

## H&F Freedom Of Information Annual Report 2010/11

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## 1 Introduction

The Information Management Team in Finance and Corporate Services are responsible for ensuring the London Borough of Hammersmith and Fulham's (H&F) ongoing compliance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

More information on this legislation can be found at the website for the Information Commissioner's Office: <http://www.ico.gov.uk/>.

FOI and EIR are similar, therefore they are governed and progressed using the same process. For the purposes of this report we will refer collectively to FOI and EIR requests as Requests for Information (RFIs). The figures given below are for both FOI and EIR requests, and include performance for H&F Homes (H&F's housing Arms Length Management Organisation), before they were moved back into H&F in April 2011.

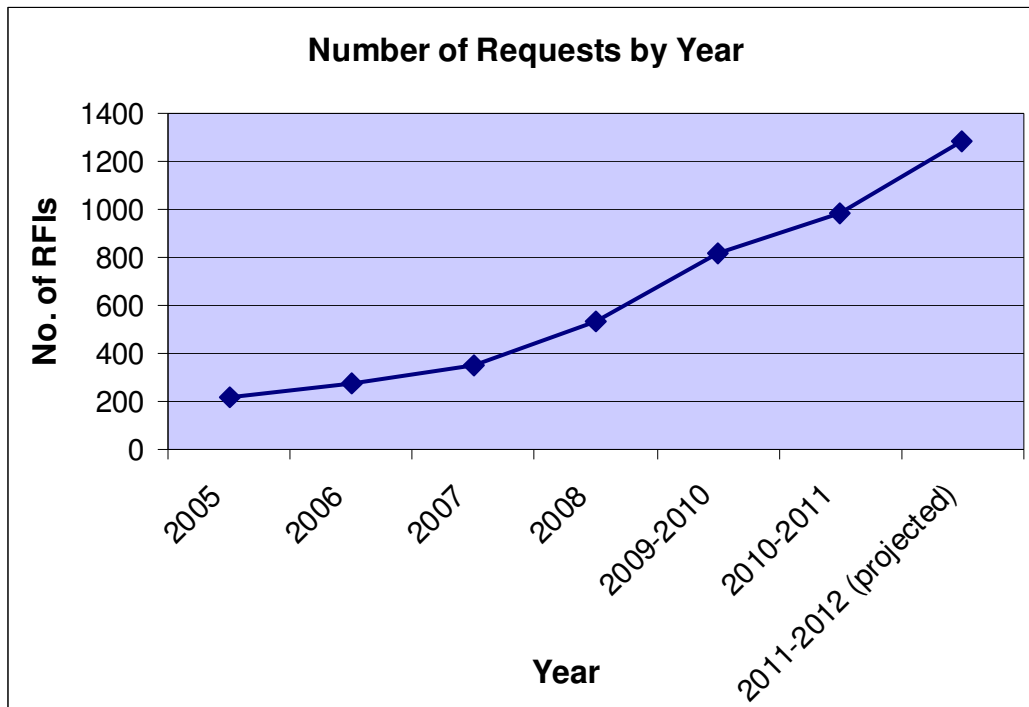
## 2 Responses within 20 working days

Public authorities are obliged to reply to RFIs within 20 working days.

Between April 2010 and March 2011 H&F responded to a total of **984** requests. 66% of requests were responded to within 20 working days. The table below shows how this compares to previous years. It should be noted that before 2009/10 these figures were recorded by calendar rather than financial year.

Year	No. of requests	% on time
2011-2012 (projected)	1280	* 90%
2010-2011	984	66%
2009-2010	815	76%
2008	535	64%
2007	352	70%
2006	276	61%
2005	215	64%

\* Performance within timescale at date of report writing, August 2011.



The table below shows the 2010/11 performance to the 20 working day target by department. For the purposes of this report, H&F Homes is included as a department. All RFIs that required input from more than one department are included here under 'Cross-departmental'.

Department	No. of requests	% on time
Children's Services	126	58%
Community Services	60	52%
Environment Services	240	73%
Finance & Corporate Services	345	71%
H&F Homes	62	47%
Residents Services	52	94%
Cross-departmental	98	44%

### 3 Outcomes

The figures given below are for all RFIs for both Hammersmith & Fulham Council and H&F Homes.

