

FREEDOM OF INFORMATION ANNUAL REPORT 2010/11

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 2010 and March 2011 we responded to a total of 875 requests. We responded to 75% of requests within 20 days. The table below shows how this compares to previous years.

| Year | No. of requests | % on time |
|-----------|-----------------|-----------|
| 2010-2011 | 875 | 75% |
| 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 10/11 Homes for Haringey responded to 51 requests, 92% were responded to on time. In 09/10 Homes for Haringey responded to 39 requests, and 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, including invalid requests.

| Outcome | No of cases |
|--|-------------|
| Information given | 645 |
| Information not held | 52 |
| Info not given, exempt | 63 |
| Info not given, cost | 6 |
| Info not given, repeat request | 2 |
| Info not given, vexatious request | 23 |
| Invalid Request | 155 |
| Partial info given, exempt | 59 |
| Partial info given, cost | 25 |
| Partial info given, vexatious | 1 |
| Partial information given, rest not held | 27 |

3. Refusals and exemptions

The FOI Act contains exemptions that allow public authorities to withhold information in certain cases. We applied exemptions in 105 cases last year. These were as follows:

| Exemption | Number of times used |
|--|----------------------|
| FOI Act | |
| Section 21 – <i>Info accessible by some other means</i> | 32 |
| Section 22 – <i>Intended for future publication</i> | 22 |
| Section 31 – <i>Law Enforcement</i> | 31 |
| Section 36 – <i>Prejudicial to the effective conduct of public affairs</i> | 5 |
| Section 40 – <i>Personal Information</i> | 35 |
| Section 41 – <i>Provided in confidence</i> | 3 |
| Section 42 – <i>Legal Professional privilege</i> | 1 |
| Section 43 – <i>Commercial Interests</i> | 5 |
| EIRs | |
| Regulation 12 4 (a) - <i>not held when request received</i> | 1 |
| Regulation 12 5 (a) - <i>disclosure would adversely affect international relations, defence, national security or public safety</i> | 1 |
| Regulation 12 5 (f) - <i>disclosure would adversely affect the interests of a person who provided information where they were not obliged to provide the information</i> | 1 |
| Regulation 13 – <i>Personal Information</i> | 3 |

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 35 reviews/complaints. The outcomes were as follows:

| Decision | No. |
|---------------|-----|
| Not Upheld | 14 |
| Partly Upheld | 12 |
| Upheld | 9 |

Of the 35 reviews/complaints dealt with in 10 /11, in 14 of the cases the original decision was confirmed or no fault was found. We found fault on the part of the Council in 9 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 10 Enquiries from the Information Commissioner's Office (ICO) in 2010-11.

The outcomes were as follows:

- Three of the cases are in progress at the time of writing this report.
- In three cases we responded to the ICO some time ago and are awaiting their response. It is likely these cases are considered resolved.
- One case has been formally closed and the ICO requested no further action.
- Another was closed as the ICO considered the case to have been informally resolved
- The ICO issued a Decision Notice (Case ref: FER0355942). During the course of the investigation we reconsidered the request under EIR and made some information available, but the ICO found us in breach of regulation 5 (2) – time for compliance
- Some further information was disclosed, the rest was agreed by the ICO to be exempt.