

# Information Governance Annual FOIA Performance Report 2013-14

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## 1. Summary

This report analyses the GLA's performance in dealing with Freedom of Information Act (FoIA) requests between 1 April 2013 and 31 March 2014. The GLA counts FoIA requests as non-routine written requests for recorded information held by the GLA, including requests for environmental information which are handled under the Environmental Information Regulations 2004 (EIR).

The GLA received 495 FoIA requests in 2013-14, the second highest volume of requests received by the organisation. This represents a modest increase of 3.5% in the number of requests received in 2012-13, continuing the increasing trend since the introduction of the FoI Act in 2005 – an average increase of 9.9% per year.

The GLA answered 92% (455) of these requests on time - i.e. within 20 working days or after a permitted extension to that deadline. Not only was this an improvement of five percentage points over 2011-12, but it represents highest level of compliance for the GLA since the Act was introduced, matching the authority's performance from 2006-7.

Despite this steady increase in the number of requests and the improvement in our case handling performance, complaints about the GLA's response were made in just 2% of cases. Furthermore, the Information Commissioner was only asked to investigate two complaints about responses the GLA had provided.

## 2. Request volume and deadlines met

### 2.1 Proportion of requests by directorate

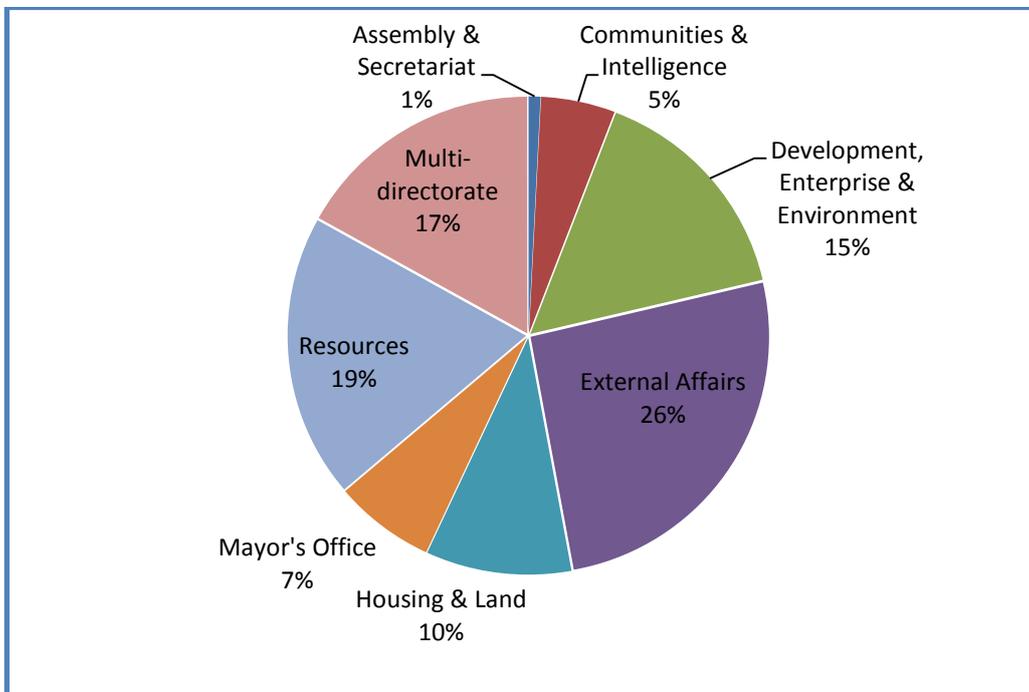


Figure 1: Proportion of requests by directorate

A particularly notable change over the past year has been the number of requests handled by the *External Affairs* directorate. They responded to 128 requests over the course of the year, double the number of requests they received in 2012-13. This reflects the increased role played by the Public Liaison Unit in responding applicants with

a prompt response to some of the simpler requests received by the GLA, often where the requested information is not held by the organisation.

The *Housing & Land* directorate also saw a dramatic increase in FoIA activity in 2013-14, receiving two-and-a-half times the number of requests as they did in 2012-13.

