

Report for: **Scrutiny Committee**

Date of Meeting: 09/06/2025

Subject: Quarter 4 Report into Freedom of Information and Environmental Information Requests.

Cabinet Member: Cllr David Wulff, Cabinet member for Quality of Living, Equalities and Public Health

Responsible Officer: Head of Digital Transformation & Customer Engagement

Exempt: Not applicable

Wards Affected: All

Enclosures: Appendices 1- 2

Section 1 – Summary and Recommendation(s)

To provide a quarterly report into the monitoring Freedom of Information (FOI) and Environmental Information Requests (EIR), and to update on any decision notices that are provided in this period.

Recommendation(s):

- To note the quarterly update on FOI/EIR monitoring.

Section 2 – Report

1.0 Introduction

1.1 This is the continuation of the quarterly report requested in the Scrutiny Committee on 16th December 2024. To provide a dashboard update current status with FOI/EIR request.

2.0 Quarter 4 2024 monitoring

2.1 The monitoring Dashboard for Quarter 4 is available in Appendix 2.

2.2 The number of requests received shows an increase from previous quarters; 20% higher than average. However these have predominantly been for other local authorities so while it was necessary to process it did not lead to an increase in volume of work. This will affect the full disclosure figures.

- 2.3 Of the 236, one request exceeded the 20 working day period due to capacity issues in a service, making the percent responded to within the statutory time frame 99.58%.
- 2.4 Information Commissioner's Office (ICO) cases closed in the quarter numbered two. Of these one required no further action (not upheld) and confirmed that MDDC were correct to apply Regulation 12(5)(d), the second (partially upheld) found that we were correct to apply Regulation 12(5)(b). The ICO found that 2 of the 5 redacted names were public facing and therefore should be disclosed to the complainant.
- 3.0 **Future developments**
- 3.1 We are in the process of amending the disclosure logs to provide responses on the website rather than the current list approach. This remains on schedule for end of Q1 2025. Historic data will remain in existing disclosure format.
- 3.2 As part of the review of our disclosure system and wider access to information, MDDC has collated and published a dedicated transparency code page and is conducting work to update our publication scheme to allow the public to more easily locate information already publicly available.

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. 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. No

Section 4 - Contact Details and Background Papers

Contact: Lisa Lewis, Head of Digital Transformation & Customer Engagement

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

Appendix 1

Exemptions applied in decision notices dated January – March 2025.

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.

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.

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

Note: these are the only exemptions referenced in the report and do not constitute a comprehensive list of exemptions or exclusions under the legislation or regulations.