

Information Governance Annual FOIA Performance Report 2015-16

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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 2015 and 31 March 2016. 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 528 FoIA requests during 2015-16. This was the second highest number of requests received by the GLA since the introduction of the Act, but an 8.6% reduction from 2014-15.

The GLA answered 89.6% of these requests within 20 working days or after a permitted extension to that deadline. This represents a drop in performance of 1.6% from 2014-15 which can largely be attributed the change in the breadth and complexity of the information access requests that are being submitted to the GLA. The GLA is implementing a number of improvements to its handling processes to strength future performance.

The GLA conducted 19 Internal Reviews in response to complaints we had received about the handling of requests, and we have worked with the Information Commissioner's Office to help resolve two complaints where the applicant remained dissatisfied after our Internal Review. This slight increase in complaints can also be ascribed to the more complex requests received by the GLA over this period.

2. Request volume and performance

2.1 Requests received

The GLA received 528 information access requests between 1 April 2015 and 31 March 2016 which were handled under either the Freedom of Information Act or the Environmental Information Regulations; 50 fewer requests than the previous year.

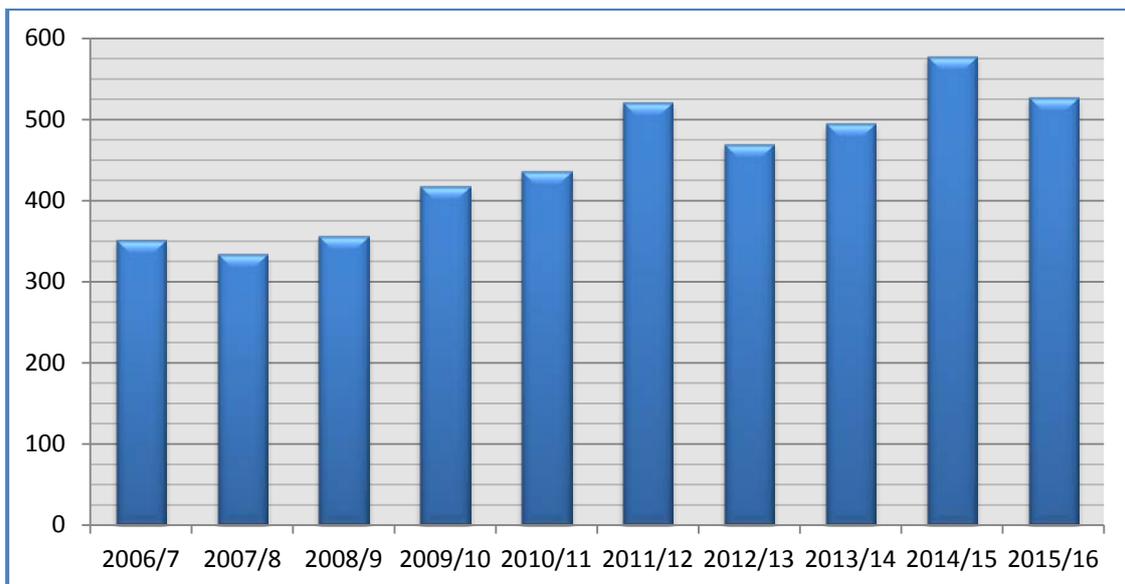


Figure 1: Volume of requests received by the GLA over the past 10 years

The GLA answered 473 of these 528 requests within the statutory twenty working day deadline, or after a permitted extension to that deadline, equating to 89.6%. The charts below illustrate the GLA's annual performance over the past ten years.