The *Development, Enterprise & Environment* and *Resources* directorates only saw a small variation in the number of requests they received compared to last year. However, the percentage of requests allocated to the *Resources* directorate dropped to 19% of all requests received by the GLA from 27% last year.

One of two areas of the GLA that saw a surprising decline in requests received under FoIA and the EIR were the *London Assembly and Secretariat*, who received just a quarter of the number of requests that they handled in 2012-13.

The other unexpected drop in request was in the number of multi-directorate, or coordinated, requests that are handled by the Information Governance team. These represent some of the broader and more complicated requests we receive, involving the retrieval of information from across the organisation. The past year saw the number of these requests drop by a third; only accounting for 17% of the total number of requests, down from 27% in 2012-13.

## 2.2 Performance by directorate and team

Directorate	Proportion of responses answered on time
Corporate Management Team	100%
External Affairs	100%
London Assembly and Secretariat	100%
Communities & Intelligence	92%
Development & Environment	92%
Multi-directorate	92%
Housing & Land	90%
Resources	86%

**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 2013-14, the Corporate Management Team, External Affairs and the London Assembly and Secretariat achieved this target, between them accounting for 27% of the GLA's requests.

The Communities & Intelligence, Development Enterprise & Environment, and Housing & Land directorates delivered strong performances, as were the multi-directorate requests coordinated by the Information Governance team. Combined, this meant 74% of all the requests received by the GLA exceeded the 90% performance benchmark set by the Information Commissioner's Office.

The table below provides a breakdown of request performance by team.

Directorate	Team	FOI requests received	Deadlines missed
<b>Communities and Intelligence</b>	Team London	0	0
	Health & Communities	20	1
	Intelligence & Analysis	5	1
	<b>Directorate Total</b>	<b>25</b>	<b>2</b>
<b>Corporate Management Team</b>			
	<b>Directorate Total</b>	<b>1</b>	<b>0</b>
<b>Development and Environment</b>	Economic & Business Policy Unit	8	3
	Environment Team	10	1
	Planning	32	2
	Regeneration	5	0
	Transport	22	0
	<b>Directorate Total</b>	<b>77</b>	<b>6</b>
<b>External Affairs</b>	London Engagement	5	0
	Press	1	0
	Public Liaison Unit	122	0
	<b>Directorate Total</b>	<b>128</b>	<b>0</b>
<b>Housing &amp; Land</b>	Investment & Operations	12	0
	Land & Development	3	0
	London Legacy Development Corporation (LLDC)	5	0
	London Thames Gateway Unit	0	0
	Programme Delivery	17	3
	Strategic Policy & Property	12	2
	<b>Directorate Total</b>	<b>49</b>	<b>5</b>
<b>Mayor's Office</b>			
	<b>Mayor's Office Total</b>	<b>34</b>	<b>12</b>
<b>Resources</b>	EPMU	1	0
	Facilities Management	16	0
	Finance	21	6
	Group Finance	7	1
	Human Resources	30	0
	Information Technology	18	1
	<b>Directorate Total</b>	<b>93</b>	<b>8</b>
<b>London Assembly &amp; Secretariat</b>			
	<b>Directorate Total</b>	<b>4</b>	<b>0</b>
<b>Multi-directorate requests</b>		<b>84</b>	<b>7</b>
<b>GLA TOTAL</b>		<b>495</b>	<b>40</b>

Figure 3: Request breakdown and performance by team

### **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 FoIA requests within the appropriate timescales.

The ICO may contact authorities if their analysis of complaints they receive suggests that they have received three or more complaints citing delays within a six month period, or it appears that less than 85% of requests are receiving a response within the appropriate timescales. Monitoring may be a precursor to further action if an authority is unable to demonstrate an improvement within a specified timescale.

The GLA responded to 92% of its requests on time in 2013-14, improving performance by twelve percentage points since 2011-12. As a result, the GLA has not been subject to any form of compliance monitoring by the ICO.

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 performance<sup>1</sup>).

## **3. Complaints**

### **3.1 Internal reviews**

Any expression of dissatisfaction about the handling of an FoIA request 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.

