

# Information Governance Annual FOIA Performance Report 2014-15

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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 578 FoIA requests in 2014-15; the highest volume of requests received by the organisation since the introduction of the legislation in 2005. This represents an increase of 16.7% in the number of requests received in 2013-14, and is more than double the number of requests received by the GLA in the first year the Act was introduced.

The GLA answered 91.2% (527) of these requests on time - i.e. within 20 working days or after a permitted extension to that deadline. Although this represents a slight drop in performance of 0.7%, more requests were answered on time in this monitoring period than the total number of requests *received* in any previous year. As a result, this can be regarded as the GLA's strongest FoIA performance to date.

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 performance

### 2.1 Requests received

The GLA received 578 requests for information 1 April 2013 and 31 March 2014 that were handled under either the Freedom of Information Act or the Environmental Information Regulations; at 16% increase over the previous year.

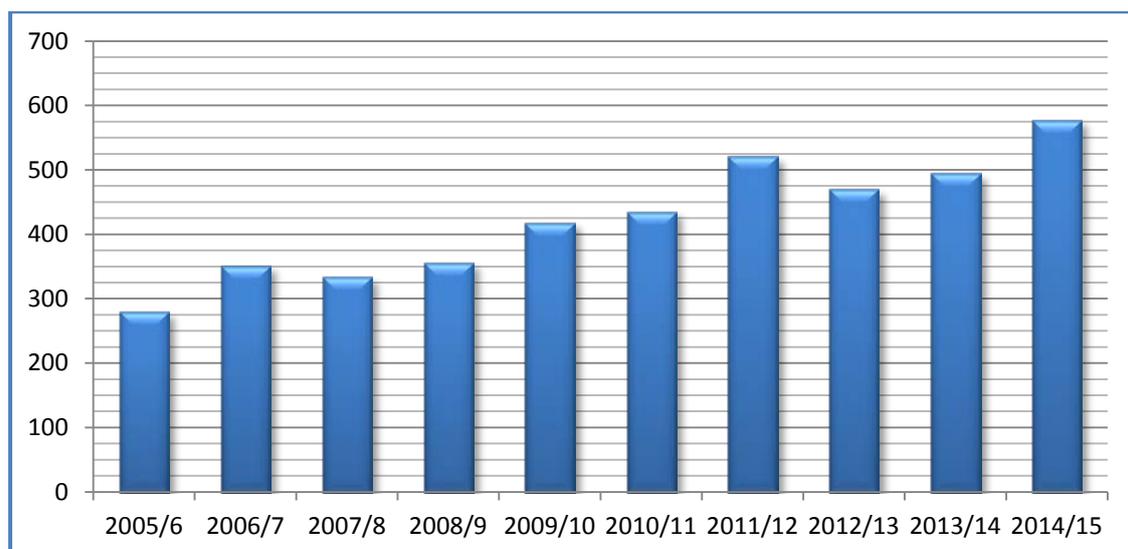
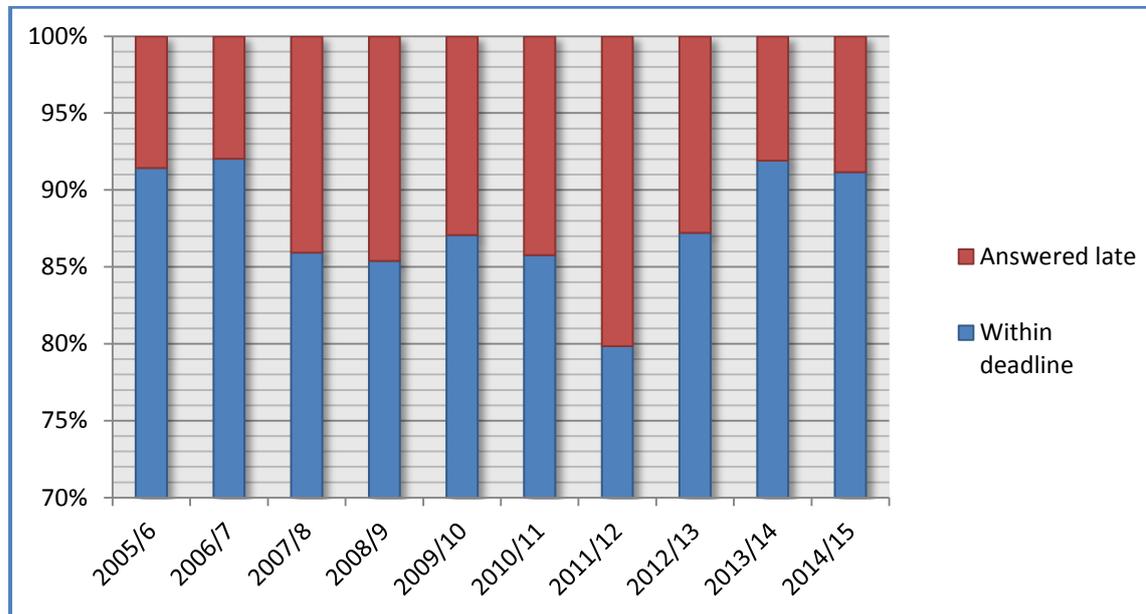