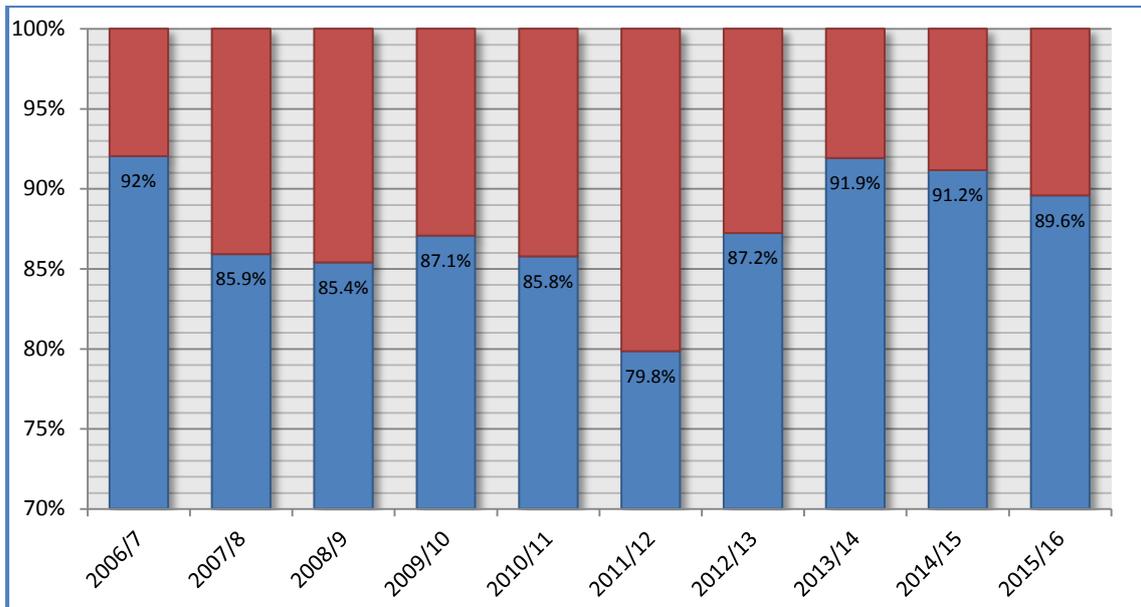


Figure 2: GLA annual performance

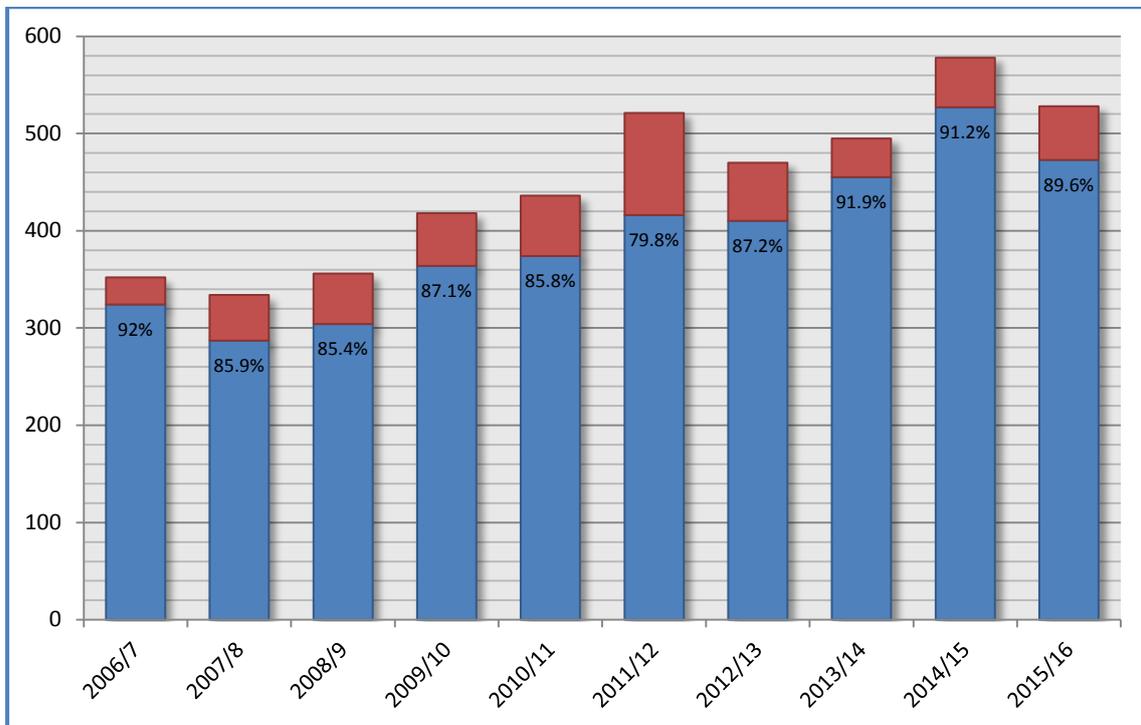


Figure 3: GLA annual performance by volume

During the 2015-16 period, the GLA also handled 224 “routine” information access requests where applicants requested information either already available on the GLA website or that could be provided in a straightforward response to their correspondence.

