

Information Governance Annual FoIA Performance Report 2016-17

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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 2016 and 31 March 2017. 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). Compliance with FoIA and the EIR Regulations is a statutory obligation; the GLA’s performance target for responding to requests on time (within 20 working days) is 100%.

The GLA received 819 FoIA requests during 2016-17, a 55.1% increase over the 2015/16 period. This was the highest number of requests received by the GLA since the introduction of the Act.

Despite this unprecedented increase in the number of requests, the GLA answered 92.2% of requests within 20 working days or within an extended deadline having applied a permitted extension. This is the GLA’s strongest performance to date, surpassing the figure of 92% set ten years ago in the 2006-7 period when the GLA received just 352 requests over the course of the year.

The GLA conducted 29 Internal Reviews responding to complaints we had received about the handling of requests, and we have worked with the Information Commissioner’s case officers to help resolve four complaints where the applicant remained dissatisfied after our Internal Review process.

2. Request volume and performance

2.1 Requests received

The GLA responded to 819 FoIA or EIR requests between 1 April 2016 and 31 March 2017. While the GLA Elections of May 2016 and the election of a new Mayor undoubtedly contributed to this increase of 291 requests over the previous year, we did not see similar increases for the periods covering previous elections in 2012 or 2008.

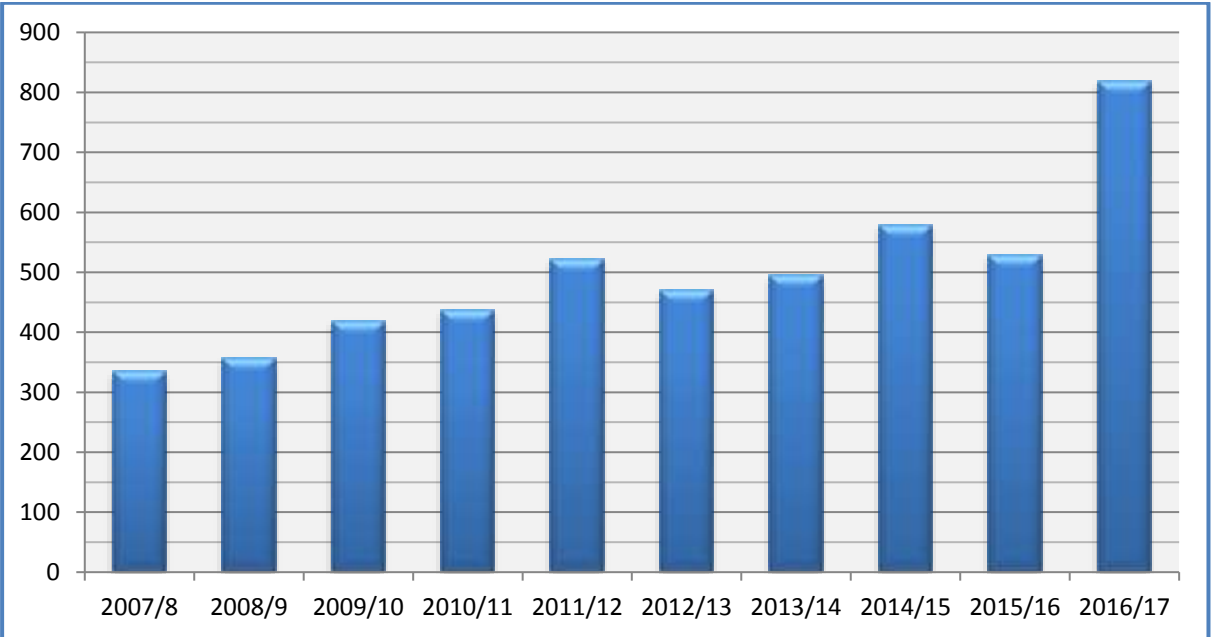


Figure 1: Volume of requests received by the GLA over the past 10 years

The GLA answered 755 of these 819 requests (92.2%) on-time; more than the total number of request received in 2008-9 and 2009-10 combined.

