

Information Governance Annual FOI Performance Report 2012-13

1. SUMMARY	2
2. FOI REQUEST VOLUME AND DEADLINES MET	2
2.1 Proportion of FOI requests by directorate	2
2.2 Performance by directorate and team	3
2.3 Risk of monitoring by the Information Commissioner.....	5
3. COMPLAINTS	5
3.1 Internal reviews	5
3.2 Complaints to the Information Commissioner.....	5
4. REQUEST TRENDS	6
4.1 Subjects of requests.....	6
4.2 Source of requests.....	6
5. TRANSPARENCY	7
5.1 Exemptions from disclosure	7
6. COMPARISON WITH FUNCTIONAL BODIES AND GOVERNMENT	8
6.1 GLA Group	8
6.2 Government departments	9

1. Summary

This report analyses the GLA's performance in dealing with Freedom of Information (FOI) requests between 1 April 2012 and 31 March 2013. 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 470 FOI requests in 2012-13, 87% of which were answered on time (20 working days). The GLA's FOI performance improved by seven percentage points in 2012-13 and was the highest for three years. Work to improve performance has included: keeping senior managers updated on their own teams' FOI performance; providing additional assistance to officers dealing with particularly complex or time consuming requests; regular communications and reminders to staff; and a mandatory FOI training session for new starters, emphasising the importance of dealing with requests swiftly and providing best practice tips.

Requests for internal reviews of GLA's responses were made in just 4% of cases and the Information Commissioner investigated three complaints about responses the GLA had provided.

2. FOI request volume and deadlines met

2.1 Proportion of FOI requests by directorate

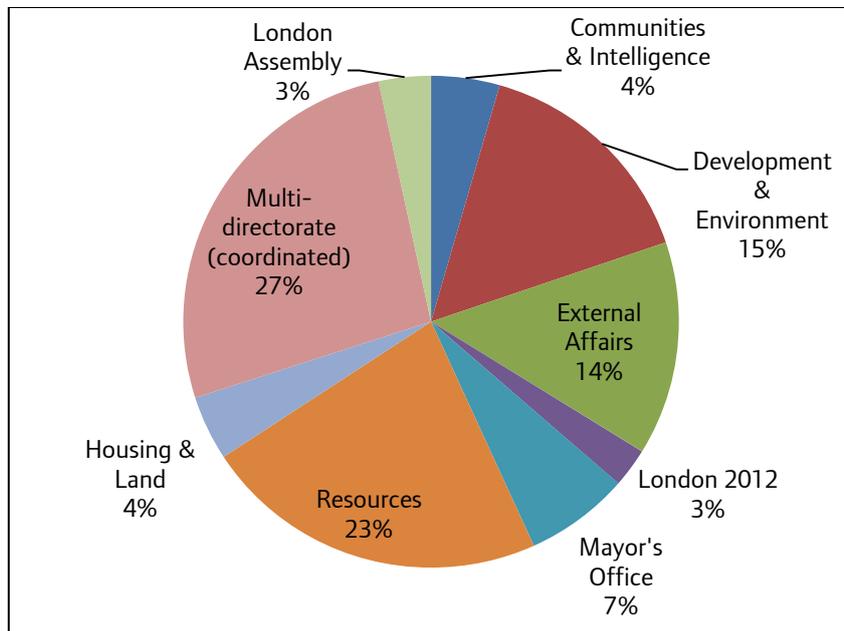


Figure 1: Proportion of requests by directorate

In contrast to the previous year when multi-directorate requests accounted for just 10% of the GLA's requests, in 2012-13 the Information Governance team coordinated responses for 27% of all requests, more than any single directorate. This reflects the broader and more complex nature of requests the GLA has received, involving the retrieval of information from across City Hall.

After these multi-directorate requests, the Resources directorate dealt with the most number of requests (23%) with finance, human resources, facilities management and IT related matters continuing to be popular subjects for requests (30% of requests in 2011-12 were allocated to Resources). See figure 4 for the full list of the most common request topics.

The Development & Environment directorate handled 15% of the GLA's requests with transport issues and planning matters proving to be of interest. They are followed by External Affairs with 14% of requests (largely relating to cultural events and festivals throughout the year).