While these routine requests would technically constitute valid FoIA or EIR requests, the GLA treats them as normal business enquiries providing they can be answered with a prompt response and where it does not infringe on the applicant’s right of access to information held by the Authority (i.e. where the information can be provided in full either by a direct answer to their question or by supplying a link to information we have already published).

The GLA adopts this approach to help provide applicants with a straightforward response to their enquiry and to avoid engaging the FoIA/EIR processes unnecessarily. Ninety-eight per cent of these routine requests were answered within 20 working days.

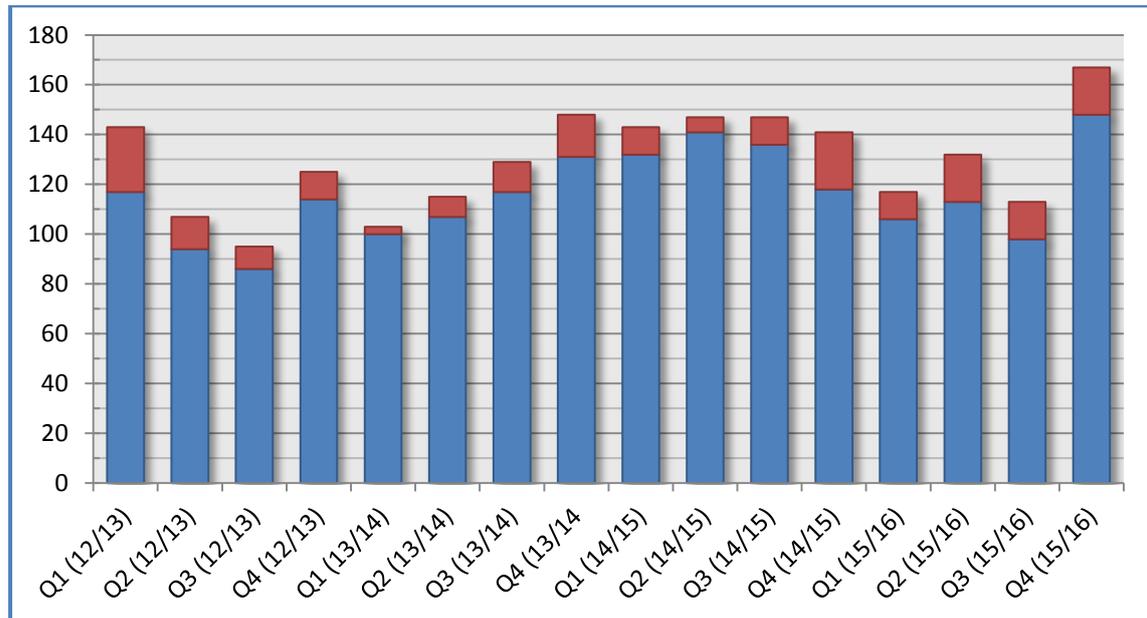


Figure 4: GLA quarterly performance by volume

2.2 Proportion of requests by directorate

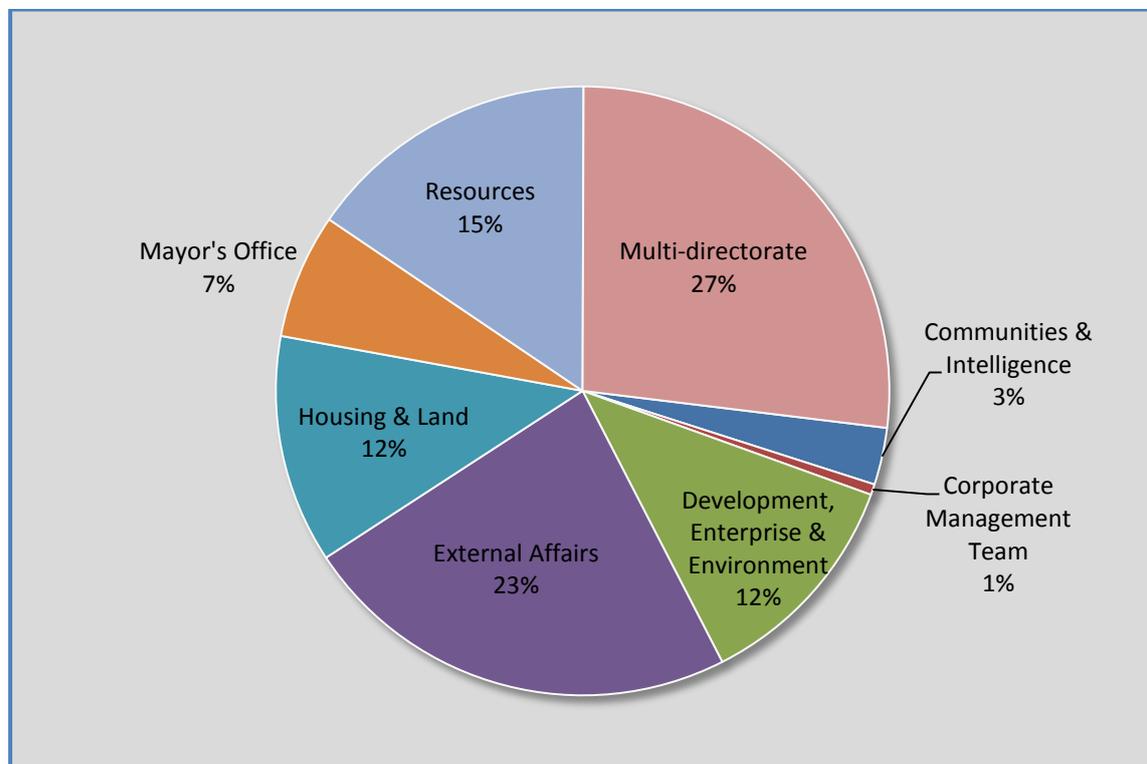


Figure 5: Proportion of requests by directorate

Although the distribution of requests across the authority has remained broadly consistent, there has been a notable increase in the number of complex or “multi-directorate” requests that are coordinated by the Information Governance team.

The *External Affairs* directorate continue to handle a large proportion of the requests received by the GLA, responding to 123 cases 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 held by the organisation.

