

Information Governance Annual FoIA Performance Report 2017-18

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1. Introduction and Executive Summary

The Mayor has made a commitment that the GLA leads the way in openness and transparency, helping Londoners to hold us to account by publishing information on how we operate and perform.

Our guiding principle, underpinning our approach to transparency, is that all information should be accessible. In that context, since 2010 we have produced an annual report, which analyses the GLA’s performance in dealing with Freedom of Information Act (FoIA) requests. This report covers the period between 1 April 2017 and 31 March 2018.

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 90%. Our approach to FoIA requests is also governed by this commitment to transparency and we respond to requests for information quickly and comprehensively.

The GLA received 934 FoIA requests during 2017-18, a 14% increase over the 2016/17 period. This was the highest number of requests received by the GLA since the introduction of the Act.

Despite this unprecedented volume of requests, the GLA answered 90.3% of requests within the statutory deadline (20 working days) or subject to a permitted deadline extension, including where additional time is required for public interest tests under FoIA, or for complex requests under EIR. The GLA conducted 31 Internal Reviews responding to complaints we had received about the handling of requests, and we worked with the Information Commissioner’s case officers to help resolve three complaints where the applicant remained dissatisfied after our review.

2. Request volume and performance

2.1 Requests received

The GLA responded to 934 FoIA or EIR requests between 1 April 2017 and 31 March 2018, the highest level yet in its history and 14% higher than for 2016/17.

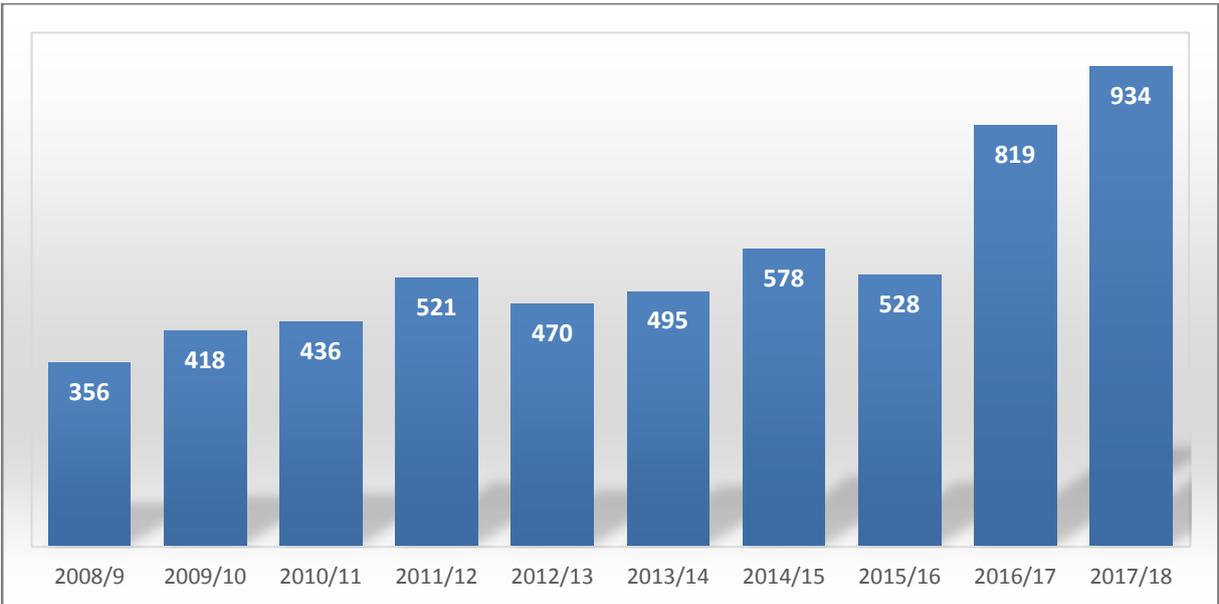


Figure 1: Volume of requests received by the GLA over the past 10 years to 2017/18

The GLA answered 843 (90.3%) of the requests on-time; more than the total number of requests received in the previous period. The charts below illustrate the changes in GLA’s performance against the statutory target over recent years.