2.2 Performance by directorate and team

Directorate	Proportion of responses answered on time
Communities & Intelligence	100%
London Assembly and Secretariat	100%
Resources	93%
External Affairs	92%
Housing & Land	85%
London 2012	83%
Multi-directorate	83%
Development & Environment	82%

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 2012-13, the Communities & Intelligence directorate and the London Assembly and Secretariat achieved this target, although together they only account for 7% of the GLA's requests. Resources and External Affairs (who together account for 37% of the GLA's requests) performed well, responding on time in 93% and 92% of cases respectively. The remaining directorates (who received almost half of all GLA requests) achieved compliance rates of between 82-85%. See figure 3 for a breakdown of FOI performance by team.

Directorate	Team	FOI requests received	Deadlines missed
Communities and Intelligence	Economic & Business Policy*	3	0
	Health & Communities	14	0
	Intelligence & Analysis	4	0
	Directorate Total	21	0
Development and Environment	Capital Projects & Design	3	2
	Economic & Business Policy*	4	1
	Planning	25	2
	Regeneration & Investment	0	0
	Transport & Environment	40	8
	Directorate Total	72	13
External Affairs	Government & Int'l Relations	4	1
	London Engagement	14	3
	Press	0	0
	PLU	48	1
	Directorate Total	66	5
Housing & Land	Housing Investment	8	3
	Housing Policy Strategy	1	0
	Land & Development	10	0
	Programme Delivery**	1	0
	London Thames Gateway Unit	0	0
	Directorate Total	20	3
London 2012***			
	Directorate Total	12	2
Mayor's Office			
	Mayor's Office Total	32	9
Resources	EPMU	2	0
	Facilities Management	7	2
	Finance	36	3
	Human Resources	41	2
	Information Technology	20	0
	Directorate Total	106	7
London Assembly & Secretariat			
	Directorate Total	16	0
Multi-directorate requests		125	21
GLA TOTAL		470	60

Figure 3: Request breakdown and performance by team

*Economic & Business Policy Unit changed directorates (Q1 and Q2 C&I, Q3 and Q4 D&E)

**Introduction of team to Housing & Land directorate in Q3 and Q4

***London 2012 team figures from Q1-Q3 (team disbanded post Olympics)

2.3 Risk of monitoring by the Information Commissioner

The Information Commissioner's Office (ICO) currently monitors public authorities that repeatedly or seriously fail to respond to FOI requests within the appropriate timescales. The ICO is likely to contact authorities if they have received three or more complaints concerning delay about an authority within a six month period; or if it appears that less than 85% of requests are receiving a response within deadline. Monitoring may be a precursor to further action if an authority is unable to demonstrate an improvement within a specified timescale.

Given the GLA responded to 87% of its requests on time in 2012-13 it is, on the whole, managing to avoid compliance monitoring by the ICO. However, the ICO has lowered its threshold for instigating monitoring by reducing the number of complaints citing delays required to trigger monitoring from six to three in a six month period.

Any monitoring action would require extra measures to be put in place to improve performance and would lead to some negative publicity (the ICO publishes its list of monitored authorities and their subsequent performance¹).

3. Complaints

3.1 Internal reviews

The GLA received 18 complaints about its FOI responses. This equates to just 4% 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.

Nine complaints disputed the validity of exemptions applied to withhold information; four were regarding the lateness of responses; three believed that further information was held; one complaint was regarding a refusal on FOI cost grounds and one appealed the GLA's decision to refuse a previous request for being vexatious. Eight of the complaints were not upheld, four were upheld in full and six were partially upheld. Further information was released to complainants following five of the internal reviews.

3.2 Complaints to the Information Commissioner

Three substantive complaints about the GLA were made to the Information Commissioner. Under the EIR, the Commissioner upheld the GLA's use of exceptions to withhold information relating to the GLA's work on the Air Quality Initiative of the Regions². This included draft and incomplete documents and information which would have an adverse effect on international relations if released.

The Commissioner also upheld the GLA's refusal of a request for information relating to Fourth Plinth artworks on the grounds that responding would exceed the FOI appropriate limit³. However, the GLA was also criticised for not providing sufficient advice and assistance to the requester to enable them to narrow the scope of their request.

¹ http://www.ico.org.uk/what_we_cover/monitoring_compliance

² http://www.ico.org.uk/~media/documents/decisionnotices/2013/fer_0461287.ashx

³ http://www.ico.org.uk/~media/documents/decisionnotices/2013/fs_50465965.ashx

In a third complaint to the Information Commissioner, the GLA reached an informal resolution with the complainant by reconsidering the request and releasing all of the relevant information held except for four minor redactions.

