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## H&F Requests for Information: Annual Report 2011/12

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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) the Environmental Information Regulations 2004 (EIR) and the Data Protection Act 1998 (DPA).

In December 2011, H&F's management of RFI processing changed:

1. The H&F In Touch team is responsible for the day-to-day management of RFIs ensuring all legal requirements are met;
2. The Information Management team is responsible for monitoring RFI performance, investigating complaints/internal reviews and liaising with the Information Commissioner's Office (ICO).

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

FOIA and EIR are similar, therefore they are governed and progressed using the same process. For the purposes of this report H&F will refer collectively to FOIA and EIR requests as Requests for Information (RFIs).

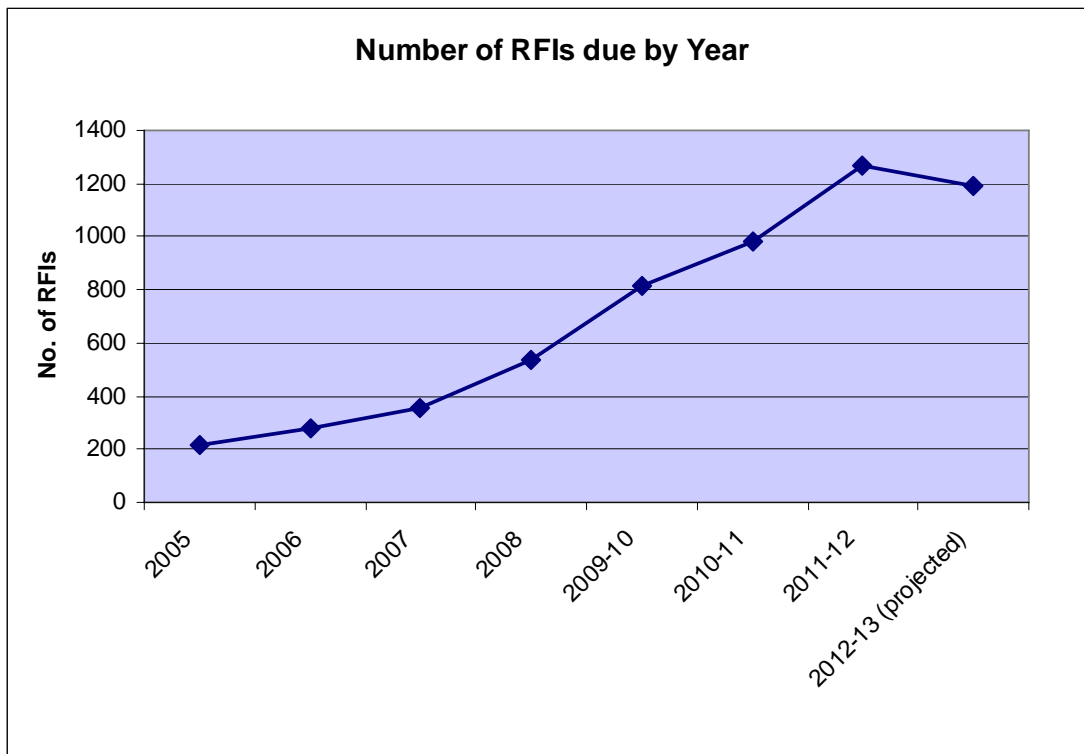
## 2 Responses within statutory time limits

Public authorities must reply to RFIs under EIR and FOIA within 20 working days. In certain circumstances, this may be extended to within 40 working days where the legislation allows for an extension.

### 2.1 Requests for Information

Between April 2011 and March 2012 H&F responded to a total of 1267 RFIs. 92% of RFIs were responded to within the statutory time limits. The table below shows how this compares to previous years. Before 2009/10, these figures were recorded by calendar rather than financial year.

#### 2.1.1 Number of RFIs due by year



#### 2.1.2 Percentage of RFIs responded to within statutory time limits by year

Year	No. of RFIs	% on time
2012-2013 (projected)	1188	94%*
2011-2012	1267	92%
2010-2011	984	66%
2009-2010	815	76%
2008	535	64%
2007	352	70%
2006	276	61%
2005	215	64%

\* Projected figures based on RFIs with a response due in April 2012.

### 2.1.3 Percentage of RFIs responded to within statutory time limits by Department for financial year 2011/12

The table below shows the 2011/12 performance to the statutory time limits by department. All RFIs that required input from more than one department are included here under 'Cross-departmental'.