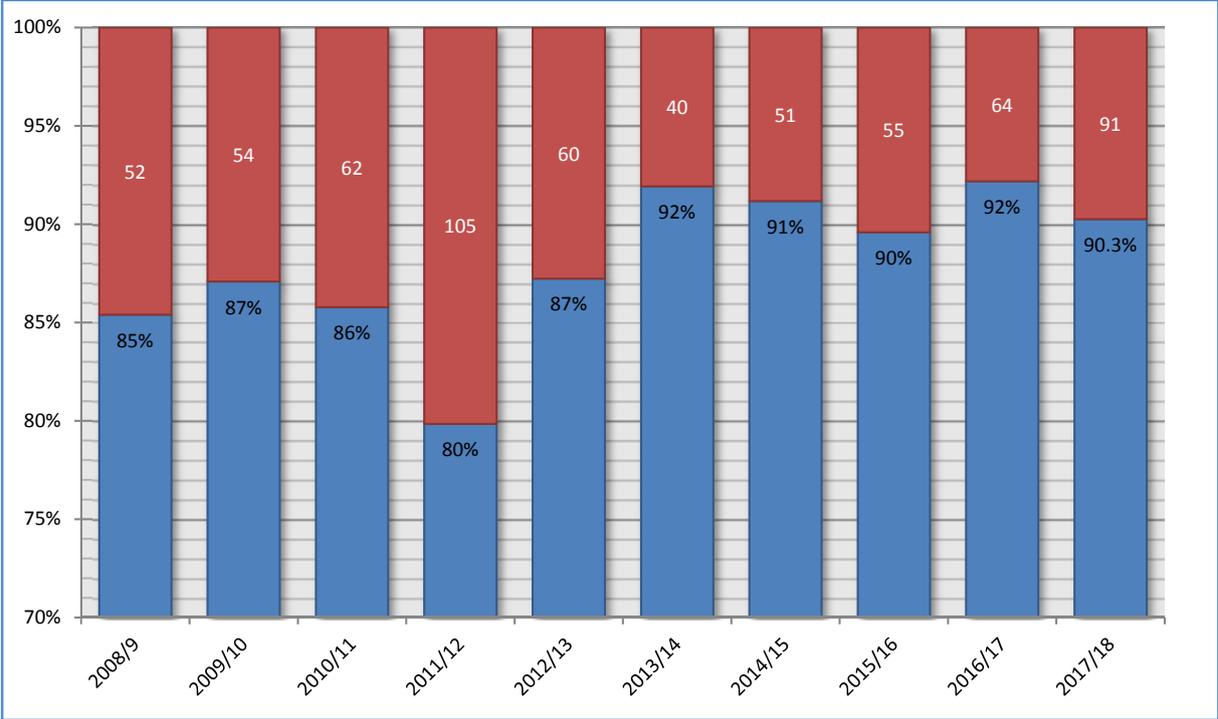


Figure 2: GLA annual performance against target 2017/18

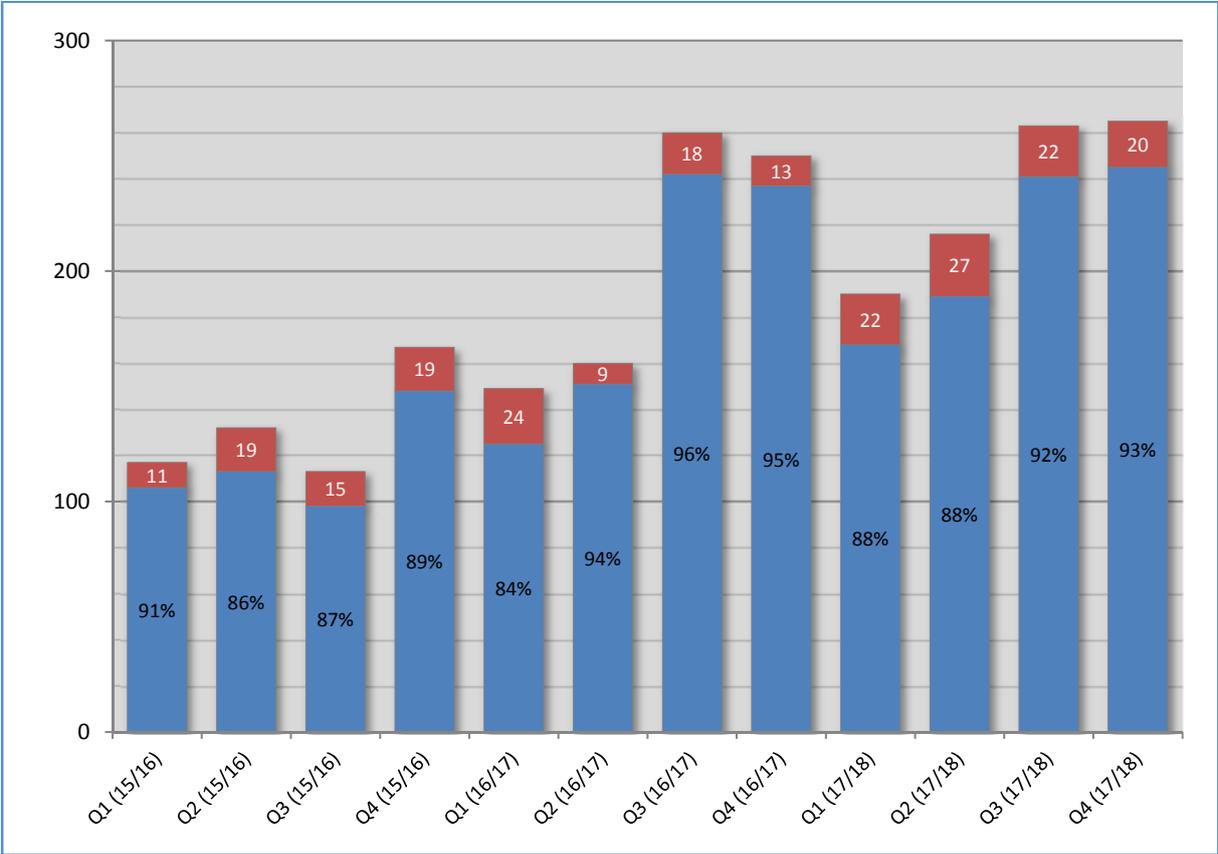


Figure 3: GLA quarterly performance by volume 2017/18

During 2017-18, the GLA also handled an additional 115 “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 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

Nearly half of the FOI requests received are complex or cut across multiple directorates and are therefore co-ordinated by the central Information Governance team. This number has been growing over time, reflecting the continuing complex nature of requests submitted to the GLA that cover an increasingly wide range of information, and the team were responsible for handling more requests than the total received by the whole of the GLA as recently as 2013/14.

The other trend from 2016/17 was a slight increase in the percentage of requests that were handled both by the Housing and Land; and Development, Enterprise and Environment directorates.