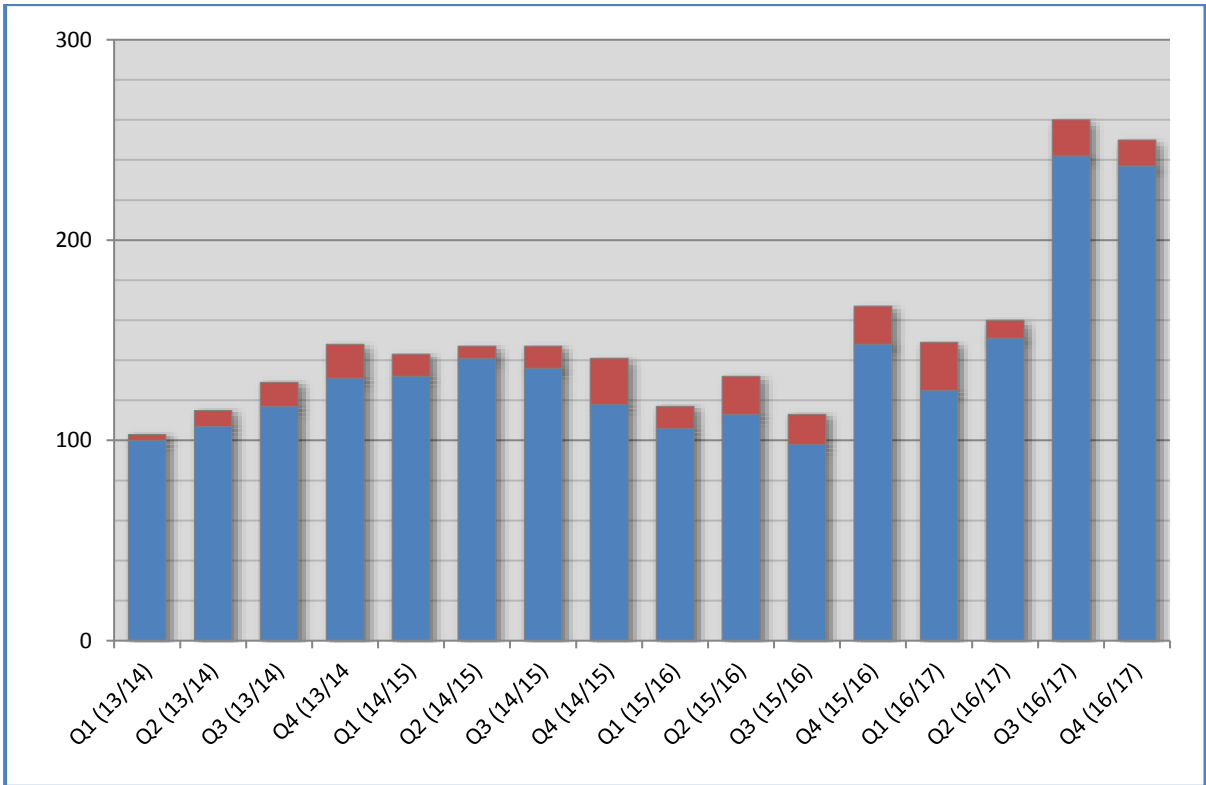


Figure 2: GLA quarterly performance by volume

The charts below illustrate the GLA’s annual performance against the statutory target over the past ten years .