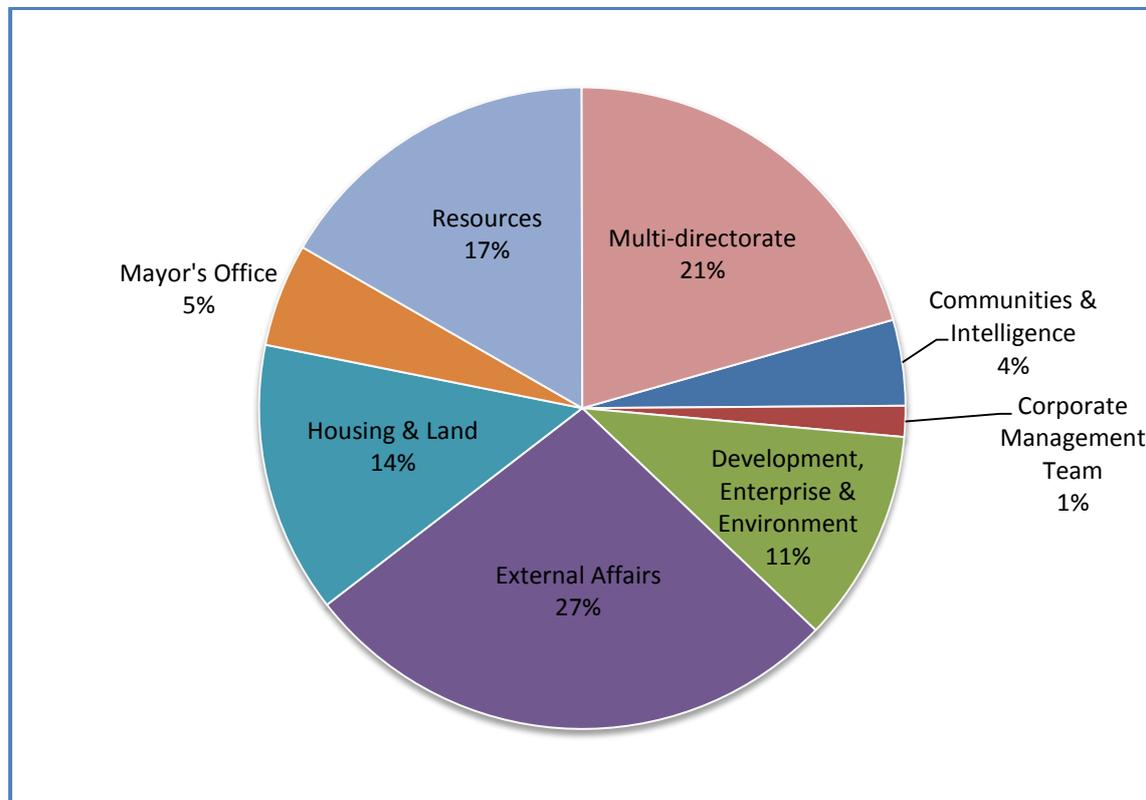
Figure 1: Number of information access requests received by the GLA

Of these 578 requests, the GLA answered 527 within the statutory twenty working day deadline, or after a permitted extension to that deadline. At 91.2%, this represents the third best annual performance of the GLA to-date. Figure 2 illustrates the GLA's annual performance over the past ten years.