The number of multi-directorate requests coordinated by the Information Governance team increased by 20% compared to 2014/15; an increase of over 59% since the 2013/14 period. This is highest number of cases coordinated by the Information Governance team over a single year, and also the first time that the numbers of complex coordinated cases have outweighed the straight-forward cases handled by the Public Liaison Unit.

The *Communities & Intelligence, Development, Enterprise & Environment* and *Resources* directorates again only saw a small variation in the number of requests they received compared to 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 2015-16 monitoring period.

2.3 Performance by directorate and team

Directorate	Annual Performance	
	2015-16	2014-15
Communities & Intelligence	100%	100%
Corporate Management Team	100%	89%
External Affairs	97%	98%
Resources	96%	94%
Housing & Land	92%	96%
Development, Enterprise & Environment	92%	89%
Multi-directorate	80%	81%
Mayor's Office	74%	70%

Figure 6: Response timeliness by directorate

Compliance with Freedom of Information Act and the Environmental Information Regulations 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 for the second year running while the *Corporate Management Team* improved their performance of 89% from the previous year. The *External Affairs, Housing & Land* and *Resources* directorates maintained strong performances. The Information Governance team achieved a performance of 80%. Despite strong performances from the majority of directorates, the number and complexity of cases coordinated by the Information Governance team has unfortunately had a detrimental effect on the Authority’s overall performance figures.

