

FOI/EIR Processing –2024/2025	
Number Received	776
Number Responded	754
Full Disclosures	337
Partial Disclosures	149
Number Requested Reviews	18
Number Reviews Responded	18
Number ICO Cases received	8
Number Closed	7
ICO Individual Complainants	4
Number ICO <ul style="list-style-type: none"> • Upheld • Partially Upheld • Not Upheld 	3 Upheld 3 Not Upheld 1 Partially Upheld

2.2 MDDC received approximately 776 requests in 2024/25, compared to 617 in 2022/23 and 761 in 2023/24. This indicates an upward trend for enquiries.

2.3 337 requests were responded to fully, that is to say all the information was provided to the requester. Non-disclosure could be due to a number of factors: whether we hold the information, whether we are the correct authority or whether the information was considered exempt. This is a similar number to previous years.

2.4 98.9% of requests were responded to in a 20 working day period, above the 97% target set by MDDC.

3.0 ICO Decision notice summary 2024/25:

3.1 ICO decision notices received in 2024/25 totalled seven. Of these three were upheld, three were not upheld and one was partially upheld. ICO decisions often cover several parts of the act looking at substantive outcomes and the general administrative process that led to the decision notice. The latter does not affect the overall outcome of the decision. For the purposes of the report we have separated the substantive outcomes and summarised administrative issues identified within the decision notices.

3.2 Of the three decision notices that were *not upheld* and one partially upheld: the issues centred on whether information that had previously been exempted should be disclosed or where MDDC assessed that the request would exceed 18 hours. In all these decision notices the ICO found that the information should not be disclosed or that MDDC were right to conclude the request would take excessively long. In the partially upheld decision, information was considered subject to legal professional privilege, but two of the five individual

names redacted would have had a reasonable expectation of their name being placed in the public domain.

- 3.3 The first upheld decision related to a Three Rivers Report. MDDC chose to withhold the whole document, citing commercial sensitivity. The ICO found that the report itself only held limited information that would harm the company and believed MDDC were wrong to withhold the document. This particular report required more careful review upon the initial request. This has been added to the Lessons learned log.
- 3.4 The second upheld decision related to a single page redacted from a report in 2018. This had previously been considered exempt by the ICO and the Tribunal on appeal. MDDC out of caution chose to continue to withhold the information. The ICO believed that enough time had passed to consider the information no longer commercially sensitive. This decision clarified the position at the time the new request was made. This has been added to the Lessons learned log.
- 3.5 The third upheld decision related to whether MDDC held certain information. In this particular case, the question was whether MDDC could compile a list of documents from information in various locations. The ICO found that the MDDC had failed to conduct a 'building blocks' search. This decision notice highlighted important issues in the request process with this particular request. As a result the Information Management team has worked to improve dialogue with departments and improve the independence of the review process to ensure improved quality of response.
- 3.6 Some administrative issues were identified in the decision notices above. These were around time keeping with two of the requests exceeding 20 working days and the choice of legislative framework. In two of the Decision notices the ICO believed the EIR was preferable to the FOI framework. One decision referenced issues with a particular response as it did not go into adequate detail. Procedures have been put into place to limit the issues identified. Limits on departmental resources and the occasional difficulties defining what falls under EIR may impact the possibility to limit some administrative outcomes.

4.0 **Ongoing projects**

- 4.1 Work is ongoing to improve the website. This includes looking into improving the presentation of the disclosure logs. This is part of a wider project to improve the presentation of the access to Information part of the website.
- 4.2 A new webpage dedicated to the information published under the transparency code has been published, this has been a project in development for some time. Since publishing this has received a relatively

high level engagement compared to the disclosure logs. Further improvements are looking to be made to this webpage.

- 4.3 We are currently in the process of updating and improving the publication scheme with intention of formatting the page in a similar way to the transparency code. This will catalogue all the information already published on the website in one easily accessible page that will be updated regularly.

5.0 Conclusion

MDDC continues to invest in ongoing training of our Information Management office to ensure the best responses for our residents and support transparency. This is borne out by our performance figures. Of the 776 requests received in year only 1.7% generated a review, or 1% referred to the ICO.

Financial Implications: FOI/EIR misconduct can lead to a fine under section 77 or Regulation 19 in FOI/EIR. These are in only specific circumstances.

Legal Implications: Failure to process or apply regulatory frameworks at a wide scale may lead to enforcement action by the ICO. Specific misconduct may lead to criminal enforcement under Section 77/Regulation 19.

Risk Assessment: Failure to process or apply regulatory requirements under EIR/FOI may well lead to enforcement action and may result in reputational damage and operational impact.

Impact on Climate Change – This report and activities documented within have no impact on our climate agenda

Equalities Impact Assessment - Freedom of Information requests are anonymised when submitted to services. While FOI requests are required to be in writing, MDDC facilitates verbal requests and provides in a variety of formats where necessary.

Relationship to Corporate Plan - Community, People and Equalities – Involving and engaging our communities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 27.5.25

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 27.5.25

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 27.5.25

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 07 May 2025

Cabinet member notified: (yes/no)

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (Yes/No)

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (Yes/No)

Section 4 - Contact Details and Background Papers

Contact: Lisa Lewis, Head of Digital Transformation & Customer Engagement
Email: llewis@middevon.gov.uk
Telephone: 01884 234981

Background papers: Appendix 1, exemptions referenced in ICO decision notices.

Appendix 1

Sections applied in decision notices dated Apr 2024 to March 2025. The majority of these are exemptions, however some are administrative aspects of FOI/EIR.

Regulation 5(1)/5(2) – This is not an exemption, but rather applied when establishing whether MDDC applied the correct framework (FOI or EIR).

Regulation 12(4)(d) – This exemption is applied to information that relates to the confidentiality of proceedings. In this case applied to pre-application advice.

Section 1 – this is applied when establishing whether MDDC holds information, this is not necessarily an exemption.

Section 12 – is where a request is refused because to complete

Section 42(2) Regulation 12(5)(b) – This exemption is applied to information that would, if disclosed, impact the course of justice, including but not limited to Legal Professional Privilege.

Section 43(2) and Regulation 12(5)(e) – This is Information that is Commercially Confidential Information.

Section 40(2) Regulation 13(1) – This exemption is applied to personal data as defined in UK GDPR.