**Figure 2: GLA annual performance**

## 2.2 Proportion of requests by directorate



**Figure 3: Proportion of requests by directorate**

The allocation and distribution of requests across the GLA is broadly similar to the previous year.

The *External Affairs* directorate continue to handle a large proportion of the requests received by the GLA; 158 requests over the course of the year. This continues to reflect the key role performed by the Public Liaison Unit in providing applicants with a prompt response to some of the simpler requests received by the GLA, often where the requested information is either already available or where it is not be held by the organisation.

The *Housing & Land* directorate saw a 40% increase in their FoIA activity over this monitoring period, but improved their performance by the seven percentage points answer 96% of their requests within the statutory deadlines.

The number of multi-directorate requests coordinated by the Information Governance team increased by 41%. These requests represent some of the more complicated requests received by the GLA, that involve retrieving and analysing information from across the organisation. This reflects the broader and more complex nature of the requests being submitted to the GLA.

The *Development, Enterprise & Environment* and *Resources* directorates again 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% from 27% last year.

Although a number of the multi-directorate requests included their information, the *London Assembly and Secretariat* were not allocated a single request during the 2014-15 monitoring period.

### 2.3 Performance by directorate and team

Directorate	Proportion of responses answered on time
Communities & Intelligence	100%
External Affairs	98%
Housing & Land	96%
Resources	94%
Corporate Management Team	89%
Development & Environment	89%
Multi-directorate	81%
Mayor's Office	70%

**Figure 4: 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 2014-15, the *Communities & Intelligence* directorate achieved this target, improving on their performance of 92% from the previous year. The *External Affairs, Housing & Land* and *Resources* directorates also delivered strong performances. Combined, this meant 62% 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	Requests received	Deadlines missed
Communities and Intelligence	Culture	3	0
	Health & Communities	9	0
	Intelligence & Analysis	10	0
	Major Events	1	0
	Sports	2	0
	Team London	0	0
	<b>Directorate Total</b>	<b>25</b>	<b>0</b>
Corporate Management Team			
	<b>Directorate Total</b>	<b>9</b>	<b>1</b>
Development and Environment	Economic & Business Policy Unit	5	0
	Environment Team	21	3
	Planning	24	3
	Regeneration	7	1
	Transport	5	0
	<b>Directorate Total</b>	<b>62</b>	<b>7</b>
External Affairs	London Engagement	11	1
	Press	3	0
	Public Liaison Unit	144	2
	<b>Directorate Total</b>	<b>158</b>	<b>3</b>
Housing & Land	Housing FoIA	40	3
	Investment & Operations	13	0
	Programme Delivery	8	0
	Strategic Policy & Property	18	0
	<b>Directorate Total</b>	<b>79</b>	<b>3</b>
Mayor's Office			
	<b>Mayor's Office Total</b>	<b>30</b>	<b>9</b>
Resources	EPMU	3	0
	Facilities Management	14	0
	Financial Services	16	6
	Group Finance	7	0
	Human Resources	27	0
	Information Technology	24	0
	Procurement	5	0
	<b>Directorate Total</b>	<b>96</b>	<b>6</b>
Information Governance	<b>Multi-directorate requests</b>	<b>84</b>	<b>7</b>
<b>GLA TOTAL</b>		<b>578</b>	<b>51</b>

Figure 5: Request breakdown and performance by team

## **2.4 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 four 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. 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>).

The GLA responded to 91.2% of its requests on time in 2014-15, and has not been subject to any form of compliance monitoring by the ICO.

## **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 11 complaints about its FoI responses in 2014-15, less than 2% of the total requests received.

Six 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; and one questioned the application of the FoIA cost limit to refuse their request

Two of these complaints were upheld and, in the remaining nine complaints, the initial decisions were upheld in full. The GLA released information to complainants in responding to four of the internal reviews.

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

One complaint was made to the Information Commissioner's Office (ICO) in 2014-15 about the GLA's handling of a request which concerned a request relating to the Principle Development Agreement (PDA) for the Blackwall Reach Redevelopment Project in the London Borough of Tower Hamlets.