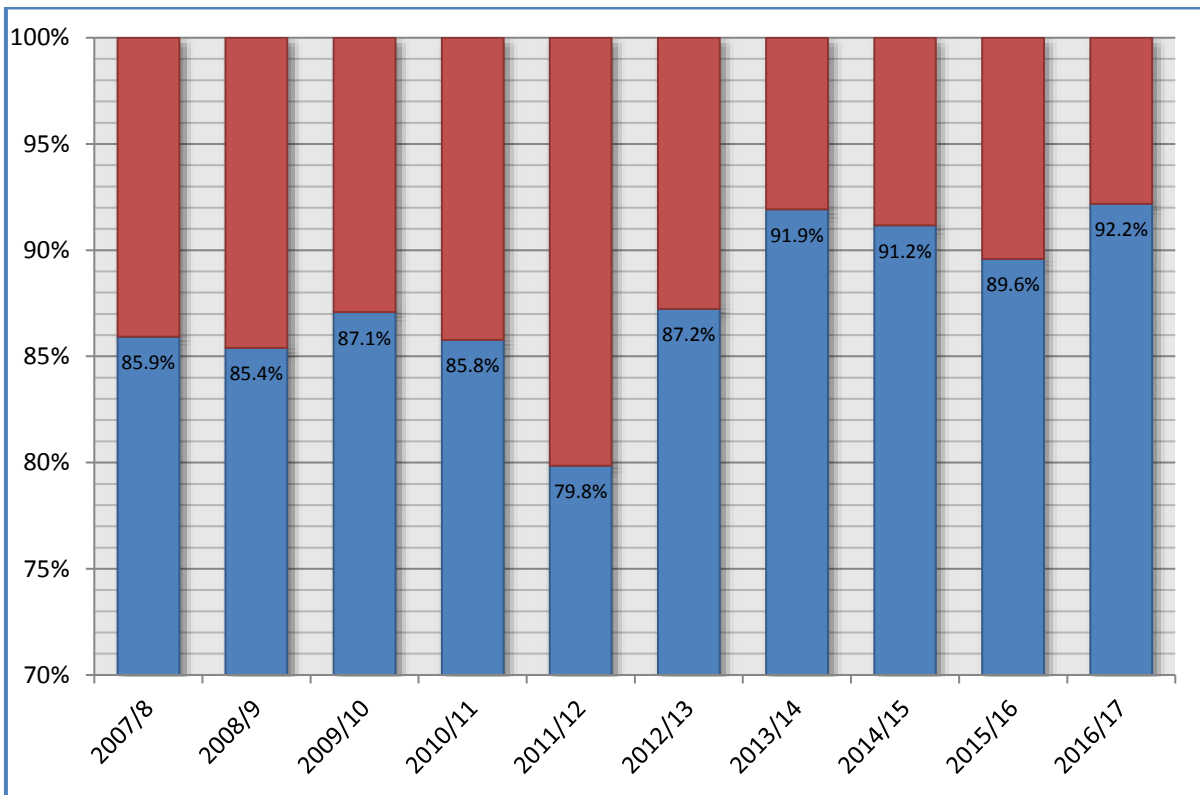


Figure 3: GLA annual performance against target

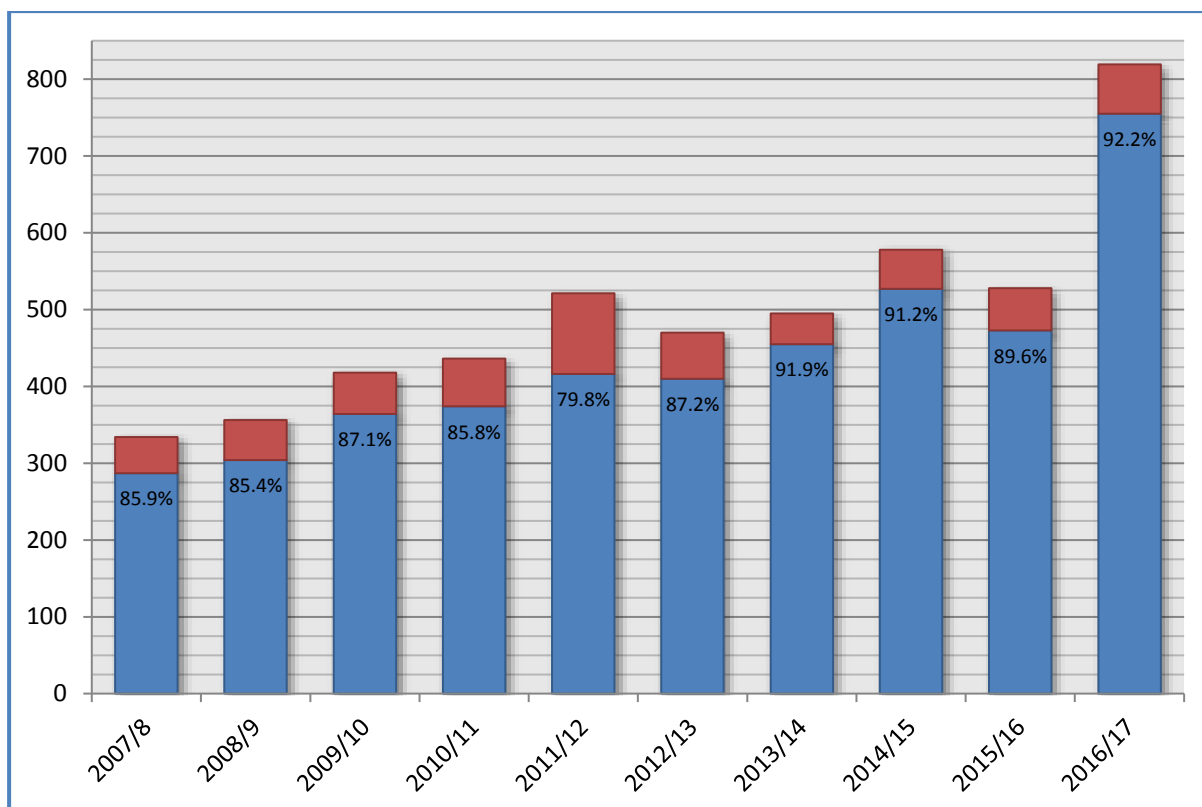


Figure 4: GLA annual performance by volume

During the 2016-17 period, the GLA also handled an additional 104 “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 some of these routine requests could 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 answering their question or by supplying a link to information we have already published).

The GLA adopts this approach to help provide applicants with a prompt and straightforward response to their enquiry. Ninety-three per cent of these routine requests were answered within 20 working days.

2.2 Proportion of requests by directorate

The distribution of requests across the authority has remained broadly consistent compared to previous periods, with a further slight increase in the number of complex or “multi-directorate” requests coordinated by the Information Governance team.

The Information Governance team and the External Affairs directorate continue to process the largest proportions of requests received by the GLA, and for the first time, these two teams were responsible for answering over half of all the request we received.

The Public Liaison Unit answered 90% of the External Affairs directorate’s 211 requests and continue to provide a large number of applicants with responses to a wider range of requests received by the GLA; as many requests as received by the Development, Enterprise & Environment and Resources directorates combined.