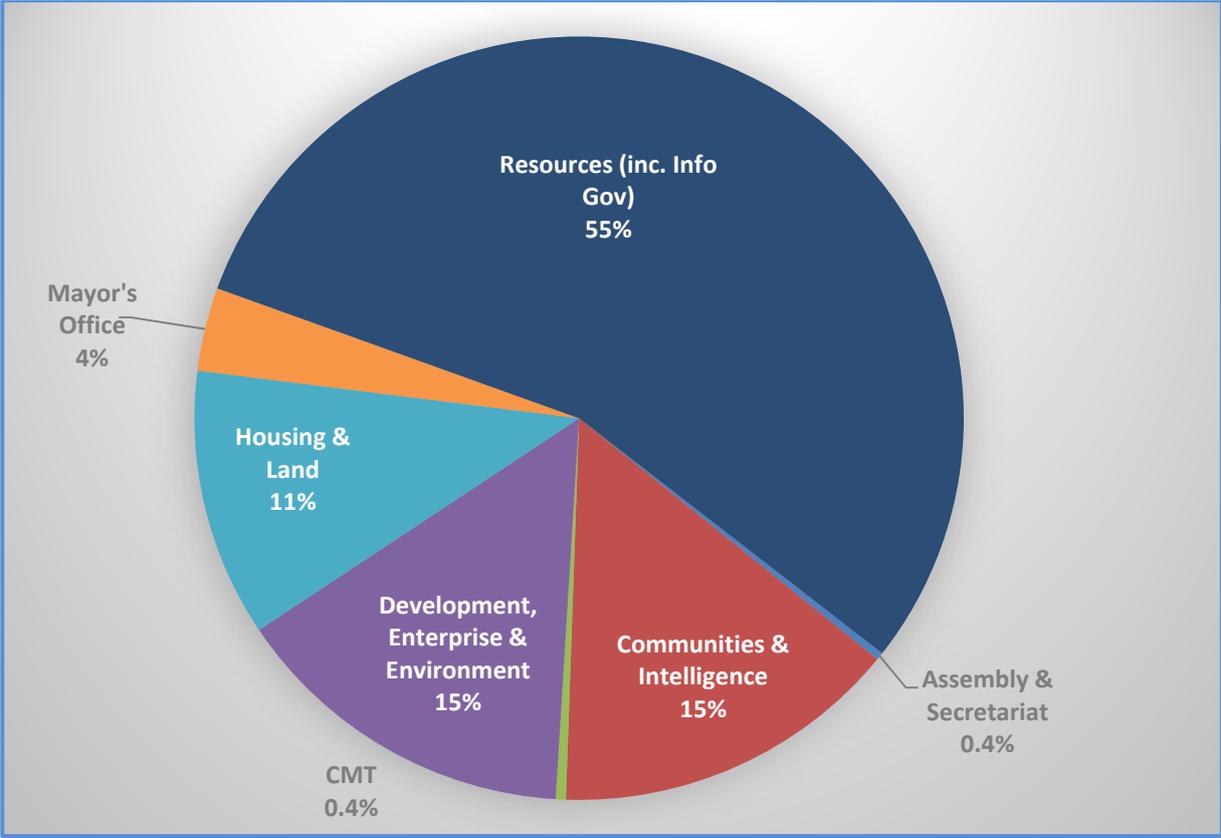


Figure 5: Proportion of requests by directorate 2017/18

Due to changes in the organisational structure over the past year, the Information Governance Team is now part of the Resources Directorate (formerly within Corporate Management team (CMT) and the External Affairs Directorate has now merged with Communities & Intelligence.

2.3 Performance by directorate

Directorate	Annual Performance		
	2016-17	2017-18	2018-19 YTD
Assembly & Secretariat	100%	100%	80%
CMT	91%	100%	-
Development, Enterprise & Environment	82%	96%	90%
Housing & Land	97%	92%	90%
Resources	93%	90%	93%
Communities & Intelligence	90%	86%	83%
Mayor's Office	89%	69%	89%
Multi-Directorate (Info. Gov)	91%	91%	-

Figure 6: Response timeliness by directorate 2017/18 & 2018/19 Q1 and Q2

Most areas of the GLA maintained strong performances over the course of 2017-18.

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 90.3% of its requests on time in 2017-18 and has not been subject to any form of compliance monitoring by the ICO.