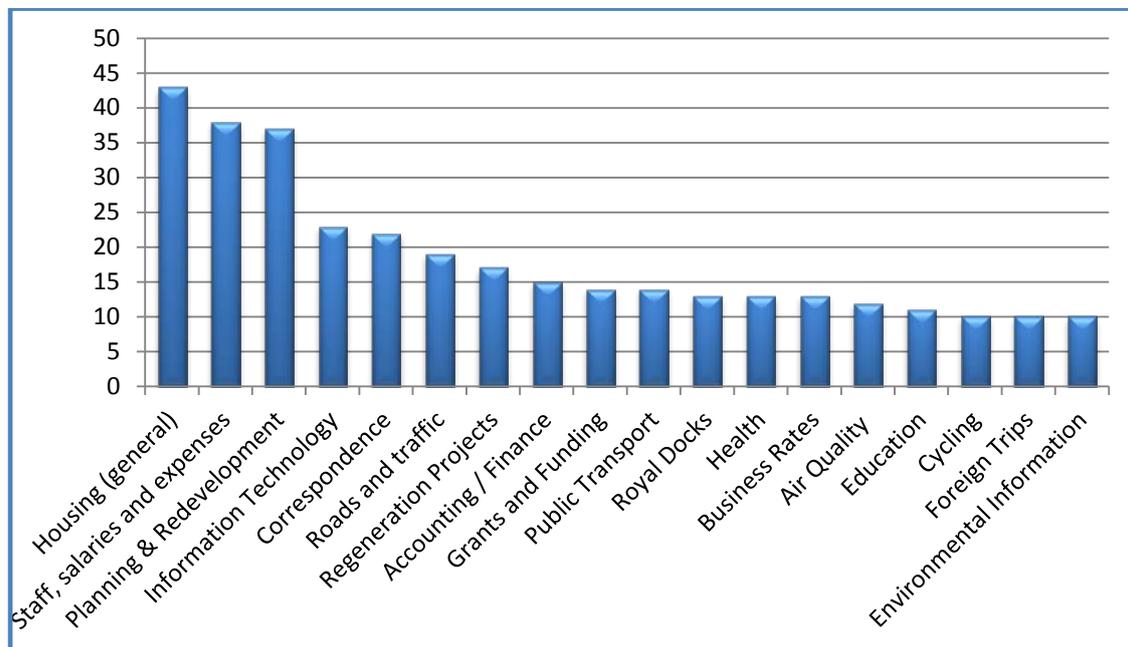
The GLA disclosed some information but informed the complainant that it did not hold the version of the PDA requested. During the Commissioner's investigation it came to light that the version of the PDA the complainant required was still held by the HCA on behalf of the GLA. It was therefore accepted that the HCA held the requested information on behalf of the GLA. The GLA therefore provided the complainant with a fresh response to their request that included the information that had been retrieved from the HCA.

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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)