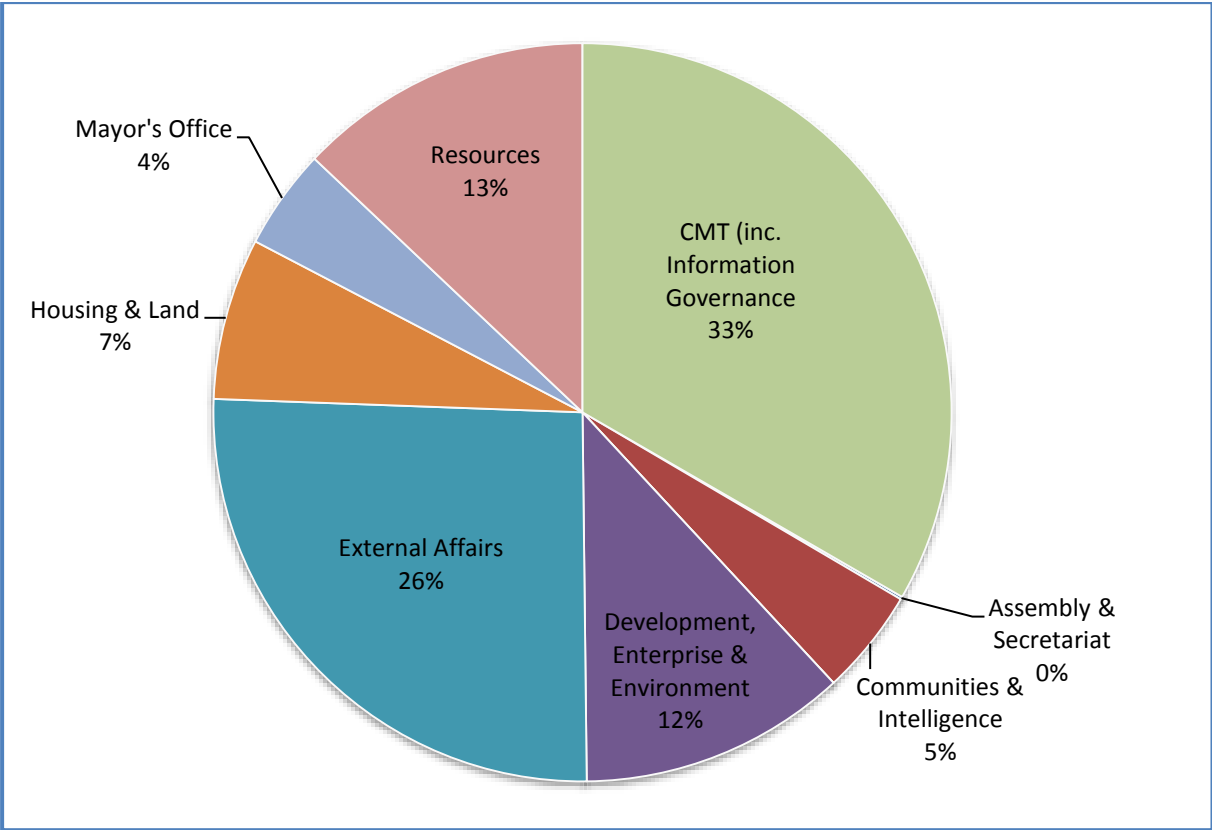


Figure 5: Proportion of requests by directorate

The only notable trend over this period was the decrease in requests allocated to Housing & Land, and the corresponding increase in cases allocated to the Resources directorate. The number of requests handled by the Information Governance team increased by 92% compared to 2015-16, and the team is now responsible for *three times* as many requests than during 2014-15. As we have previously noted, this reflects the continuing complex nature of requests submitted to the GLA that cover an increasingly wide range of information.

2.3 Performance by directorate and team

Directorate	Annual Performance	
	2016-17	2015-16
Assembly & Secretariat	100%	n/a
External Affairs	98%	97%
Housing & Land	97%	92%
Resources	93%	96%
CMT (inc. Info Governance)	91%	80%
Communities & Intelligence	90%	100%
Mayor's Office	89%	74%
Development, Enterprise & Environment	82%	92%

Figure 6: Response timeliness by directorate

Most areas of the GLA maintained strong performances over the course of 2016-17; many improving on their previous level of compliance. The Governance & Finance team have been responsible for some of the GLA's most complex requests which have often required exhaustive and meticulous inspections of the GLA's financial records to extract the requested information.

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

Directorate	Team	Requests received	Late	
Assembly & Secretariat				
	Directorate Total	1	0	100%
Communities and Intelligence	Culture	3	1	66.7%
	Health & Communities	24	3	87.5%
	Intelligence & Analysis	11	0	100%
	Team London	0	0	-
	Directorate Total	38	4	89.5%
Corporate Mgmt Team	CMT	0	0	-
	Information Governance	273	26	90.5%
	Directorate Total	273	26	90.5%
Development, Enterprise & Environment	Economic & Business Policy Unit	5	0	100%
	Environment Team	22	2	90.9%
	Planning	49	12	75.5%
	Regeneration	0	0	-
	Transport	20	3	85%
	Directorate Total	96	17	82.3%
External Affairs	External Relations	13	2	84.6%
	Events & Marketing	9	0	100%
	Public Liaison Unit	188	2	98.9%
	Press	1	0	100%
	Directorate Total	211	4	98.1%
Housing & Land	Housing FoIA (Correspondence Group)	57	2	96.5%
	Investment & Operations	0	0	-
	Programme Policy & Services	1	0	100%
	Strategic Policy & Property	0	0	-
	Directorate Total	58	2	96.6%
Mayor's Office	Government & International	7	0	100%
	Mayor's Office	29	4	86.2%
	Mayor's Office Total	36	4	88.9%
Resources	EPMU	3	0	100%
	Facilities Management	11	0	100%
	GLA Finance	14	6	57.1%
	Group Finance	1	0	100%
	HR & OD	48	0	100%
	Information Technology	18	0	100%
	Procurement	11	1	90.9
	Directorate Total	106	7	93.4%
GLA TOTAL		819	64	92.2%

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 90% of requests are receiving a response within the appropriate timescales.

The GLA responded to 92.2% of its requests on time in 2016-17, and has not been subject to any form of compliance monitoring by the ICO.