The GLA received 10 complaints about its FoI responses in 2013-14 - eight fewer than the previous year - equating to just 2% of the total requests received. This drop in complaints comes despite the 5% increase in requests received.

Four of the complainants believed the further information was held in relation to their request; three complaints disputed the validity and scope of the exemptions applied to withhold information; two were regarding the lateness of the response to their initial request and one asserted the information released to them was not the information they had requested.

Two of these complaints were upheld and, in the remaining eight complaints, the initial decisions were upheld in full. Further information was released to complainants in responding to two of the internal reviews.

### **3.2 Complaints to the Information Commissioner**

Two substantive complaints about the GLA's handling of FoIA requests were made to the Information Commissioner's Office (ICO) in 2013-14.

The first complaint made to the ICO concerned a request for advice or information provided by Transport for London (TfL) to inform the Mayor's decision on public transport fares levels for 2013. One of the documents had been withheld by the GLA in full on the basis that its release would inhibit the provision of free and frank advice.

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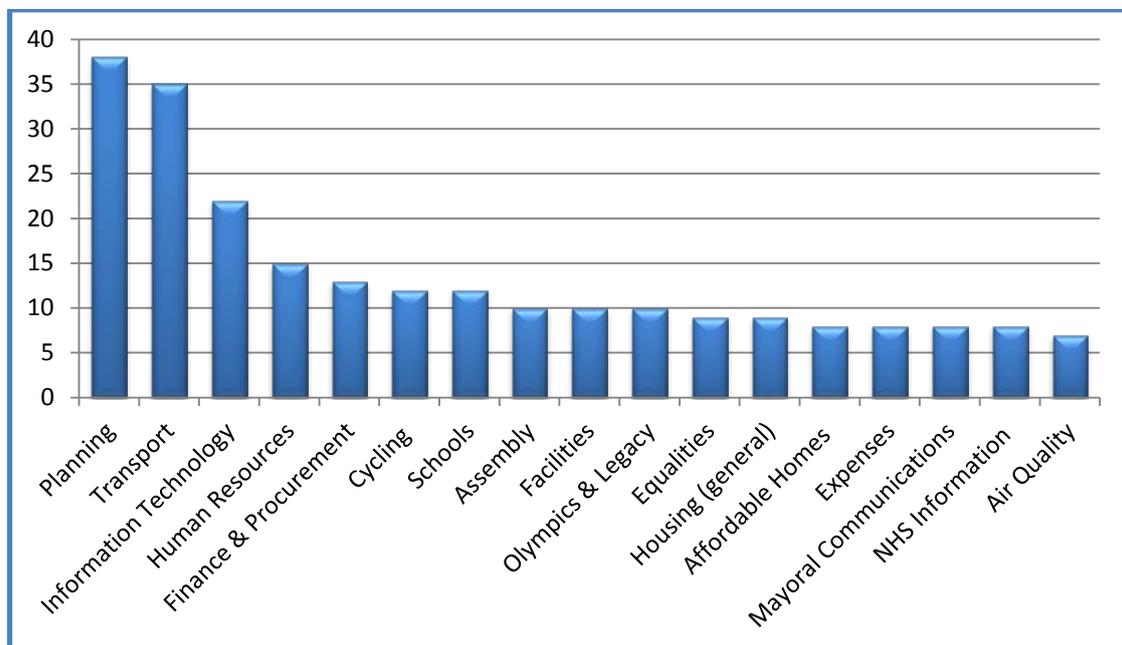
<sup>1</sup> [http://www.ico.org.uk/what\\_we\\_cover/monitoring\\_compliance](http://www.ico.org.uk/what_we_cover/monitoring_compliance)

The GLA was able to reach an informal resolution with the complainant by reconsidering the request given the passage of time since the initial request, and ultimately released the withheld document in full.

The second complaint is still being considered by the Information Commissioner at this time, which relates to the Compulsory Purchase Order for the Blackwall Reach Redevelopment Project in the London Borough of Tower Hamlets. The complaint relates to the scope of the information released by the GLA and the decision to withhold a limited amount of information under Regulation 12(5)(e) of the Environmental Information Regulations.