## 4. Request trends

### 4.1 Subjects of requests



**Figure 6: 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, cycling, housing and planning.

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

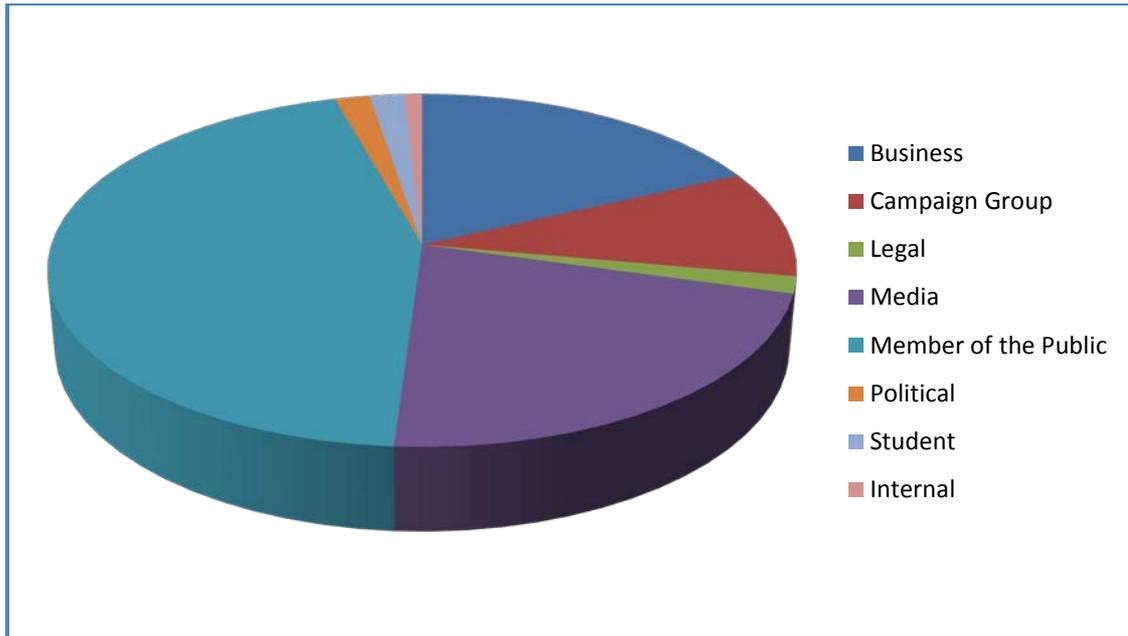
Although they are not related to single or media driven events, the GLA has received noteworthy numbers of requests relating to the authorities use of Information Technology, air quality in London, and homelessness.

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 7: Source of FOI requests**

Forty-five percent of all requests to the GLA were made by 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.

Over a fifth of requests were made by journalists or members of media organisation and 18% of requests came from business organisations who often seek information relating to GLA procurement exercises.

Requests submitted by campaign groups, students, lawyers, solicitors and politicians combined accounted for just sixteen percent of the all requests submitted to the GLA.

## 5. Transparency

### 5.1 Exemptions from disclosure

Both the Environmental Information Regulations and the Freedom of Information Act carry an inherent presumption in favour of disclosure; information must be released unless one or more of the limited exemptions (or exception) provisions are 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 decision to apply an exemption (or exception) is approved by the Information Governance team and signed off by a senior manager.

FoIA exemptions or EIR exceptions were applied to withhold information in response to 33 separate requests during 2014-15 – just 5.7% of all our responses attracted an exemption provision. The table at Figure 8 shows the number and type of exemptions used in 2014-15.

FOI Exemption / EIR Exception			No. times applied
FoIA	s.43(2)	Prejudice to commercial interests	13
EIR	12(5)(e)	Confidentiality of commercial information	7
FoIA	s.22(1)	Information scheduled for future publication	6
FoIA	s.40(2)	Third-party personal data	4
FoIA	s.12	Exceeds appropriate (cost) limit	3
EIR	12(4)(d)	Unfinished documents and incomplete data	2
FoIA	s.31(1)	Law Enforcement	2
FoIA	s.38(1)	Health & Safety	2
FoIA	s.41(1)	Information provided in confidence	2
EIR	12(4)(e)	Internal communications	1
FoIA	s.14(1)	Vexatious request	1
FoIA	s.21(1)	Accessible by other means	1
FoIA	s.42(1)	Legal Professional Privilege	1

**Figure 8: Exemptions applied to withhold information**

The most frequently-engaged exemption provisions were those related to protecting commercially sensitive information, 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.

Compared with 2013-14, comparatively few requests were refused under section 12 of FoIA which 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.