3. Request trends

3.1 Subjects of requests

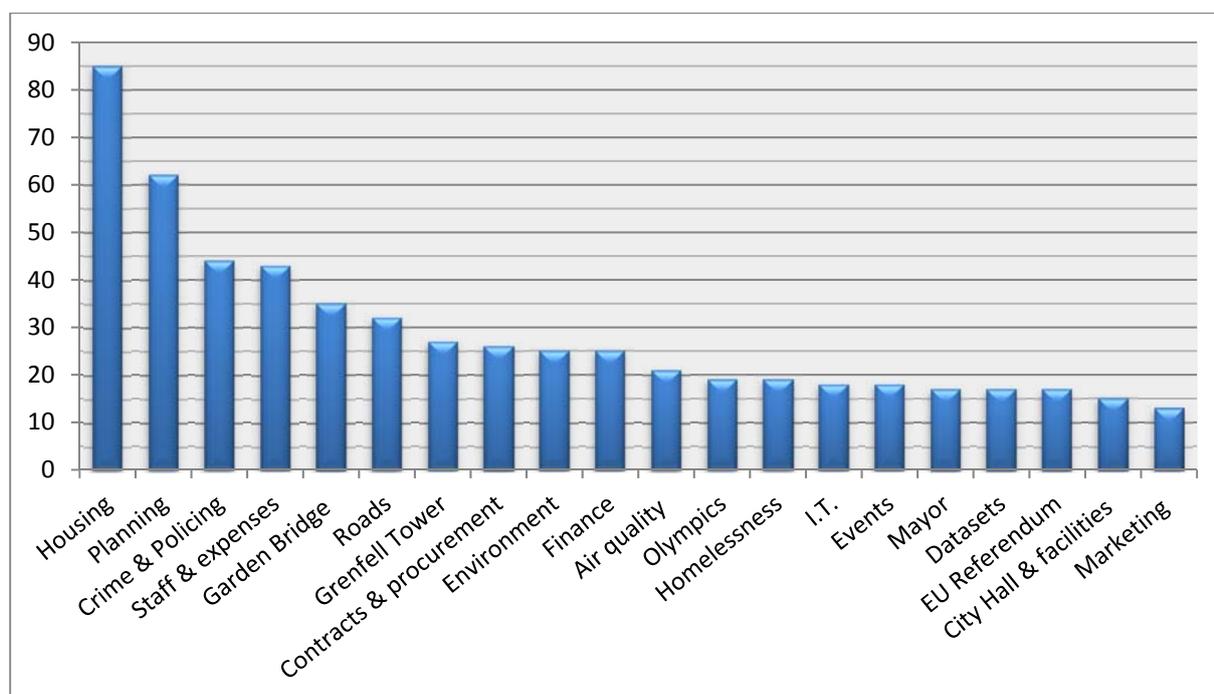


Figure 7: Subject areas of requests 2017/18

The most common recorded subjects and themes of FoIA and EIR requests sent to the GLA are tabulated above. Compared to 2016/17, there was a significantly larger number of requests relating to Housing (85, up from 54), as well as Homelessness. There were however significantly fewer requests over the same period relating to the performance and transparency of the GLA as an organisation (e.g. staff salaries and expenses and corporate governance matters).

Planning, redevelopment and site regeneration queries and crime and policing matters continue to generate a large number of requests. As expected, the requests also tend to mirror topics and decisions of particular interest to Londoners that arose over the course of the year, such as:

- the Garden Bridge;
- Grenfell Tower;
- EU referendum.

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.