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

Directorate	Team	Requests received	Late	
Communities and Intelligence	Health & Communities	10	0	100%
	Intelligence & Analysis	6	0	100%
	Team London	0	0	-
	Directorate Total	16	0	100%
Corporate Management Team				
	Directorate Total	3	0	100%
Development, Enterprise & Environment	Economic & Business Policy Unit	5	0	100%
	Environment Team	11	0	100%
	Planning	30	4	87%
	Regeneration	4	0	100%
	Transport	13	1	92%
	Directorate Total	63	5	92%
External Affairs	Community Relations	1	0	100%
	External Relations	8	2	75%
	Public Liaison Unit	113	2	98%
	Press	1	0	100%
	Directorate Total	123	4	97%
Housing & Land	Housing FoIA (Correspondence Group)	60	5	92%
	Investment & Operations	2	0	100%
	Programme Policy & Services	2	0	100%
	Strategic Policy & Property	0	0	-
	Directorate Total	64	5	92%
Mayor's Office				
	Mayor's Office Total	35	9	74%
Resources	EPMU	13	0	100%
	Facilities Management	14	0	100%
	Financial Services	7	1	86%
	Group Finance	4	0	100%
	Human Resources	27	0	100%
	Information Technology	11	0	100%
	Procurement	7	2	71%
	Directorate Total	82	3	96%
Information Governance	Multi-directorate requests	142	29	79.6%
GLA TOTAL		528	55	89.6%

Figure 7: Request breakdown and performance by team

2.4 Risk of monitoring by the Information Commissioner

The Information Commissioner’s Office (ICO) is the UK's independent body set up to uphold information rights. The ICO monitor 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 identifies four to eight complaints within any six month period that cite delays in providing a response, or where 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 that public 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 performance¹).

The GLA responded to 89.6% of its requests on time in 2015-16, and has not been subject to any form of compliance monitoring by the ICO.

3. Request trends

3.1 Subjects of requests

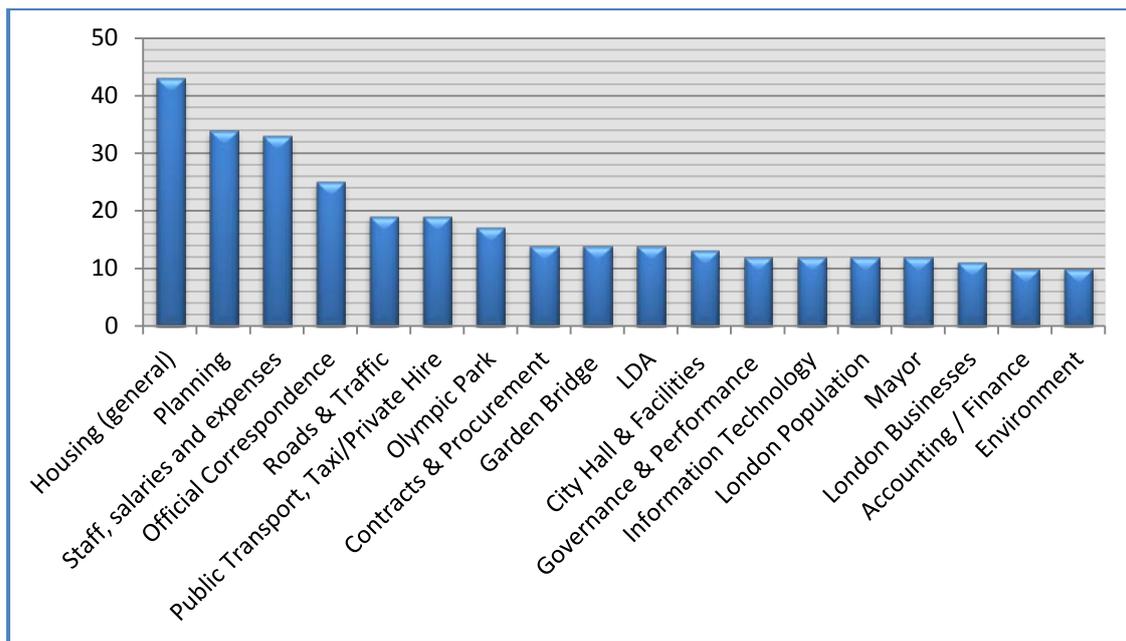


Figure 8: Subject areas of requests

The most common recorded subjects and themes of FoIA and EIR requests sent to the GLA are tabled above. 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). The GLA continues to receive a large number of requests where applicants have been seeking a broad range of information relating planning, redevelopment and the regeneration of various sites across London.

