

## FREEDOM OF INFORMATION ANNUAL REPORT 2009/10

The Feedback and Information Team (FIT) is part of Haringey's Chief Executive's Service. They are responsible for ensuring Haringey's compliance with the Freedom of Information Act and the Environmental Information Regulations.

The Freedom of Information (FOI) Act and the Environmental Information Regulations (EIR) are very similar and are dealt with through the same process. The figures given below are for both FOI and EIR requests.

### 1. Responses within 20 days

Public authorities are obliged to reply to FOI/EIR requests within 20 days.

Between April 2009 and March 2010 we responded to a total of **822** requests. We responded to 81% of requests within 20 days. The table below shows how this compares to previous years.

Year	No. of requests	% on time
2009-2010	822	81%
2008-2009	779	86%
2007-2008	499	83%
2006-2007	509	73%
2005-2006	505	65%

Haringey Council manages the FOI process for Homes for Haringey. Their performance is reported separately. In 09/10 Homes for Haringey responded to 39 requests, 72% were responded to on time. In 08/09 Homes for Haringey responded to 29 requests, and again 72% were responded to on time.

### 2. Outcomes

The figures given below are for all FOI requests for both Haringey Council and Homes for Haringey. The combined total for 2009-2010 is 865.

Outcome	No of cases
Information given	635
Information not held	33
Info not given, exempt	30
Info not given, cost	8
Info not given, repeat request	2
Info not given, vexatious request	30
Invalid Request	23
Partial info given, exempt	47
Partial info given, cost	22
Partial info given, repeat request	1
Partial info given, vexatious	4
Partial information given, rest not held	30
<b>Total</b>	<b>865</b>

### 3. Refusals and exemptions

The FOI Act contains exemptions that allow public authorities to withhold information in certain cases. We applied exemptions in 61 cases last year. These were as follows:

Exemption	Number of times used
<b>FOI Act</b>	
Section 21 – <i>Info accessible by some other means</i>	17
Section 22 – <i>Intended for future publication</i>	2
Section 31 – <i>Law Enforcement</i>	1
Section 36 – <i>Prejudicial to the effective conduct of public affairs</i>	2
Section 40 – <i>Personal Information</i>	33
Section 41 – <i>Provided in confidence</i>	2
Section 42 – <i>Legal Professional privilege</i>	1
Section 43 – <i>Commercial Interests</i>	1
<b>EIRs</b>	
Regulation 12 5 (e) – <i>Confidential information protected by law for legitimate economic interest</i>	1
Regulation 13 – <i>Personal Information</i>	1

### 4. Internal reviews and complaints about FOI responses

If a customer is unhappy with the content of the FOI response that they have received to their request, they can ask for an Internal Review of their request. If they are unhappy with the way we handled the request, for example if the response was late, we will treat that as a complaint. We deal with Internal Reviews and complaints about the handling of FOI/EIR requests under the same process and to the same timescale. We handled 39 reviews/complaints, 95% were completed within the 20 working day timescale. The outcomes were as follows:

Decision	No.
Not Upheld	16
Partly Upheld	8
Upheld	15

Of the 39 reviews/complaints dealt with in 09-10, in 16 of the cases the original decision was confirmed or no fault was found. We found fault on the part of the Council in 23 cases. (A review or complaint is “partly upheld” where we agree that we were partly at fault in the way we dealt with the request. For example, most requests ask for more than one piece of information, we may partly uphold a complaint where sufficient information was provided to address most, but not all, of the request).

### 5. 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 our decision.

We handled 9 Enquiries from the Information Commissioner's Office (ICO) in 2009-2010. We replied to 7 of them within 28 Calendar days, 2 were outside of this time period.

Total	Reply on time	Reply out of time
9	7	2

The outcomes were as follows:

- We reconsidered the exemption claimed and released information.
- We explained why exemption was claimed (December 2009), awaiting a decision from the ICO.
- Decision notice issued in favour of the Council (reference fs\_50202969). The Council correctly applied the under Section 36 exemption.
- We provided information about resources in a particular Directorate, ICO satisfied and did not pursue enquiry further.
- We explained why an exemption was claimed (December 2009), awaiting a response/decision from the ICO.
- We explained a decision to treat request as vexatious (October 2009), awaiting a response/decision from the ICO.
- Decision notice issued in favour of the Council (reference fs\_50255127). ICO satisfied that the council had provided all the information that it could.
- The ICO wrote to inform us that requester had been advised to apply for an internal review.
- Complaint that we had not responded to the request, we explained that we had not received it because it was sent to an email address that did not exist (January 2010), awaiting a response/decision from the ICO.