## 4. Request trends

### 4.1 Subjects of requests



**Figure 4: Subject areas of FOI requests**

The most common recorded subjects and themes of FoIA and EIR requests sent to the GLA are tabled above. The requests continue to reflect some of the Mayor’s ongoing priorities and major policy areas, including transport, planning and the environment.

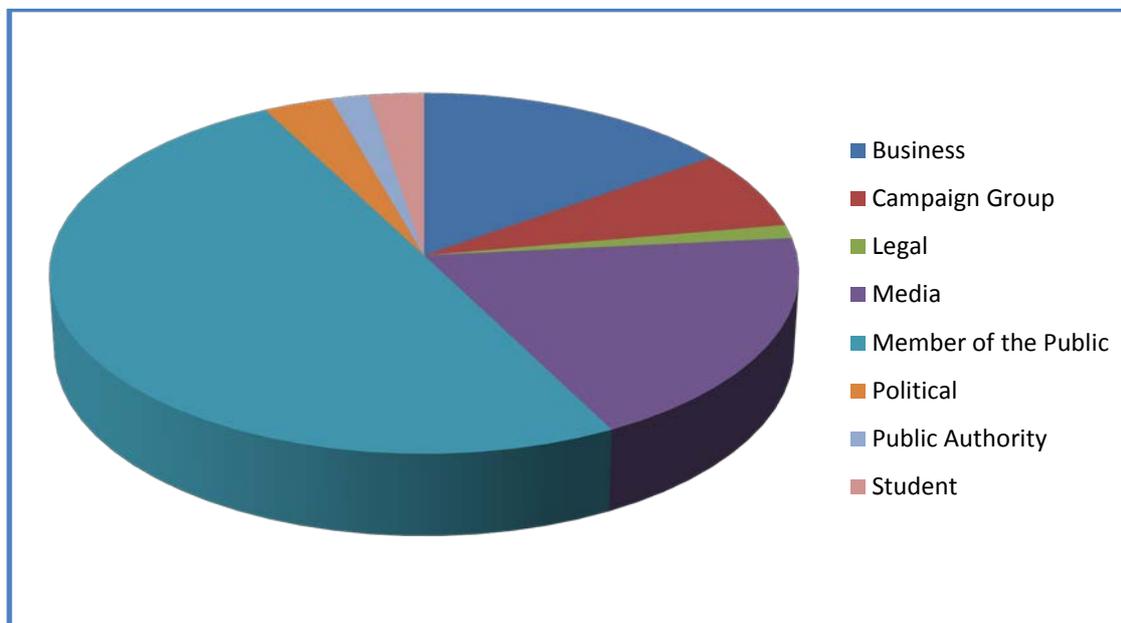
The past year has seen a significant rise in requests where applicants have been seeking a broad range of information relating planning, redevelopment and the regeneration of various sites across London.

Although they are not related to single or media driven events, the GLA has received noteworthy numbers of requests relating to cycling in the capital, London schools, housing and homelessness. The legacy of the 2012 Olympics is still a matter of interest, generating ten requests over the past year.

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

## 4.2 Source of requests

In accordance with FoIA and the EIR, the GLA maintains an ‘applicant-blind’ approach when providing information in response to requests – we do not ask for information about applicants and we do not differentiate between different applicants. However, where that information is voluntarily provided by an applicant, the type of requester is recorded by the Information Governance team to help identify where the main demand for information originates, to enable the GLA to manage the process of disclosure in an appropriate way.



**Figure 5: Source of FOI requests**

Half of all requests to the GLA come from members of the public, including requests made via the *whatdotheyknow.com* - a website that allows requests to be submitted by members of the public via anonymous email addresses. Responses to these requests are automatically published online, further aiding the availability of FoIA disclosures.

Nineteen percent of requests were made by journalists and 15% of requests came from business organisations who use the Act to scope for potential business or who seek information relating to GLA procurement exercises.

Campaign groups accounted for seven percent; students, four percent, and politicians accounted for three percent.