4. Request trends

4.1 Subjects of requests

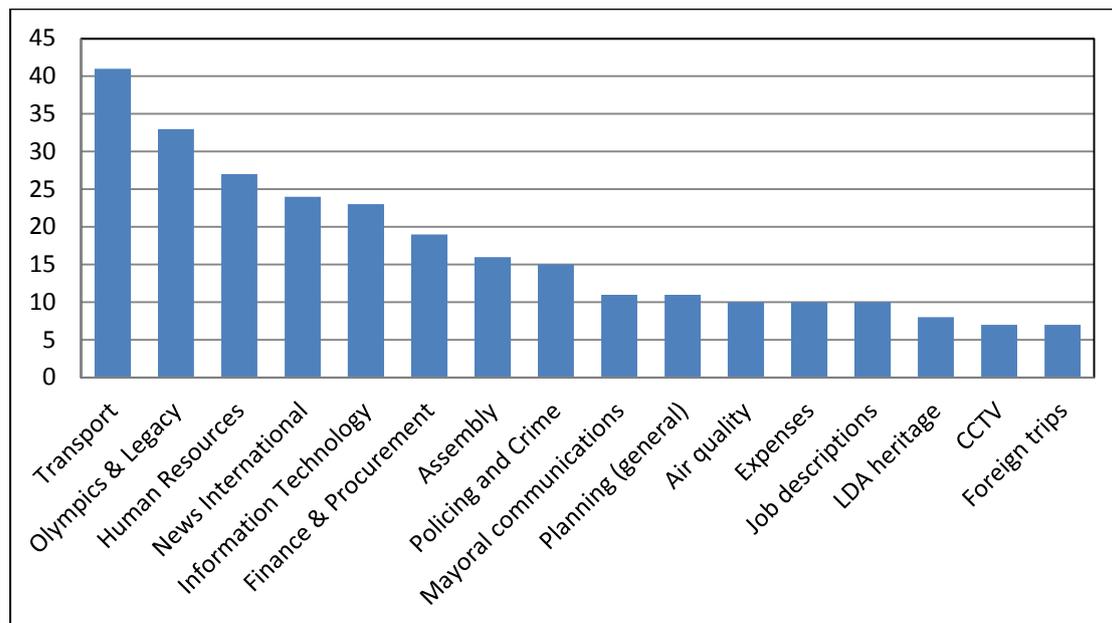


Figure 4: Subject areas of FOI requests

The most common recorded subjects of FOI requests sent to the GLA can be seen in figure 4. The requests reflect some of the Mayor’s ongoing priorities and major policy areas, including transport, policing and crime, planning and the environment.

The staging of the 2012 Olympics and its legacy was understandably the most common specific topic for requests (it was also the third most common subject of requests in the previous year).

As in previous years, a significant number of requests focus on the efficiency, performance and transparency of the GLA as an organisation (eg corporate structure, expenditure and contracts, expenses and job descriptions).

An example of how news-driven events can lead to a spate of FOI requests is evidenced by the volume of News International-related requests received by the GLA against the backdrop of the phone hacking allegations.

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.