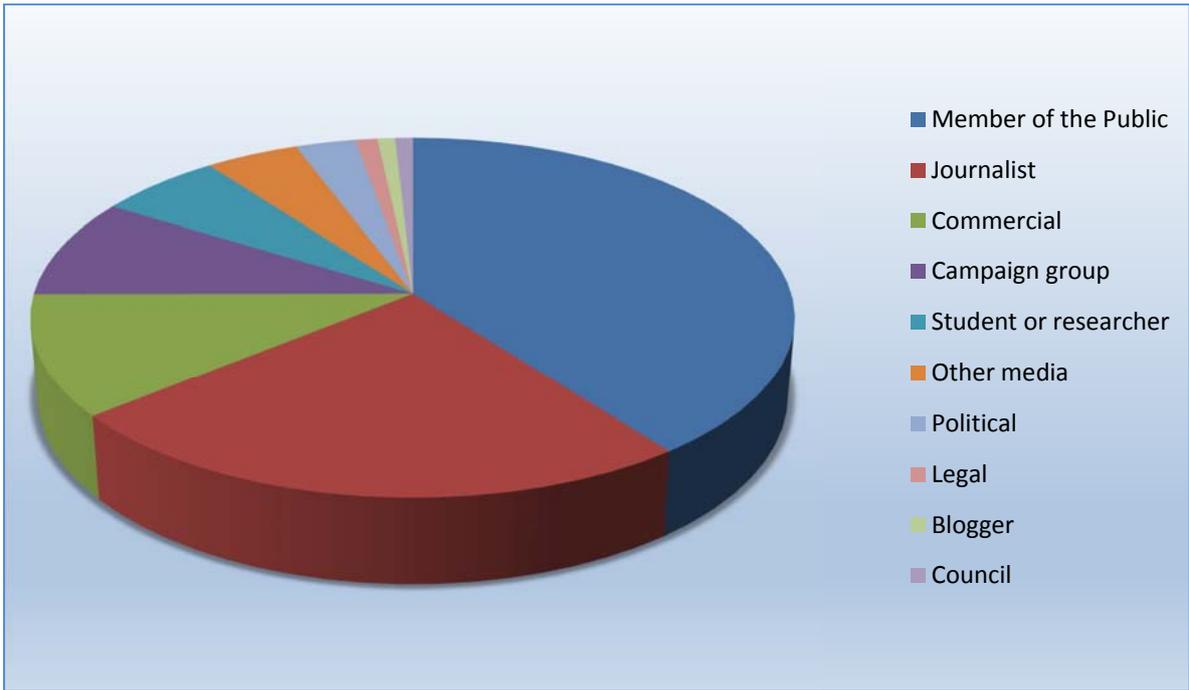


Figure 8: Source of FOI requests 2017/18

40% of requests were received from members of the public, which is consistent with recent trends. 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.

29% of requests were submitted by the media- journalists, members of media organisations and bloggers- continuing an upward trend.

The residual 31% 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.

84 FoIA exemptions or EIR exceptions were applied to withhold information in response to 62 separate requests during 2017-18. This is 6.6% of all the GLA’s responses and represents a slight increase in the percentage of requests as compared to the previous period.

The table below shows the number and type of exemptions engaged by the GLA in 2017-18.

FOI Exemption / EIR Exception		No. times applied
FoIA s.40(2)	Third-party personal data	19
FoIA s.22(1)	Information scheduled for future publication	14
FoIA s.43(2)	Prejudice to commercial interests	9
EIR 12(4)(d)	Unfinished documents and incomplete data	9
EIR 12(5)(e)	Confidentiality of commercial information	7
FoIA s.41(1)	Information provided in confidence	6
FoIA s.31(1)	Law Enforcement	4
FoIA S38	Health and Safety	4
EIR 12(5)(b)	Legal Professional Privilege	3
EIR 13(1)	Third-party personal data	2
FoIA s.24	National Security	2
FoIA s.40(5)	Personal data (Neither Confirm Nor deny)	1
FoIA s.42(1)	Legal Professional Privilege	1
FoIA s.21	Reasonably Accessible	1
FoIA s.27	International Relations	1
FoIA s.32	Court papers	1

Figure 9: Exemptions applied to withhold information 2017/18

As with previous years, the most frequently-engaged exemption provisions included 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).

This year, there was a significant increase in the number of times information was withheld as it was scheduled for future publication, up from just four instances the previous year, and information provided in confidence (six cases up from one).

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 three requests were refused under EIR regulation 12(4)(b), where complying with a request would be “manifestly unreasonable”.