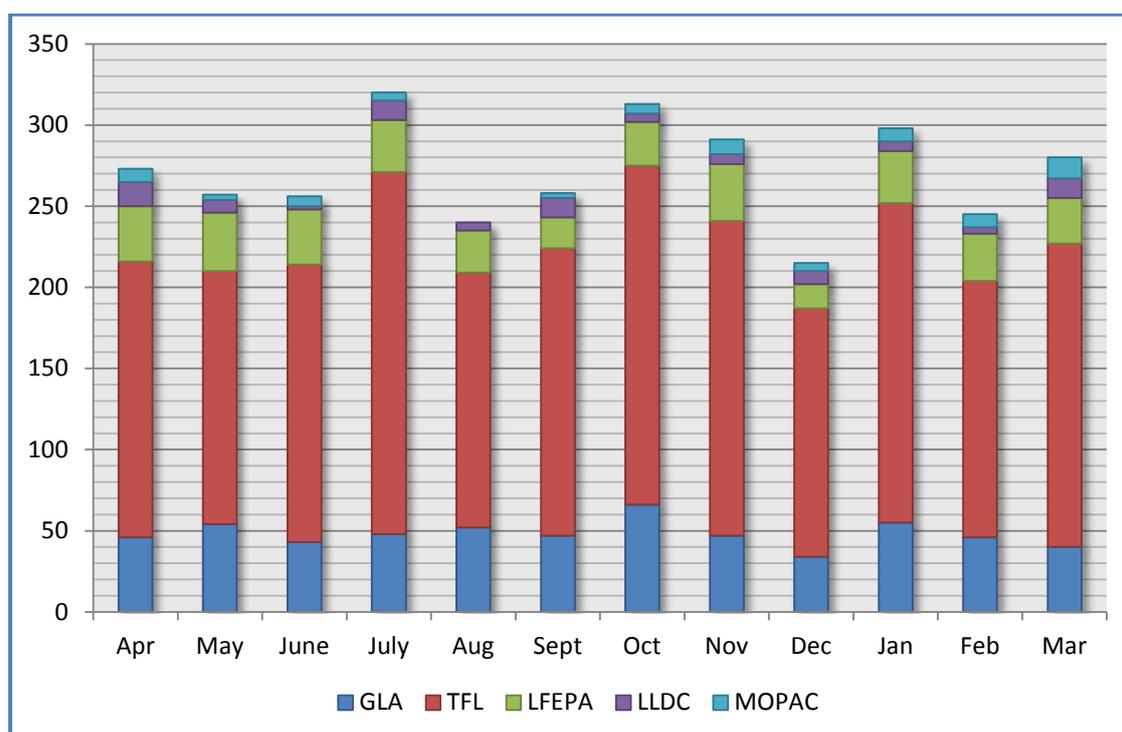
## 6. Comparison with functional bodies and Government

### 6.1 GLA Group

Authority	Financial year	Requests received	Requests on time
GLA	2014-15	578	91%
	2013-14	495	92%
	2012-13	470	87%
TfL	2014-15	2152	87%
	2013-14	2648	87%
	2012-13	2345	85%
LFEPa	2014-15	347	98%
	2013-14	342	99%
	2012-13	252	98%
MOPAC	2014-15	74	89%
	2013-14	90	77%
	2012-13	168	86%
LLDC	2014-15	95	78%
	2013-14	50	70%
	2012-13	n/a	n/a

**Figure 9: GLA Group three-year comparison**

Despite the increase of requests received by the GLA itself, the GLA Group saw a 10% decrease in the number of FoIA requests received over the previous year; Transport for London and the Mayor's Office of Policing and Crime saw their number of requests drop by 19% and 18% respectively. The Group as a whole answered 89% of their requests within the deadlines, a quarter- percent increase from 2013-14.



**Figure 10: GLA Group requests per month**

## 6.2 Government departments

Government department	Requests received	Proportion of requests on time
Department of Health	1,677	99.9%
Department for International Development	435	98.9%
Attorney General's Office	201	98.0%
Wales Office	131	97.7%
Department for Business, Innovation and Skills	982	96.9%
Department for Transport	2,797	96.1%
HM Treasury	1,339	93.8%
Department of Energy and Climate Change	641	93.0%
Scotland Office	170	92.4%
UK Export Finance	86	91.9%
Department for Work and Pensions	4,499	91.6%
Foreign and Commonwealth Office	1,115	90.4%
Northern Ireland Office	196	90.3%
Cabinet Office	1,568	90.2%
Department for Education	1,781	89.7%
Department for Culture, Media and Sport	543	88.2%
Home Office	3,075	86.7%
Ministry of Defence	3,517	86.3%
Communities and Local Government	885	81.9%
Ministry of Justice	4,223	78.3%
Department for Environment, Food and Rural Affairs	874	73.9%

**Figure 11: Government departments' 2014-15 FOI performance**

The level of FOI performance across central government departments remained high throughout 2014-15, with the majority of Departments of State achieving performance above the ICO monitoring threshold of 85%. Average performance across these 21 departments was 88.9%