3. Request trends

3.1 Subjects of requests

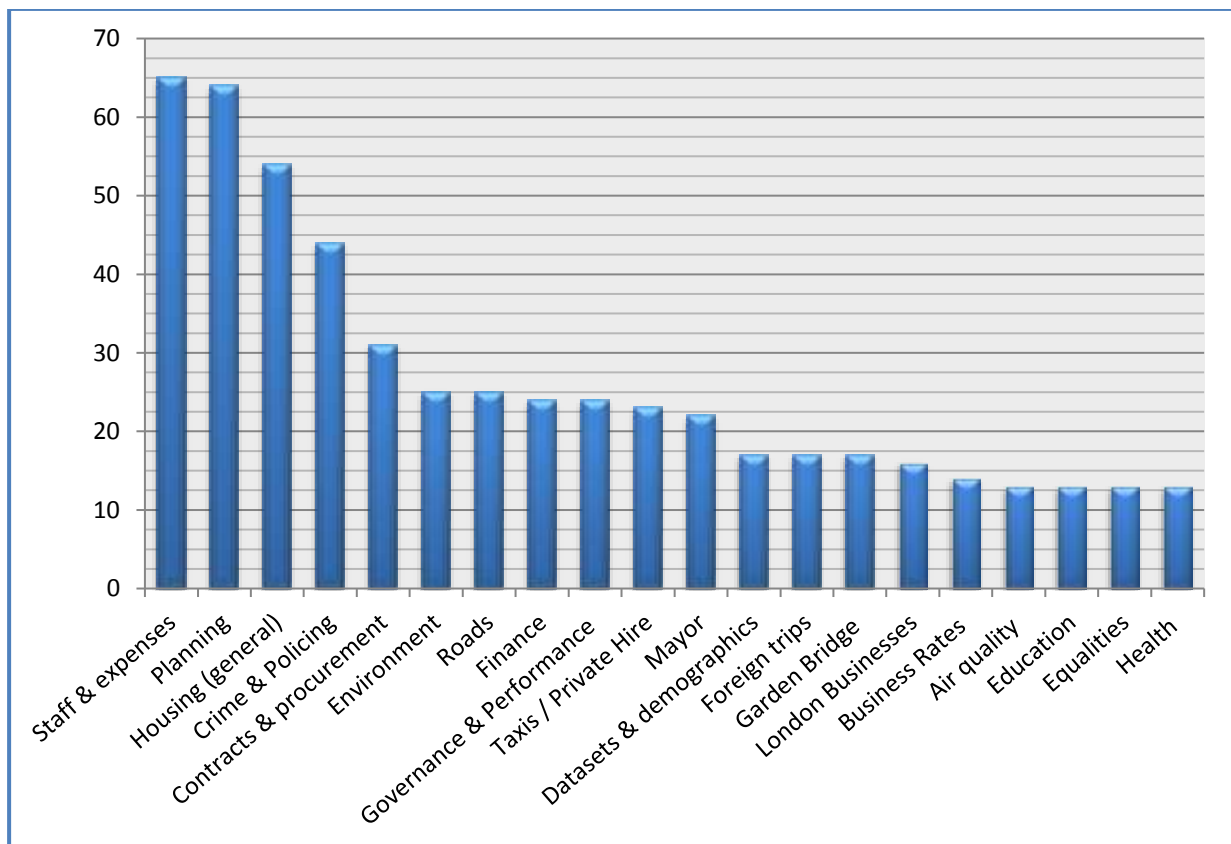


Figure 8: Subject areas of requests

The most common recorded subjects and themes of FoIA and EIR requests sent to the GLA are tabulated above. In common with previous years, roughly a fifth of requests focus on the 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 that seek the disclosure of information relating to planning, redevelopment and the regeneration of various sites across London; a trend we have seen over the past four years. As expected, the requests tend to mirror topics and decisions of particular interest to Londoners that arose over the course of the year, such as:

- air quality and pollution;
- taxis and private hire vehicles;
- crime and policing; and
- the Garden Bridge.

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.