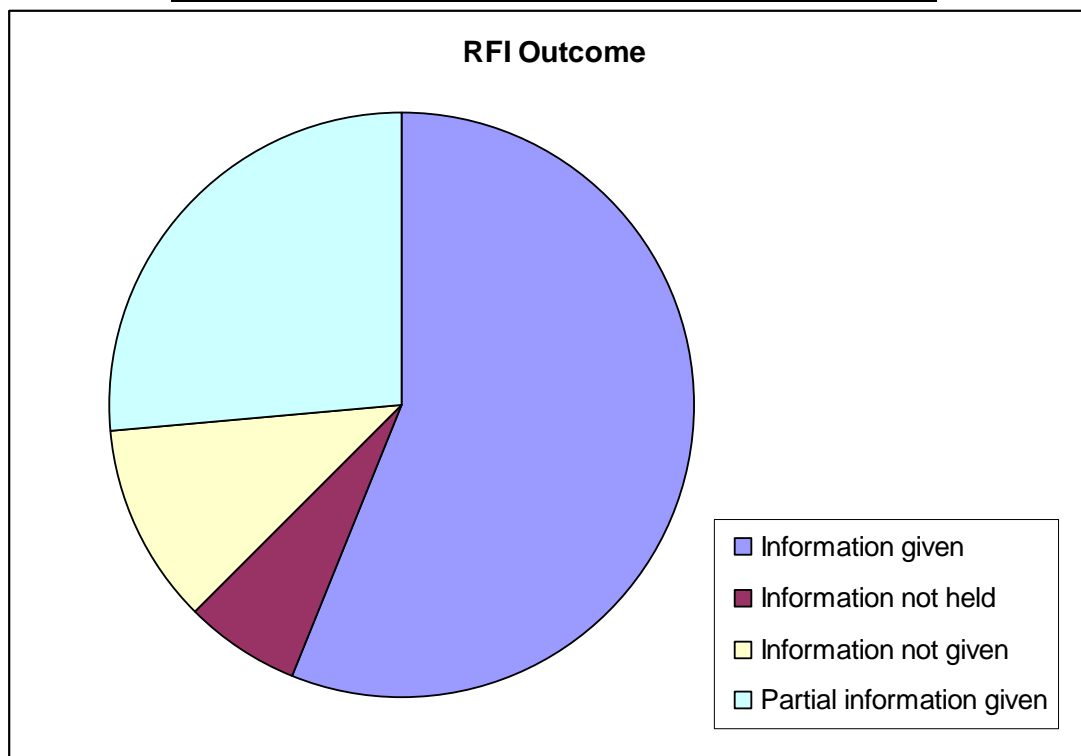
Department	No. of RFIs	% on time
Finance & Corporate Services	424	93%
Transport & Technical Services	292	90%
Children's Services	182	92%
Cross-departmental	132	84%
Environment, Leisure & Residents Services	94	98%
Adult Social Care	79	98%
Housing & Regeneration	64	95%

### 3 Outcomes

#### 3.1 Requests for Information

The figures given below are for all RFIs received under FOIA and EIR for H&F which were due in financial year 2011/12.

RFI Outcome	No of cases
Information given	711
Information not held	82
Information not given, exempt	90
Information not given, cost	21
Information not given, repeat request	1
Information not given, request lapsed	27
Partial information given, part exempt	131
Partial information given, part not held	204
<b>Total</b>	<b>1267</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. The number of times which a particular exemption or exception was applied for cases closed in financial year 2011/12 are given below. These figures are for cases closed in financial year 2011/12 and not for cases due in 2011/12. In some cases more than one exemption/exception will have applied:

<b>Exemption/Exception</b>	<b>Number of times used</b>
<b>Freedom of Information Act 2000</b>	
Section 21 – <i>Information accessible by some other means</i>	69
Section 22 – <i>Intended for future publication</i>	6
Section 31 – <i>Law enforcement</i>	38
Section 34 – <i>Parliamentary privilege</i>	1
Section 36 – <i>Prejudicial to the effective conduct of public affairs</i>	1
Section 38 – <i>Health and safety</i>	1
Section 40 – <i>Personal Information</i>	99
Section 41 – <i>Provided in confidence</i>	28
Section 42 – <i>Legal Professional privilege</i>	3
Section 43 – <i>Commercial Interests</i>	38
Section 44 – <i>Legal prohibitions on disclosure</i>	1
<b>Environmental Information Regulations 2004</b>	
Regulation 12(4)(b) - <i>Manifestly unreasonable</i>	4
Regulation 12(4)(e) - <i>Internal communications</i>	1
Regulation 12(5)(d) - <i>Confidentiality of proceedings</i>	1
Regulation 12(5)(e) - <i>Confidentiality of commercial or industrial information</i>	1
Regulation 13 – <i>Personal Information</i>	2

## 5 Internal Reviews about Requests for Information

If a customer is unhappy with the content of the response that they have received to their RFI or they are dissatisfied with the length of time it has taken to process, they can ask for an Internal Review of their request. Internal Review requests should be responded to within 40 working days. H&F's Information Management Team policy is to provide a response to Internal Review requests within 20 working days and where this is extended to the optimum amount of 40 working days the requestor is advised.