Outcome	No of cases
Information given	512
Information not held	119
Info not given, exempt	73
Info not given, cost	26
Info not given, repeat request	2
Partial info given, exempt	103
Partial information given, rest not held	149
<b>Total</b>	<b>984</b>

### 4 Refusals and exemptions

The FOIA contains exemptions (known as exceptions under the EIRs) that allow public authorities to withhold information in certain cases. Exemptions/exceptions were applied in 176 cases last year. These are set out below. It should be noted that in some cases more than one exemption/exception will have applied:

Exemption/Exception	Number of times used
<b>FOI Act</b>	
Section 21 – <i>Info accessible by some other means</i>	57
Section 22 – <i>Intended for future publication</i>	11
Section 30 – <i>Investigations and proceedings conducted by public authorities</i>	3
Section 31 – <i>Law Enforcement</i>	25
Section 36 – <i>Prejudicial to the effective conduct of public affairs</i>	2
Section 40 – <i>Personal Information</i>	67
Section 41 – <i>Provided in confidence</i>	9
Section 42 – <i>Legal Professional privilege</i>	2
Section 43 – <i>Commercial Interests</i>	16
Section 44 – <i>Legal prohibitions on disclosure</i>	2
<b>EIRs</b>	
Regulation 12 5 (b) – <i>Course of justice, criminal proceedings</i>	1
Regulation 12 5 (e) – <i>Confidential information protected by law for legitimate economic interest</i>	3
Regulation 13 – <i>Personal Information</i>	4

## 5 Internal reviews and complaints about requests for information

If a customer is unhappy with the content of the RFI response that they have received to their request or are dissatisfied with the length of time it has taken to process, they can ask for an Internal Review of their request. In 2010/11 the Information Management Team handled 40 reviews, 45% were completed within timescale. The outcomes were as follows:

Decision	No. of cases
Not Upheld	8
Partly Upheld	17
Upheld	15

Of the 40 reviews/complaints dealt with in 2010/11, in 15 of the cases the original decision was confirmed or no fault was found. The Information Manager found fault on the part of H&F in 25 cases. A review or complaint is “partly upheld” where we agree that H&F were partly at fault in the way it dealt with the request. For example, most RFIs ask for more than one piece of information, the Information Manager may partly uphold a complaint where sufficient information was provided to address most, but not all, of the request.

## 6 Information Commissioner’s Office enquiries

If the requester remains dissatisfied with the response they can approach the Office of the Information Commissioner (ICO) to ask them to review the Information Manager’s decision at internal review.

The Information Management Team handled 1 enquiry from the ICO in 2010-2011. This was replied to within 20 working days, as a result of this enquiry further data was released to the requestor.

## 7 ICO Monitoring and undertaking

### 7.1 Monitoring

On 27 August 2010, H&F received an enforcement notice from the ICO stating that it would monitor H&F’s performance of all requests for information and internal reviews during September, October and November 2010.

### 7.2 Undertaking

Despite improvements made in the performance of handling RFIs with performance peaking to 82% at the end of November, exceeding our internal performance target, the ICO did not deem the progress sufficient. It advised H&F to achieve 85% on time and, on 23 March 2011, issued H&F with an Undertaking for the Chief Executive to sign. This Undertaking was signed by the Chief Executive and the Information Commissioner in April:

- to ensure that sufficient resources are allocated to request and review handling and that it will endeavour to consistently provide responses to requests within statutory timescales; and
- to ensure that all employees who deal with correspondence or who otherwise may be required to provide information are familiar with the requirements of the FOIA, EIR and associated Codes of Practice by the provision of appropriate training.

### **7.3 Remedial actions taken and lessons learnt**

In order to achieve the 85% target imposed by the ICO, H&F set an improved internal target and, since April 2011, performance across H&F has improved significantly (see section 9, below).

## **8 Cost of service**

The estimated total cost of responding to requests for information for financial year 2010/2011 is £177,000. It should be stressed that this is a conservative estimate based only on salaries for the staff in the Information Management Team. The full cost of responding to RFIs is likely to be much higher, although it is not possible to quantify the total amount of time spent by all members of staff, as up to 600 staff across H&F can be engaged in the process of handling RFIs.

## **9 Progress since April 2011**

### **9.1 H&F performance against 20 working day target**

<b>Month (2011)</b>	<b>No. of requests</b>	<b>% on time</b>
April	80	90%
May	87	81%
June	115	93%
July	89	92%
<b>Overall</b>	<b>371</b>	<b>90%</b>

### **9.2 List of all RFI responses now published on the internet**

Aside from those which contain personal data, all responses to RFIs since April 2011 have been published on the H&F website at the following address:

[http://www.lbhf.gov.uk/Directory/Council\\_and\\_Democracy/Data\\_Protection\\_and\\_Freedom\\_of\\_Information/Freedom\\_of\\_Information\\_Act/FOI\\_List\\_By\\_Month.asp](http://www.lbhf.gov.uk/Directory/Council_and_Democracy/Data_Protection_and_Freedom_of_Information/Freedom_of_Information_Act/FOI_List_By_Month.asp) .

The publication of responses supports H&F's transparency programme. In addition to this, it allows potential requestors to identify whether or not the information they seek is already publicly available and improves efficiency and promotes consistent quality through more effective monitoring and public scrutiny.