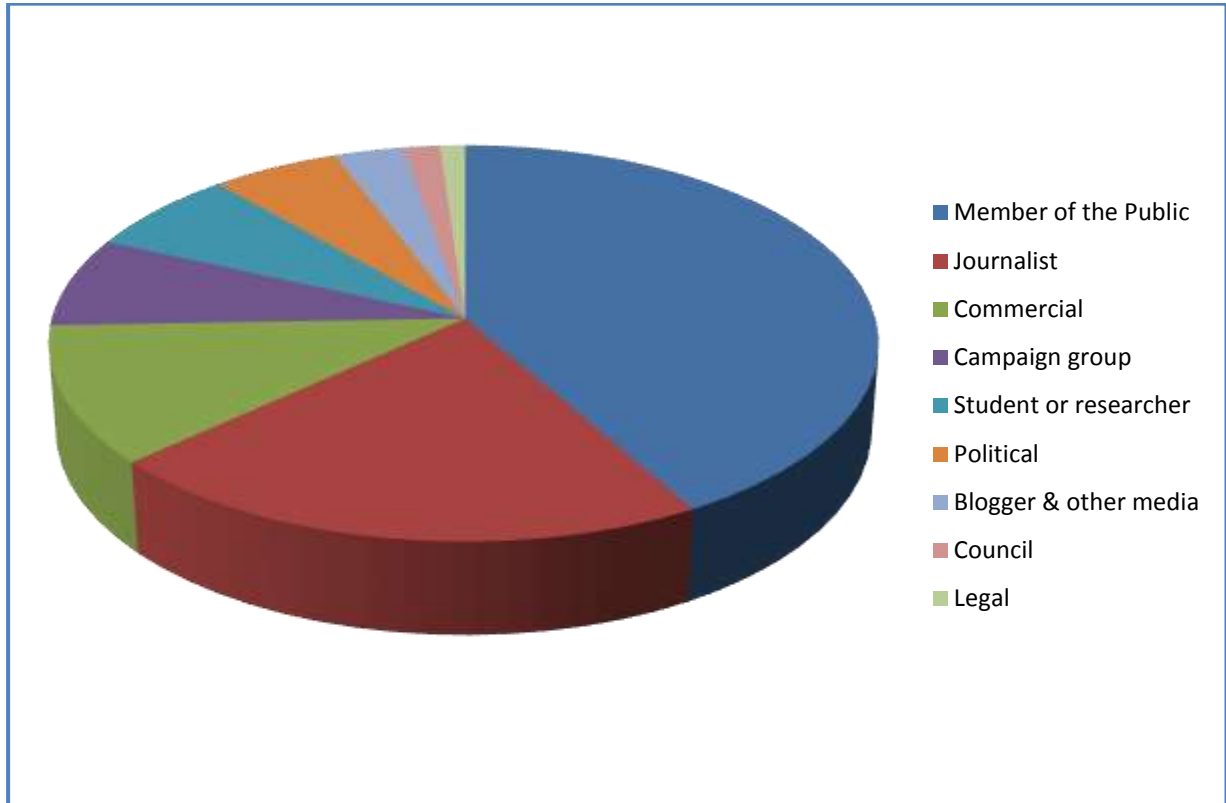


Figure 9: Source of FOI requests

While broadly similar to previous years, the GLA saw a slight increase in the percentage of request received by member of the public; up four percentage points from 2015-16 to 42%. This includes requests made via *whatdotheyknow.com* - a website that allows requests to be submitted by members of the public via non-personal email addresses.

We also noted an increase in requests submitted by journalists, members of media organisations and bloggers. Requests from these groups now account for nearly one-quarter of all requests received by the GLA.

The residual 33% of requests come from the remaining groups of applicants - business organisations, 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 45 separate requests during 2016-17. This is 5.5% of all the GLA’s responses and exactly the same percentage of requests as in the previous period.

The table below shows the number and type of exemptions engaged by the GLA in 2016-17.

FOI Exemption / EIR Exception			No. times applied
FoIA	s.40(2)	Third-party personal data	16
FoIA	s.43(2)	Prejudice to commercial interests	8
EIR	12(4)(d)	Unfinished documents and incomplete data	7
EIR	12(5)(e)	Confidentiality of commercial information	6
EIR	12(5)(b)	Legal Professional Privilege	5
FoIA	s.22(1)	Information scheduled for future publication	4
FoIA	s.40(5)	Personal data (Neither Confirm Nor deny)	2
FoIA	s.42(1)	Legal Professional Privilege	2
EIR	12(4)(e)	Internal communications	1
FoIA	s.31(1)	Law Enforcement	1
EIR	13(1)	Third-party personal data	1
FoIA	s.36(2)	Prejudice to the effective conduct of public affairs	1
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 (which is 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).

In addition, 24 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. A further 7 requests were refused under EIR regulation 12(4)(b), where complying with a request would be “manifestly unreasonable”.

One FoIA request was refused under section 14(1) of the Act as it was deemed to be vexatious.

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.¹ 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.

¹ https://www.london.gov.uk/sites/default/files/information_access_re-use_complaints_internal_review_procedure.pdf

The GLA conducted 27 Internal Reviews during 2016-17. While this is a forty-percent increase over the preceding year (up from 19), this constitutes a smaller proportion of complaints of the total requests received; 3.3% this year compared to 3.6% in 2015-16.

Nature of Complaint / Focus of Internal Review		Internal Review Outcome		Additional /related information provided
		Initial response upheld	Decision Overturned	
Information not held	10	8	2	3
Additional info. should be held	3	3	-	1
Use of exemptions	9	8	1	2
Time-related complaint	5	-	-	-

Ten complainants questioned why the GLA did not hold the specific information they had requested and a further three believed the additional information should be held in relation to their request.

Of these thirteen, 11 of our Internal Reviews upheld the initial decision confirming that the GLA did not hold any (additional) information, but in two of those cases, provided the applicant with additional information which was relevant to, if not in-scope of, their request. In the remaining two cases, the Internal Review process identified the requests had not been interpreted correctly and released additional information.

Nine complaints disputed the validity and scope of the exemptions applied to withhold information. One of the complaints was upheld and the GLA released the withheld information in full, and in one further case, the GLA provided the applicant with additional information which had been identified as part of the Internal Review process.

The GLA also received five complaints relating to the time it had taken to provide a response to five separate requests. These all related to complex requests which had exceeded the twenty-working day deadline and a permitted extension to that deadline; three requests were ongoing at the time the complaint was received. The applicants were provided with an apology and an explanation for the delay in providing them with a response.