Four FoIA requests were refused under section 14(1) of the Act as they were deemed to be vexatious and another under the section 14(2) as it was a considered a repeated request.

4.2 How requests are dealt with

The GLA is not always able to release information in response to the requests we receive. Of the 934 requests we received during 2017/18, the GLA referred the applicants of 223 requests to submit their request to another body either within the GLA family (e.g. TfL) or outside. This was usually because the applicant had submitted a request to the GLA in the expectation it would hold information similar to that of a local authority or London Borough, or where it was assumed the GLA could consider requests on behalf of a GLA Functional Body.

A further 220 requested information that the GLA did not hold.

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.

The GLA conducted 31 Internal Reviews during 2017-18, four more than the preceding year. This is however the same proportion of complaints to the total requests received - 3.3%

Nature of Complaint / Focus of Internal Review		Internal Review Outcome		Additional /related information provided
		Initial response upheld	Decision Overturned	
Information not held	14	14	-	2
Additional info. should be held	2	2	-	1
Use of exemptions	13	11	2	4
Time-related complaint	2	1	-	-

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

A total of 14 complainants questioned why the GLA did not hold the specific information they had requested; a further two believed the additional information should be held in relation to their request.

All 16 of these Internal Reviews upheld the initial decision confirming that the GLA did not hold any (additional) information. In response to one complaint, the GLA located additional information during the Internal Review which should have been considered in-scope of the initial request.

Thirteen complaints disputed the validity and scope of the exemptions applied to withhold information. Two of these complaints were upheld and the GLA released previously withheld information in full. In a further four cases, the GLA provided the applicant with additional information which had been identified as part of the Internal Review process.

The GLA also received two complaints relating to the time it had taken to provide a response to two separate requests. Both complaints related to complex requests and were received while work on those cases were ongoing. The applicants were provided with an apology and an explanation for the delay in providing them with a response. Neither applicant pursued their complaint after receiving the GLA's response.

5.2 Complaints to the Information Commissioner

The GLA was notified about three complaints made to the ICO during 2017-18, where applicants remained unhappy with our handling of their requests following our Internal Review.

Two investigations involved requests where the applicant believed additional information was held in relation to their request. In both cases, the ICO agreed that the GLA had conducted thorough searches in handling the initial requests and upheld the GLA's response.

The third complaint involved the reliance of exemption provisions to withhold sensitive information relating to the planning of a high-profile public event. The Information Commissioner's Office upheld the GLA's decision in full that certain information was exempt from disclosure.

6. Comparison with functional bodies and government

6.1 GLA Group

Authority	Financial year	Requests received	Proportion of requests on time
GLA	2017-18	934	90%
	2016-17	819	92%
	2015-16	528	90%
TfL	2017-18	3200	92%
	2016-17	2616	81%
	2015-16	2648	87%
LFB	2017-18	553	97%
	2016-17	325	98%
	2015-16	327	99%
LLDC	2017-18	74	96%
	2016-17	123	98%
	2015-16	75	95%
MOPAC	2017-18	71	90%
	2016-17	68	98%
	2015-16	62	93%
OPDC	2017-18	3	100%
	2016-17	3	67%
	2015-16	10	90%
	2016-17	4795	68%

