

# **Information Governance Annual FOI Performance Report 2011-12**

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## **1. Summary**

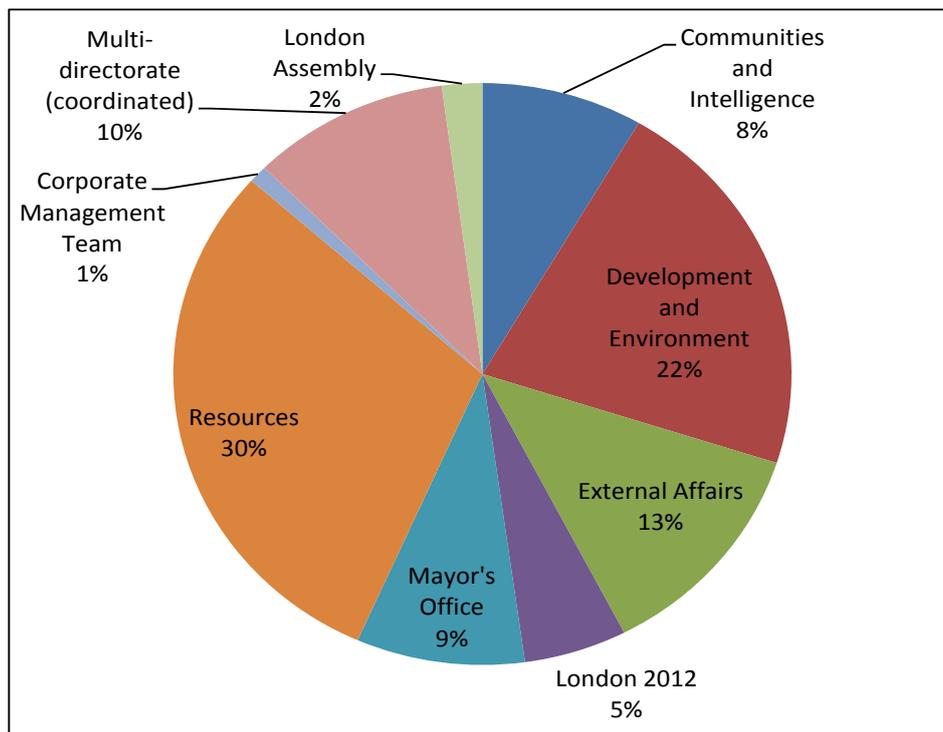
This report analyses the GLA's performance in dealing with Freedom of Information (FOI) requests between 1 April 2011 and 31 March 2012. The GLA counts FOI requests as non-routine written requests for recorded information, including requests for environmental information which are handled under the Environmental Information Regulations 2004 (EIR).

The GLA received 521 FOI requests in 2011-12, 80% of which were answered on time (20 working days). This is a 19% increase in the number of requests received in 2010-11 and an 85% increase in volume since the FOI Act began in 2005.

Despite the significant volume of requests, complaints about the GLA's responses were made in just 2% of cases. The Information Commissioner investigated two complaints about responses the GLA had provided: one led to an informal resolution with the complainant and the other led to the issuing of a Decision Notice finding the GLA in breach of the FOI Act. The GLA subsequently released the previously withheld information in accordance with the Information Commissioner's ruling.

## **2. FOI request volume and deadlines met**

### **2.1 Proportion of FOI requests by directorate**



**Figure 1: Proportion of requests by directorate**

The Resources directorate dealt with the most number of requests (30%) with finance, human resources, facilities management and IT proving popular subjects for requests (see figure 3 for the full list of the most common request topics).

The Development and Environment directorate handled 22% of the GLA's requests with transport issues and planning matters particularly common subjects.

Elsewhere, interest in the build up to the Olympics meant that London 2012 Co-ordination responded to 5% of the GLA's requests. Ten per cent of requests asked for information held by more than one directorate and were therefore coordinated by the Information Governance team. Just 2% of requests were related to the London Assembly.

## 2.2 Performance by directorate

Directorate	Proportion of responses answered on time
Corporate Management	100%
London Assembly & Secretariat	100%
External Affairs	94%
Resources	84%
Communities and Intelligence	84%
London 2012	82%
Development and Environment	80%
Multi-directorate (coordinated requests)	65%

**Figure 2: Response timeliness by directorate**

As compliance with the FOI Act is a statutory obligation, the GLA's performance target for responding to requests on time (within 20 working days) is 100%. In 2011-12, the London Assembly and the Corporate Management Team achieved this target, although together they only account for 3% of the GLA's requests. External Affairs performed well, responding on time in 94% of cases. The remaining directorates achieved compliance rates of between 80-84%. Multi-directorate requests, reflecting the challenge of retrieving information from various teams and consulting with multiple individuals, were responded to on time in 65% of cases.