5.2 Complaints to the Information Commissioner

The GLA was notified about three complaints made to the ICO during the 2016-17 period where applicants remained unhappy with our handling of their requests following our Internal Review.

- The first ICO case related to a request for the release of the raw data sitting behind the London Development Database, the system used by the GLA and the Mayor to monitor planning permissions and completions across London. The GLA initially argued that the raw data was already available through the web-portals managed by each Borough and could be accessed by the applicant through those websites. After extensive discussions with the ICO, the GLA agreed to provide the applicant with an extract of this data and the case was informally resolved to the satisfaction of the applicant.

- The second complaint concerned the London City Airport CADP Application and information withheld by the GLA under the Environmental Information Regulations under the disclosure-exception provisions relating to protecting Legal Professional Privilege. This complaint was withdrawn by the applicant and the ICO did not require any action be taken.
- The third complaint related to information involving the independent viability assessors engaged by the GLA in relation to development viability and affordable housing in the redevelopment of Mount Pleasant Sorting Office site. While a significant amount of information had been provided to the applicant, the GLA maintained that the information being requested under the EIR was not information held by the GLA. After a year of discussions with the ICO, the applicant withdrew their complaint and GLA was not required to take any further steps.

6. Comparison with functional bodies and government

6.1 GLA Group

Authority	Financial year	Requests received	Proportion of requests on time
GLA	2016-17	819	92%
	2015-16	528	90%
	2014-15	578	91%
TfL	2016-17	2616	81%
	2015-16	2648	87%
	2014-15	2152	87%
LFEPa	2016-17	325	98%
	2015-16	327	99%
	2014-15	347	97%
LLDC	2016-17	123	98%
	2015-16	75	95%
	2014-15	70	97%
MOPAC	2016-17	68	98%
	2015-16	62	93%
	2014-15	74	89%
OPDC	2016-17	3	67%
	2015-16	10	90%
	2014-15	n/a	n/a
MPS	2016-17	4795	68%

Although the Metropolitan Police Service is not strictly part of the GLA Group, it is part of the GLA Family and, following recommendations from the London Assembly Oversight Committee, the Mayor agreed that MPS data should be included for the first time in order to help improve transparency.

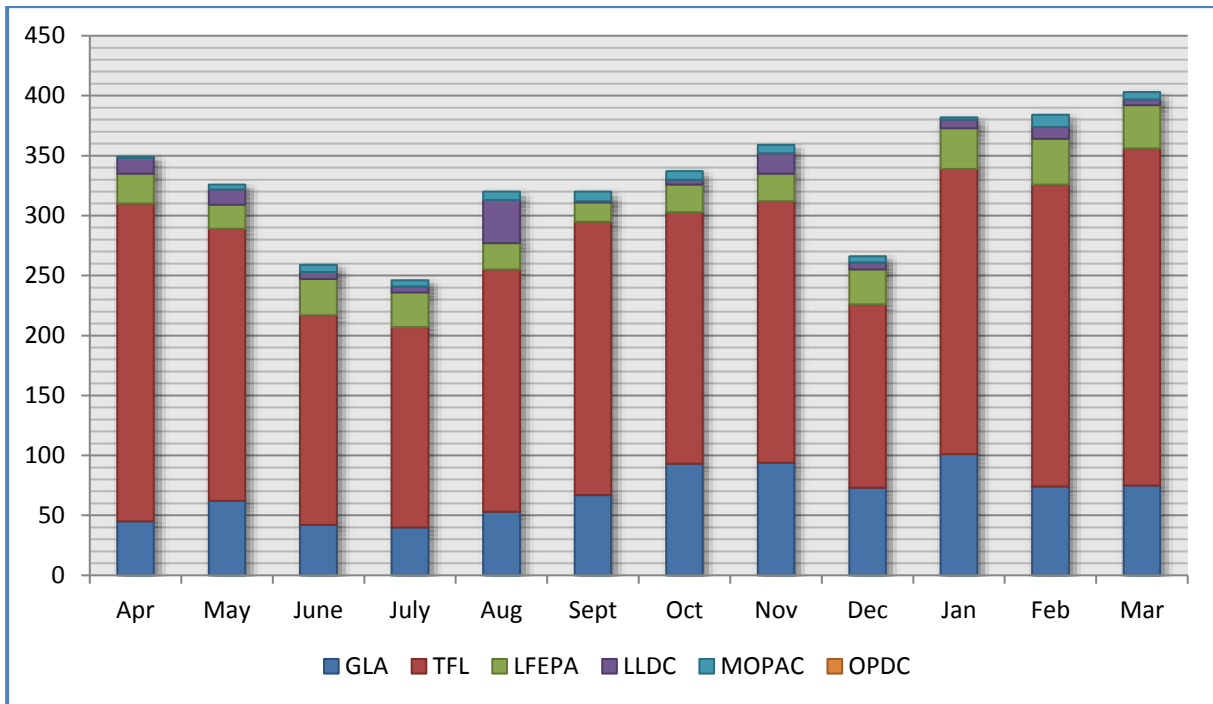


Figure 9: GLA Group requests per month

The GLA Group received 3951 requests in 2016-17; a comparatively modest 8.2% increase in the number of FoIA and EIR requests received over the preceding year. In addition to the GLA’s 55% increase, the London Legacy Development Corporate saw a rise of 64%. The Group answered 85.3% of all requests within the deadlines. This represents a fall of 2.4 percentage points in overall Group performance over 2015-16, and is largely due to the large numbers of complex and coordinated requests that were received by Tfl over this period.