¹ <https://ico.org.uk/action-weve-taken/monitoring-compliance/>

The GLA also receives notable numbers of requests in relation to topics of particular interest to Londoners that arose over the course of the year, such as:

- empty or vacant properties in the capital;
- rental standards and the Right-To-Buy scheme;
- the Night Tube; and
- air quality and pollution.

3.2 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.

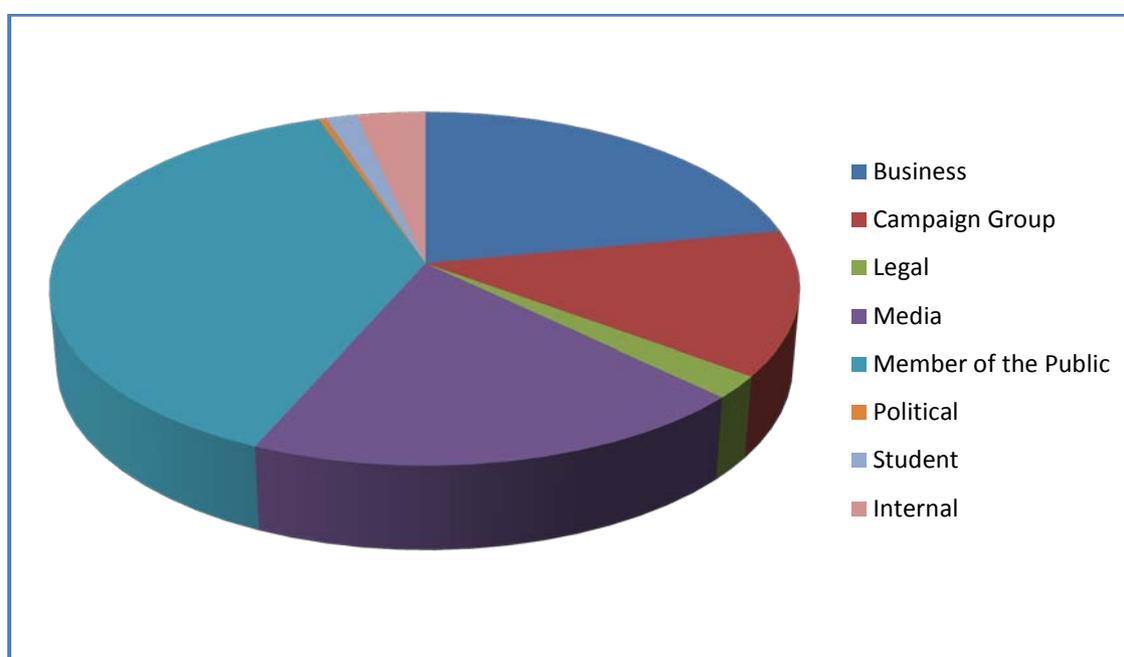


Figure 9: Source of FOI requests

The overall breakdown remains very similar to the previous year. Thirty-eight per cent of all requests to the GLA were made by members of the public, including requests made via *whatdotheyknow.com* - a website that allows requests to be submitted by members of the public via non-personal email addresses.

A fifth of requests were made by journalists or members of media organisation and 22% of requests came from business organisations who often seek information relating to GLA procurement or tender processes.

The remaining 20% of requests were received from campaign groups, students, lawyers, solicitors and politicians.

4. Transparency

4.1 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 FoIA exemption (or EIR 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 29 separate requests during 2015-16: just 5.5% of all the GLA's responses. The table at Figure 8 shows the number and type of exemptions used in 2015-16.

FOI Exemption / EIR Exception		No. times applied
FoIA s.40(2)	Third-party personal data	10
FoIA s.43(2)	Prejudice to commercial interests	9
EIR 12(4)(d)	Unfinished documents and incomplete data	6
EIR 12(4)(e)	Internal communications	6
EIR 12(5)(e)	Confidentiality of commercial information	5
FoIA s.22(1)	Information scheduled for future publication	3
FoIA s.38(1)	Health & Safety	3
FoIA s.31(1)	Law Enforcement	2
EIR 13(1)	Third-party personal data	2
EIR 12(5)(b)	Legal Professional Privilege	2
FoIA s.36(2)	Prejudice to the effective conduct of public affairs	2
FoIA s.41(1)	Information provided in confidence	1

Figure 8: Exemptions applied to withhold information

As with previous years, the most frequently-engaged exemption provisions were those related to protecting third-party personal data and 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.