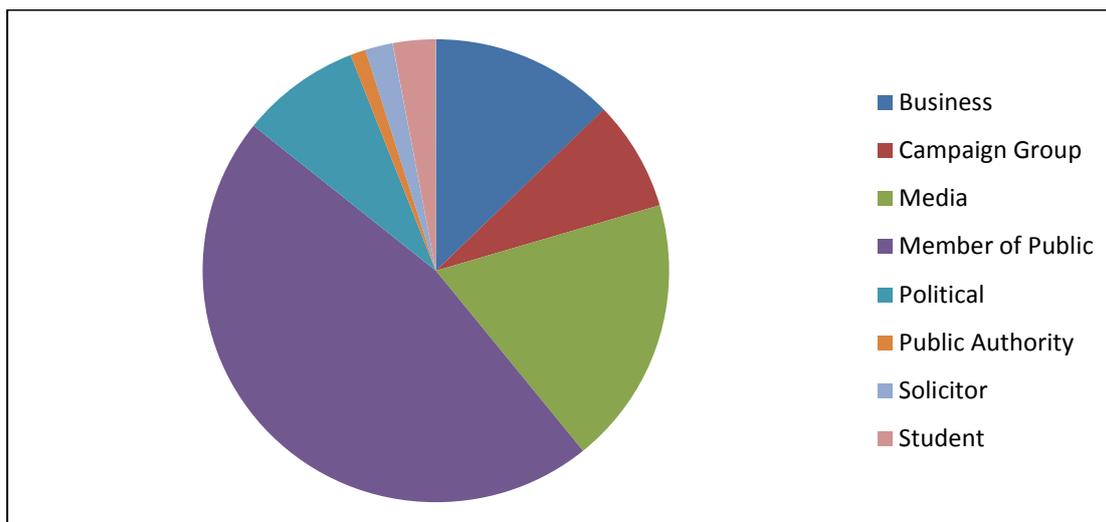


Figure 5: Source of FOI requests

Almost half of all requests to the GLA come from members of the public (47% of cases); 15% of these come via whatdotheyknow.com, a website where requests can be easily made via anonymous email addresses, and responses are automatically published online.

Nineteen per cent of requests were made by journalists looking for potential news stories and 13% of requests came from business organisations that can be scoping for potential business (eg IT suppliers) or seeking information relating to GLA procurement exercises.

Campaign groups and politicians each account for 8% of requests.

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 6 shows the number and type of exemptions used in 2012-13.

FOI/EIR exemption	Number of times applied
FOIA s12 – Exceeds appropriate limit	27
FOIA s40 – Personal information	13
FOIA s14 – Vexatious/repeated	6
FOIA s43 – Commercial interests	5
FOIA s41 – Information provided in confidence	4
FOIA s36 – Effective conduct of public affairs	4
EIR 12(5)(e) – Commercial confidence	4
EIR 12(4)(d) – Draft or incomplete material	4

FOIA s42 – Legal privilege	3
FOIA s38 – Health and safety	3
EIR 12(4)(e) – Internal communications	3
FOIA s21 – Accessible by other means	2
EIR 13 – Personal information	2
EIR 12(5)(b) – Course of justice	2
FOIA s31 – Law enforcement	1
EIR 12(5)(a) – International relations	1

Figure 6: Exemptions applied to withhold information

Excessive cost was the main reason for non-disclosure of information in 2012-13. The threshold is set at £450 or 18 hours of work and 6% of requests would have exceeded this limit.

After cost, the most frequently used exemption was that for withholding personal information. It is 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 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.

6. Comparison with functional bodies and Government

6.1 GLA Group

Authority	Financial year	Requests received	Proportion of requests on time
GLA	2012-13	470	87%
	2011-12	521	80%
	2010-11	436	86%
TfL	2012-13	2345	85%
	2011-12	2509	85%
	2010-11	1823	77%
LFEPA	2012-13	252	98%
	2011-12	264	94%
	2010-11	390	92%
MOPAC	2012-13	168	86%
	2011-12	87	83%
	2010-11	78	94%

Figure 7: GLA Group 2010-11/2011-12/2012-13 comparison

Looking at the year-on-year data in figure 7, the GLA, TfL and LFEPA experienced a slight decrease in the number of FOI requests received in 2012-13. MOPAC, however, experienced a 93% rise in the number of requests received.

The proportion of GLA, LFEPA and MOPAC responses meeting their deadline increased by seven, four and three percentage points respectively from the previous financial year, whereas TfL's compliance rate remained the same at 85%.

6.2 Government departments

Government department	Requests received	Proportion of requests meeting deadline
Department for Culture, Media and Sport	571	99.8%
Department of Health	1897	99.7%
Attorney General's Office	165	98.8%
Department for International Development	397	98.7%
Department for Business, Innovation and Skills	937	97.3%
HM Treasury	2795	97.2%
Department of Energy and Climate Change	656	96.5%
Department for Transport	3123	95.8%
Northern Ireland Office	204	94.6%
Scotland Office	136	94.1%
Foreign and Commonwealth Office	1232	93.8%
Department for Environment, Food and Rural Affairs	672	92.4%
Cabinet Office	1565	91.3%
Ministry of Justice	3378	90.9%
Department for Communities and Local Government	849	90.8%
Ministry of Defence	3454	86.6%
Department for Work and Pensions	4900	85.2%
Department for Education	1436	83.0%
Wales Office	134	82.1%
Export Credits Guarantee Department	64	73.4%
Home Office	4112	72.5%

Figure 8: Government departments' 2012-13 FOI performance

The level of FOI performance across central government departments was fairly high in 2012-13, although there were a number of departments falling below the ICO monitoring threshold of 85% deadlines met (Department for Education, Wales Office, Export Credits Guarantee Department and Home Office).