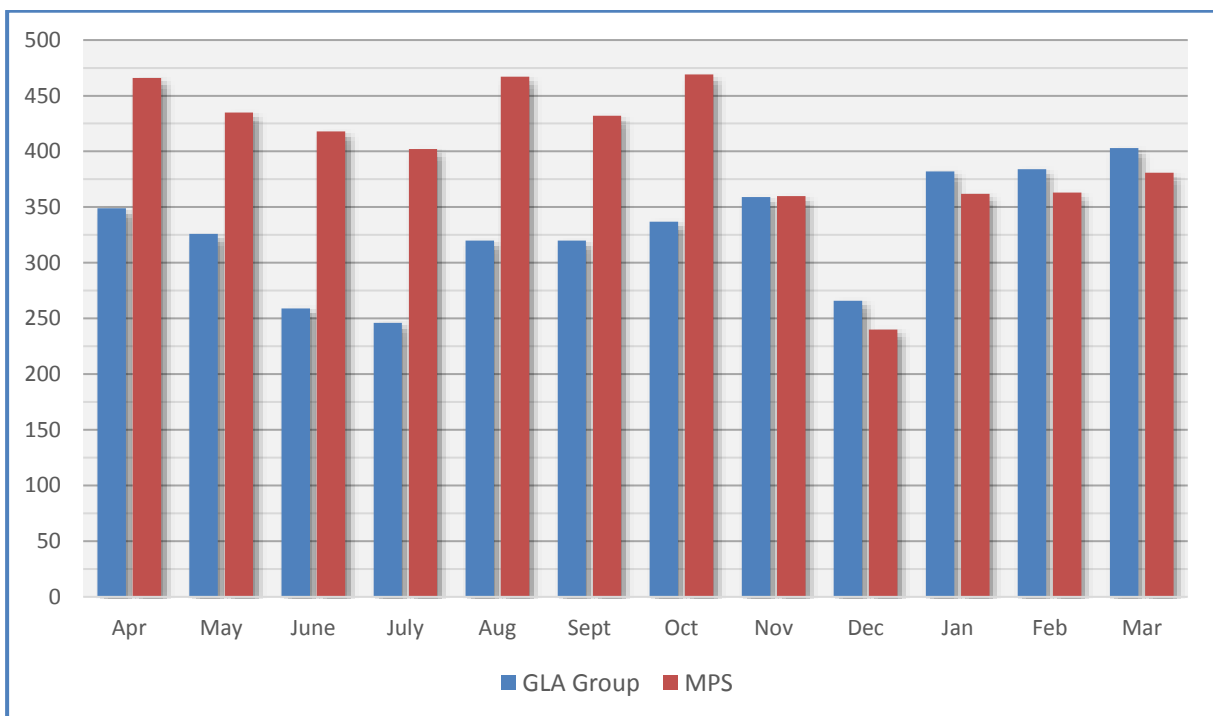


Figure 10: MPS and GLA Group requests per month

Over the course of 2016-17, the MPS handled 4,795 FoIA requests, 21% more the GLA Group combined; approximately 400 requests per calendar month, compared to the GLA Group’s 329.

The trend would indicate the MPS would usually receive more requests than the GLA Group, however, the increasing number of requests received by the GLA Group saw it surpass those received by the MPS over the last three months of this monitoring period.

6.2 Government departments

Government department	Requests received	Proportion of requests on time
Department of Health	1,276	99.9%
Department for International Development	422	98.6%
Northern Ireland Office	160	98.1%
Wales Office	104	98.1%
Attorney General's Office	218	97.7%
Department for Transport	2,400	96.5%
UK Export Finance	89	94.4%
Department for Culture, Media and Sport	508	93.9%
Department for Exiting the European Union	355	93.5%
HM Treasury	845	93.4%
Cabinet Office	1,539	93.2%
Department for Environment, Food and Rural Affairs	623	92.9%
Foreign and Commonwealth Office	1,143	92.3%
Ministry of Defence	4,211	91.7%
Scotland Office	162	90.7%
Department for Education	2,069	86.1%
Department for Work and Pensions	4,421	85.5%
Home Office	3,450	85.2%
Department of Energy and Climate Change	190	83.2%
Department for International Trade	241	82.6%
Ministry of Justice	4,013	82.5%
Department for Business, Energy and Industrial Strategy	703	76.4%
Communities and Local Government	782	64.8%
Department for Business, Innovation and Skills	248	64.1%

Figure 11: Government departments’ 2016-17 FOI performance

Average performance across these 24 Departments of State was 88.2%, and is broadly comparable to GLA Group FoIA performance over this same period.

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

7. Focus during 2017-18

The GLA will continue to review its performance on an ongoing basis to identify any areas of our processes which can be adjusted to help improve our performance further and to enhance awareness of the legislation across the organisation.