In addition, 13 requests were refused under either 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) or EIR regulation 12(4)(b), where complying with a request would be "manifestly unreasonable".

5. Complaints

5.1 Internal reviews

Any expression of dissatisfaction about the handling of an FoIA request is considered as a request for an internal review in accordance with our FoIA Complaint Policy.² An Internal Review is an independent re-assessment of how the request was handled, conducted by someone who, where possible, was not involved in handling the original request.

The GLA conducted 16 Internals Reviews during 2015-16. This is a slight increase over the preceding year, but this only constitutes complaints about 3% of the total requests received.

Eight of the complainants believed the further information was held in relation to their request; seven 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 in part and the GLA released additional information to the applicant as part of the Internal Review. In the remaining fourteen Internal Reviews, the initial decisions were upheld in full.

5.2 Complaints to the Information Commissioner

The GLA was notified about two complaints that had been made to the ICO in 2015-16 where two applicants remained unhappy with our handling of their requests.

On complaint related to requests made to both the GLA and the London Borough of Lambeth for a copy of the 2014 application submitted by Lambeth for Decent Homes Backlog Funding. Both Lambeth and the GLA disclosed some information but withheld a limited pieces of financial information under the exemption provisions of section 43(2) of the FoI Act; information that would have been prejudicial to the commercial interests of Lambeth at that time.

The applicant submitted complaints to the ICO about both responses and the ICO case-officer decided to consider the information held by Lambeth in the first instance and that, with the agreement of the applicant, the complaint against the GLA be abandoned. The ICO Decision Notice ultimately upheld Lambeth's position and no further action was required by either the GLA or by Lambeth.

The second complaint concerned a request relating to compensation payments made under the London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005 - i.e. the "Olympic CPO". The request also asked for figures relating to all businesses "extinguished" under the CPO. The GLA provided the applicant with some information relating to a company that had since gone out of business, but withheld information relating to a business still trading under EIR exception provisions found under regulation 12(5)(e) – commercial confidentiality.

The ICO issued the GLA with a Decision Notice in March 2016 in which the ICO disagreed with the decision to withhold information under on grounds of confidentiality and ordered that the GLA disclose this information to the applicant. The GLA provided this information to the applicant and no further action was taken.

² https://www.london.gov.uk/sites/default/files/information_access_re-use_complaints_internal_review_procedure.pdf

The ICO upheld the GLA’s decision to refuse the part of the request relating to “business extinguished” on grounds that it was manifestly unreasonable (EIR 12(4)(b)) and that it was not possible to provide a definitive answer to the terms “extinguished under the CPO” and that the work required to compile such information would be excessive.

6. Comparison with functional bodies and government

6.1 GLA Group

Authority	Financial year	Requests received	Proportion of requests on time
GLA	2015-16	528	90%
	2014-15	578	91%
	2013-14	495	92%
TfL	2015-16	2648	87%
	2014-15	2152	87%
	2013-14	2648	87%
LFEPa	2015-16	327	99%
	2014-15	347	97%
	2013-14	342	99%
LLDC	2015-16	75	95%
	2014-15	70	97%
	2013-14	50	70%
MOPAC	2015-16	62	93%
	2014-15	74	89%
	2013-14	90	77%
OPDC	2015-16	10	90%
	2014-15	n/a	n/a
	2013-14	n/a	n/a

Figure 9: GLA Group three-year comparison

The GLA Group saw a 11.3% increase in the number of FoIA requests received over the preceding year. Transport for London received 20% more requests in 2015-16 while MoPAC saw their requests fall by 16%.

The Group as a whole received 3,584 in 2015-16, answering 87.7% of these requests within the deadlines. This represents an 11.2% increase in the number of requests received, but a fall of 1.5% in overall performance.

LFEPa achieved performance of 99.7%, answering only one request outside of the permitted deadlines.

