultee</th>
<th>Post held</th>
<th>Date sent to consultee</th>
<th>Date response received</th>
<th>Comments appear in paragraph:</th>
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<tbody>
<tr>
<td>Internal</td>
<td>Edward Axe</td>
<td>March 2018</td>
<td>March 2018</td>
<td>nil</td>
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<tr>
<td>External</td>
<td></td>
<td></td>
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**Report History**

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<th>Decision type:</th>
<th>Urgency item?</th>
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<tbody>
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</table>

Report no.: **Report author and contact for queries:**
Lorraine Cox