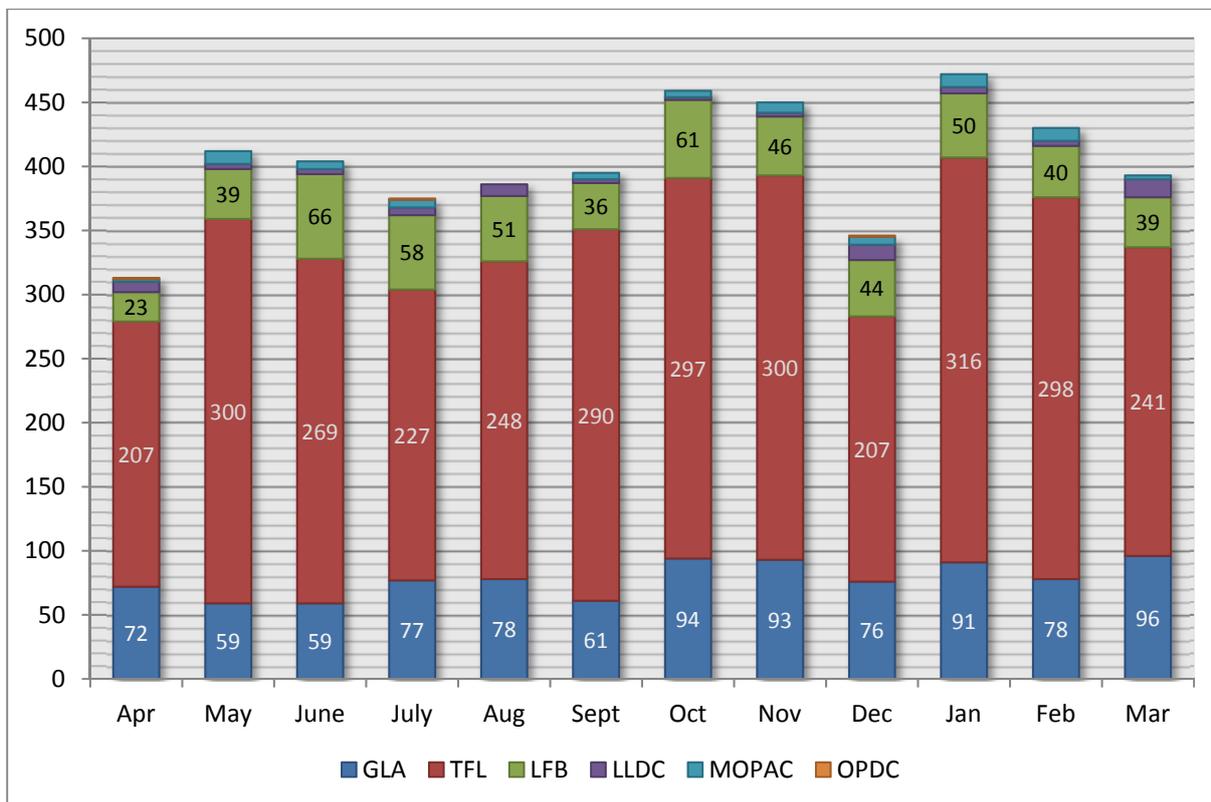


Figure 10: GLA Group requests per month 2017/18

The GLA Group received 4,835 requests in 2017-18, a significant 22.4% increase in the number of FoIA and EIR requests received over the preceding year. The Group answered 92.3% of all requests within the deadlines. This represents an increase of 7 percentage points in overall Group performance over 2016-17, and is largely due to a significant improvement in TFL’s performance.

6.2 Government departments

By way of comparison, the GLA Group’s performance is broadly comparable with performance in Central Government. For the calendar year 2017, the latest for which 12-month statistics are available, Central government departments, i.e. Departments of State, received just under 32,000 requests and responded to 91% of enquiries within the statutory deadline, up from 89% in the 2016 calendar year. It is though noticeable that of those requests that were resolvable, over half were partly or wholly withheld, either because of exemptions under the Act or on the grounds of excessive cost.

(Detailed figures are available at <https://www.gov.uk/government/collections/government-foi-statistics>)

7. Focus during 2018-19

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. Performance is now being tracked through a new Corporate Health Performance Indicator report, which will increase visibility of performance to the Mayor’s Team and senior officers.

We are also now publishing quarterly information on our FoI performance on our website to enhance the real time information we provide.

In view of this, we will also be reviewing how this document could be made most useful and add value to the Freedom of Information disclosure log, and all the other data sets that we routinely make available through london.gov.uk. If you have any comments, please email foi@london.gov.uk or write to the Finance and Governance Team, City Hall, London SE1 2AA.

Further information can be found on our site:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>