## 3. Complaints

### 3.1 Internal reviews

The GLA received 12 complaints about its FOI responses. This equates to just 2% of the total requests received. Any expression of dissatisfaction is considered as a request for an internal review: an independent re-assessment of how the request was handled, conducted by someone who had no involvement with the original request.

Five complaints were regarding the timeliness of responses, five disputed the validity of exemptions applied to withhold information, and two believed that further information was held. Five of the complaints were upheld and seven were not upheld.

### 3.2 Complaints to the Information Commissioner

Two substantive complaints about the GLA were made to the Information Commissioner, both relating to information that was withheld. In one case an informal resolution was reached with the complainant by providing a summarised version of the

withheld information. In the other case, the Information Commissioner issued a Decision Notice<sup>1</sup> finding that the GLA had partially applied two exemptions correctly but had incorrectly applied another exemption. The GLA decided to comply with the Decision Notice and consequently released the previously withheld information, redacting only limited information in accordance with the Decision Notice.

## 4. Request trends

### 4.1 Subjects of requests

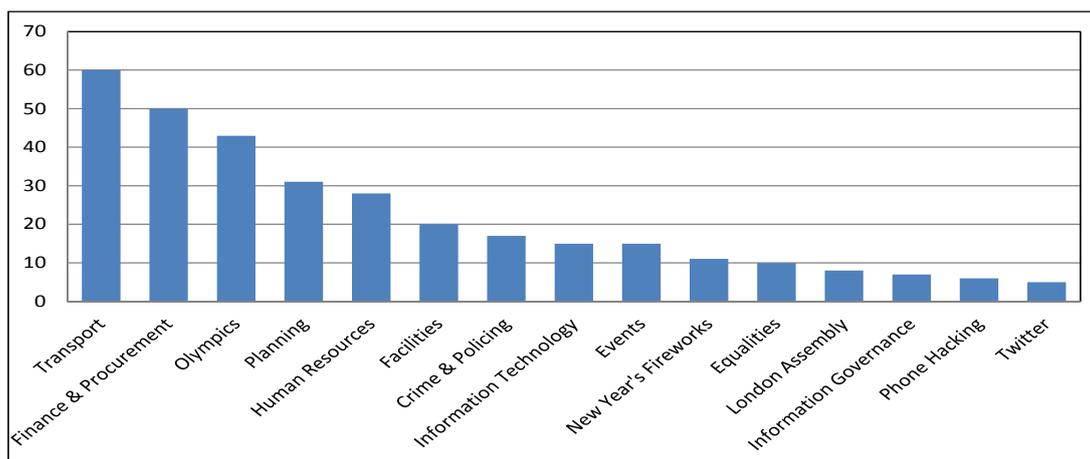


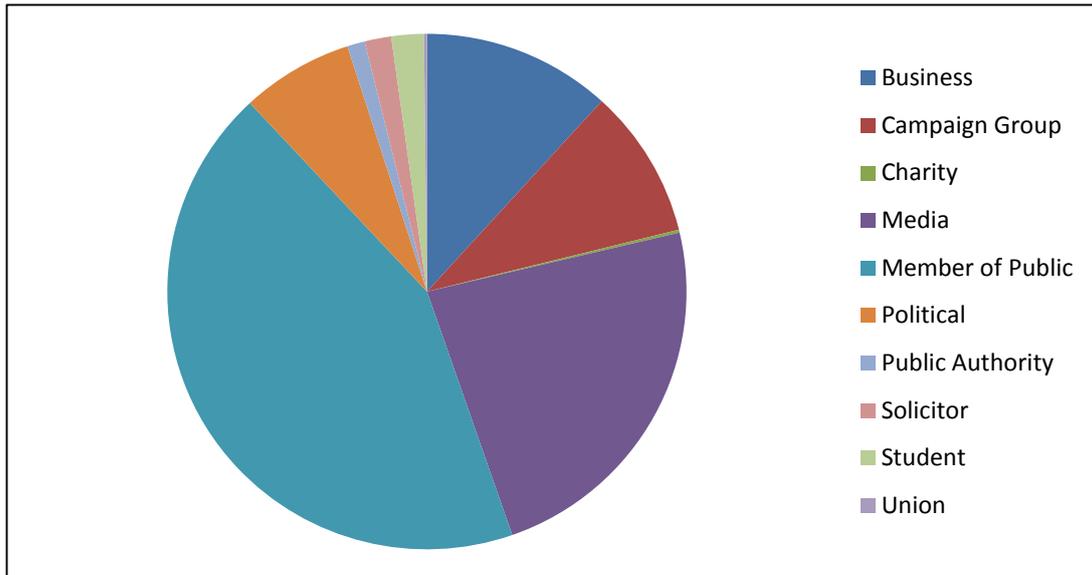
Figure 3: Subject areas of FOI requests

The most common recorded subjects of FOI requests sent to the GLA can be seen in figure 3. The requests reflect some of the Mayor's priorities and major policy areas such as transport, planning, policing and crime, and equalities. A significant number of requests focus on the efficiency, performance and transparency of the GLA as an organisation (eg details on expenditure and contracts, individuals' expenses, staff structures and make-up). The staging of the 2012 Olympics was the most common specific topic for requests in 2011-12, with information sought on the Olympic stadium, ticketing, the Orbit, contracts etc. Examples of how news-driven events can lead to a spate of FOI requests is evidenced by the inclusion of phone hacking and the use of the Mayor's Twitter account as popular subjects for requests.

### 4.2 Source of requests

In accordance with the FOI Act, the GLA maintains an 'applicant-blind' approach when providing information in response to requests. The type of FOI requester is recorded by the Information Governance team to help identify where the main demand for information originates and to enable the GLA to manage the process of disclosure in an appropriate way.

<sup>1</sup> [http://www.ico.gov.uk/~media/documents/decisionnotices/2012/fs\\_50431334.ashx](http://www.ico.gov.uk/~media/documents/decisionnotices/2012/fs_50431334.ashx)