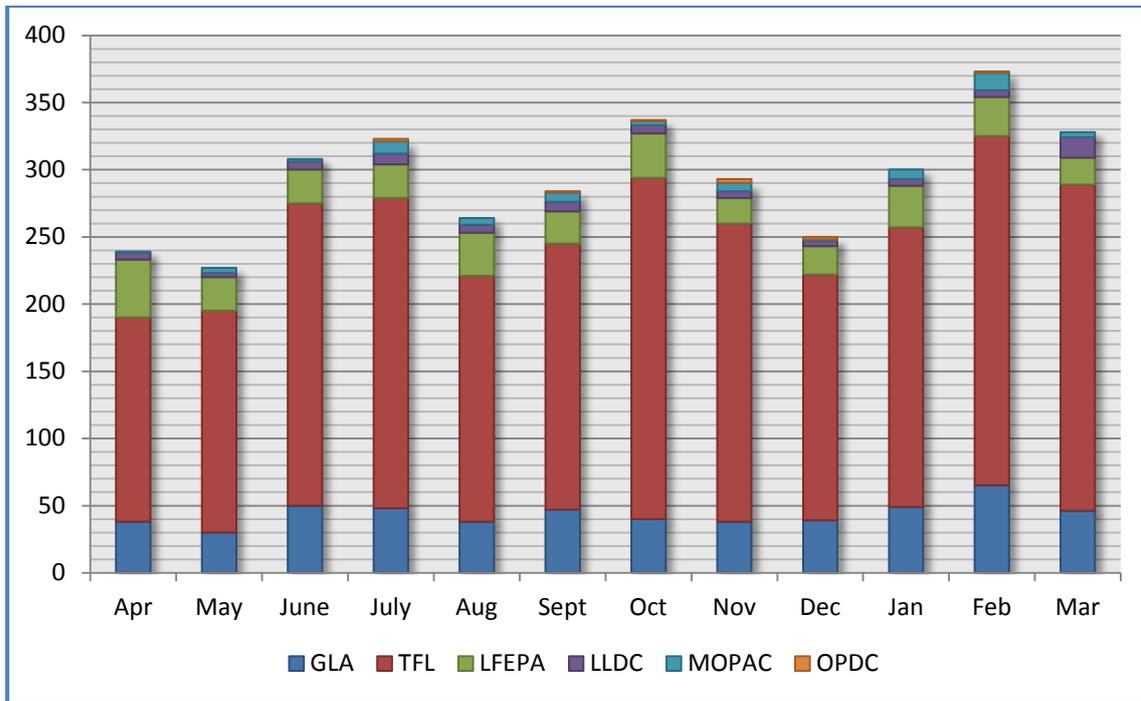


Figure 10: GLA Group requests per month

6.2 Government departments

Government department	Requests received	Proportion of requests on time
Communities and Local Government	914	100.0%
Department of Health	1,649	99.8%
Wales Office	160	98.8%
Department for International Development	459	98.7%
Attorney General's Office	218	97.7%
Department for Transport	2,427	97.2%
Northern Ireland Office	218	92.7%
HM Treasury	1,072	92.5%
Department for Culture, Media and Sport	560	92.1%
Department of Energy and Climate Change	688	92.0%
Ministry of Defence	4,028	91.3%
Foreign and Commonwealth Office	1,298	90.1%
UK Export Finance	90	90.0%
Cabinet Office	1,776	88.2%
Department for Work and Pensions	4,762	87.8%
Department for Education	2,007	86.2%
Department for Business, Innovation and Skills	936	85.3%
Home Office	3,374	85.0%
Department for Environment, Food and Rural Affairs	734	81.3%
Scotland Office	192	77.6%
Ministry of Justice	4,202	73.4%

Figure 11: Government departments' 2014-15 FOI performance

Average performance across these 21 Departments of State was 88.1%, and is broadly comparable to GLA FoIA performance over this same period.

(Figures compiled from <https://www.gov.uk/government/collections/government-foi-statistics>)

7. Focus during 2016-17

The GLA will be implementing a number of measures over the coming year to help improve our performance and enhance awareness of the legislation across the organisation. These will include providing senior managers with monthly reports providing an overview of current requests to help expedite work on any outstanding cases.

We will also be facilitating a number of training sessions and workshops to help improve overall awareness of the Freedom of Information Act within the GLA and to provide specialist guidance on the areas of the legislation that are particularly pertinent to individuals teams and the requests they regularly receive.