### 5.1 Number of Internal Reviews processed by year

Year	No. of requests	% on time
2011-2012	29	76%
2010-2011	40	45%

### 5.2 Number of Internal Reviews by Department for financial year 2011/12

The table below shows the 2011/12 performance to the time limits by department. All RFI Internal Reviews that required input from more than one department are included here under 'Cross-departmental'.

Department	No. of RFI Internal Reviews	% on time
Finance & Corporate Services	8	75%
Transport & Technical Services	7	86%
Housing & Regeneration	6	50%
Children's Services	3	100%
Adult Social Care	2	100%
Environment, Leisure & Residents Services	2	100%
Cross-departmental	1	0%

### 5.3 Internal Reviews Outcomes for financial year 2011/12

The outcomes of the RFI Internal Reviews were as follows:

Decision	No. of cases
Not Upheld	6
Partly Upheld	14
Upheld	9

Of the 29 Internal Reviews dealt with in 2011/12, in 6 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 23 cases. An Internal Review is "partly

upheld” where the Information Manager agrees 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 H&F’s response to their Internal Review request or their complaint they can approach the Information Commissioner’s Office (ICO) to ask them to review the decision.

In 2011/12, the Information Management Team handled 1 enquiry from the ICO in relation to a decision on an RFI Internal Review. As a result of this enquiry, no further information was released to the requestor as the information was not held by H&F however under section 16 of the Act outlining H&F’s “duty to assist”, the Information Management Team explained how the requestor could submit a new RFI for other related information held by H&F and provided details on information already publicly available on H&F’s website which might be of interest to them. No further action was required by H&F from the ICO.

## **7 ICO Monitoring and Undertaking**

The ICO monitored H&F’s RFI and Internal Review response performance throughout September to November 2010. The outcome of this was that H&F were advised that at least 85% of RFI responses must be responded to within time. In addition to this, on 23 March 2011, H&F was issued with an Undertaking for the Chief Executive to sign. This was signed by the Chief Executive and the Information Commissioner and still stands.

Since this action was taken by the ICO, H&F have set an internal target of 95% of all RFIs to be responded to within time.

The figures in the tables above demonstrate that H&F has vastly improved its response performance, with an increase from 66% in 2010/11 to 92% of all RFIs responded to within time in 2011/12. H&F have regularly achieved the ICO’s advised target of 85% throughout the months of 2011/12 and were close to achieving H&F’s own internal target of 95%. The number of RFI Internal Review requests received also reduced from 40 in 2010/11 to 29 in 2011/12. The reduction in the number of Internal Reviews not only reflects the improved H&F performance against the FOIA and EIR statutory deadlines but also that the quality of the RFI responses has improved.

## **8 Making Council Information Publicly Available**

Aside from those which contain personal data, all responses to RFIs between are published on the H&F website at the following address:

[http://www.lbhf.gov.uk/Directory/Council\\_and\\_Democracy/Data\\_Protection\\_and\\_Free\\_dom\\_of\\_Information/Freedom\\_of\\_Information\\_Act/FOI\\_List\\_By\\_Month.asp](http://www.lbhf.gov.uk/Directory/Council_and_Democracy/Data_Protection_and_Free_dom_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.

The publishing of RFI responses on H&F's website has been temporarily halted whilst the case management software, iCasework, is upgraded and new case workflows are implemented. This work is planned for completion in July 2012, at which point the current log will be improved as users will be able to search across the log rather than browse through a list.

## **9 Cost of service**

The estimated total cost of responding to requests for information for financial year 2011/12 is £148,650. It should be stressed that this is a conservative estimate based only on salaries for the staff in the corporate teams responsible for logging and processing RFIs received, namely the h&f In Touch Team and 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.

## **10 Future developments**

### **10.1 Tri-borough shared services across H&F, the Royal Borough of Kensington and Chelsea (RBK&C) and Westminster City Council (WCC)**

Since April 2012, some of the H&F services have been combined with RBK&C and WCC. It is anticipated that over the next couple of years, this report will also provide details of the RFI performance across these shared services.

### **10.2 Subject access requests (SARs)**

H&F does not currently process all SARs received corporately via a central team. The majority of SARs are managed by the department concerned who employ their own logging and tracking processes therefore there is no central view of all SARs received and processed by H&F currently.

H&F plan to rectify this position during 2012 by using its case management system, iCasework, to log and monitor all SARs received across H&F. This will not only improve the service for H&F's customers but will also allow H&F to accurately report on SARs performance from 2013.