**Figure 4: Source of FOI requests**

The two main types of requester are members of the public (43% of cases) and journalists (23%), although it should be noted that all requesters that use personal email addresses are categorised as members of the public unless they state otherwise. Seventeen per cent of requests from the public came via whatdotheyknow.com, a website where requests can be easily made and tracked, and responses are automatically published.

## **5. Transparency**

### **5.1 Exemptions from disclosure**

There is a presumption of disclosure under the FOI Act so requested information must be released unless one or more of the limited exemptions in the Act is engaged. For the majority of exemptions, a public interest test also needs to be conducted to determine whether the public interest in applying the exemption outweighs the public interest in disclosure. Any use of exemptions is approved by the Information Governance team and signed-off by a senior manager. The table at figure 5 shows the number and type of exemptions used in 2011-12.

<b>FOI/EIR exemption</b>	<b>Number of times applied</b>
FOIA s40 – Personal information	29
FOIA s43 – Commercial interests	21
FOIA s12 – Exceeds appropriate limit	17
FOIA s41 – Information provided in confidence	10
FOIA s36 – Effective conduct of public affairs	7
EIR 12(5)(e) – Commercial confidence	7
FOIA s42 – Legal privilege	6
FOIA s38 – Health and safety	5
FOIA s14 – Vexatious/repeated	4
FOIA s31 – Law enforcement	3
EIR 13 – Personal information	3

FOIA s22 – Accessible by other means	2
EIR 12(4)(d) – Internal communications	2
EIR 12(5)(a) – International relations	2
FOIA s22 – Intended for future publication	1
EIR 12(5)(b) – Course of justice	1
EIR 12(5)(f) – Interests of the individual	1

**Figure 5: Exemptions applied to withhold information**

The most frequently used exemption is that for withholding personal information. It is often used to protect the identities of third parties (including members of the public) whose correspondence may be caught by a request, as well as junior officers of the GLA and other organisations who would have no reasonable expectation that their names would be disclosed into the public domain.

Commercially sensitive information and information provided to the GLA in confidence is regularly withheld to protect the competitive interests of the GLA's business partners and to enable the GLA itself to make the best use of public funds.

The FOI cost limit was used to refuse requests in only 3% of cases and requests were deemed repeated or vexatious in less than 1% of cases.

## **5.2 FOI disclosure log**

Throughout 2011-12, the GLA continued to publish responses to FOI requests that were of a wider public interest on a 'disclosure log' at [london.gov.uk](http://london.gov.uk). From June 2012, all information provided in response to FOI requests received by the GLA was made available on the disclosure log, backdated to January 2012.