

FREEDOM OF INFORMATION ANNUAL REPORT 2012/13

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 2012 and March 2013 we responded to a total of 1150 requests. We responded to 77% of requests within 20 days. The table below shows how this compares to previous years.

Year	No. of requests	% on time
2012-2013	1150	77%
2011-2012	1039	74%
2010-2011	875	75%
2009-2010	822	81%
2008-2009	779	86%
2007-2008	499	83%
2006-2007	509	73%
2005-2006	505	65%

2. When information was not provided, our reasons were:

Outcome	
Information not held	80
Info not given, exempt	108
Info not given, cost	19
Info not given, vexatious request	7

3. Refusals and exemptions

The FOI Act and EIRs contains exemptions that allow public authorities to withhold information in certain cases. We applied exemptions in 108 cases last year. These were as follows:

Exemption	Number of times used
FOI Act	
Section 21 – <i>Info accessible by some other means</i>	10
Section 22 – <i>Intended for future publication</i>	3
Section 31 – <i>Law Enforcement</i>	52
Section 32 – <i>Court Records</i>	1
Section 40 – <i>Personal Information</i>	34
Section 41 – <i>Provided in confidence</i>	1
Section 42 – <i>Legal Professional privilege</i>	1
Section 43 – <i>Commercial Interests</i>	2

Section 44 – <i>Prohibition on disclosure</i>	1
EIRs	
Regulation 12 5 (a) - <i>disclosure would adversely affect international relations, defence, national security or public safety</i>	1
Regulation 12 5 (e) - <i>Commercial confidentiality provided by law</i>	1
Regulation 13 – <i>Personal Information</i>	1

4. Internal reviews and complaints about FOI/EIR responses

If a customer is unhappy with an FOI/EIR response or with the way we handled the request, they can ask for an Internal Review of their request.

We dealt with 66 in 2012-13. The outcomes were as follows:

Decision	No.	%
Not Upheld	31	47
Partly Upheld	14	21
Upheld	21	32

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.

During 12/13 we have responded to 4 formal enquiries from the Information Commissioner’s Office (ICO). The outcomes were: in 3 cases the ICO found against us, one was closed as we had complied with the request.

6. Services receiving most enquiries

The Place and Sustainability directorate dealt with the largest number of enquiries: 396, and responded to 80% on time.

The second busiest was Corporate Resources, who received 212 requests, responding to 77% on time.