## 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 Exemption / EIR Exception		Number of times applied
FoIA	s.40(2) – Personal information	11
FoIA	s.12 – Exceeds appropriate (cost) limit	10
FoIA	s.43(2) – Commercial interests	10
EIR	12(5)(e) – Commercial confidence	5
EIR	12(4)(d) – Draft or incomplete material	3
EIR	12(4)(b) – Unreasonable request	2
FoIA	s38(1) – Health and safety	2
FoIA	s41(1) – Information provided in confidence	2
FoIA	s21(1) – Accessible by other means	1
FoIA	s31(1) – Law enforcement	1
FoIA	s36(2) – Effective conduct of public affairs	1
FoIA	s42(1) – Legal privilege	1

**Figure 6: Exemptions applied to withhold information**

FoIA exemptions or EIR exceptions were applied in response to 38 separate requests during 2013-14 – just 7.6% of all our responses attracted an exemption provision.

The most frequently-engaged exemption provision was that for withholding personal information. It is used to protect the identities of third parties (including members of the public) and prevent personal data being released into the public domain where an individual would have no reasonable expectation that their data would be disclosed.

Section 12 of the FoI Act allows public authorities to refuse a request if it would require more than 18 hours of work to locate and collate the information. In 2013-14, two percent of all information access requests exceed this limit.

Exemption provisions covering commercially sensitive information and information provided to the GLA in confidence have been engaged to protect the competitive interests of the GLA and our business partners, and to enable the GLA to make the best use of public funds and achieve value for money.

## 6. Comparison with functional bodies and Government

### 6.1 GLA Group

Authority	Financial year	Requests received	Proportion of requests on time
GLA	2013-14	495	92%
	2012-13	470	87%
	2011-12	521	80%
TfL	2013-14	2648	87%
	2012-13	2345	85%
	2011-12	2509	85%
LFEPA	2013-14	342	99%
	2012-13	252	98%
	2011-12	264	94%

<b>MOPAC</b>	<b>2013-14</b>	<b>90</b>	<b>77%</b>
	2012-13	168	86%
	2011-12	87	83%
<b>LLDC</b>	<b>2013-14</b>	<b>50</b>	<b>70%</b>
	2012-13	n/a	n/a
	2011-12	n/a	n/a

**Figure 7: GLA Group three-year comparison**

The GLA Group saw a 12% increase in the number of FoIA requests received over the previous year – a 7.2% increase since 2011-12. LFEPA maintained their high level of compliance, answering all but two of their requests within the statutory deadlines. The Group as a whole answered 88.75% of their requests within the deadlines, a quarter-percent drop from 2012-13.

## 6.2 Government departments

<b>Government department</b>	<b>Requests received</b>	<b>Proportion of requests on time</b>
Wales Office	130	100.0%
Department of Health	1,996	99.8%
Department for Environment, Food and Rural Affairs	844	99.2%
Department for International Development	470	98.7%
Department for Culture, Media and Sport	512	98.2%
Department of Energy and Climate Change	741	97.3%
Department for Business, Innovation and Skills	997	97.2%
Scotland Office	146	96.6%
Northern Ireland Office	203	96.6%
HM Treasury	2,636	96.4%
Department for Transport	3,583	96.1%
Attorney General's Office	257	93.8%
Department for Work and Pensions	5,600	93.4%
Ministry of Justice	4,281	89.6%
Foreign and Commonwealth Office	1,225	87.9%
Communities and Local Government	839	87.7%
Ministry of Defence	3,558	87.4%
Department for Education	1,759	87.2%
Cabinet Office	1,759	86.2%
UK Export Finance	110	79.1%
Home Office	3,532	63.3%

**Figure 8: Government departments' 2013 FOI performance**

(N.B. At the time of publication, the [Ministry of Justice](#) have not published figures for January – March 2014. This table therefore lists figures for the 2013 calendar year, not April to March, 2013-14)

The level of FOI performance across central government departments remained high throughout 2013, with the majority of Departments of State achieving performance above the ICO monitoring threshold of 85%. However, average performance across these 21 departments showed a small decrease of 1.4%, albeit over different timeframe, as mentioned above.