

Freedom of Information Act Annual Report 20/21

1. Summary

- 1.1. The Freedom of Information (FOI) Act was introduced with the purpose of making authorities and public bodies more open and transparent with the information they hold.
- 1.2. The FOI Act and the Environmental Information Regulations (EIR) are very similar and are dealt with through the same process. The figures given below are for both FOI and EIR requests.
- 1.3. Public Authorities are required respond to FOI/EIR requests within 20 working days from the day after the request was received. The deadline for responding to requests may be extended where authorities are considering the public interest test.
- 1.4. All requests must be received in writing, via Merton Council's dedicated online form or email address.
- 1.5. In line with best practice, Merton is in the process of proactively publishing more data and information online through the open data portal (<https://www2.merton.gov.uk/council/dp-foi/opaendata.htm>). There is also a disclosure log published online showing all requests received and responses issued (<https://www2.merton.gov.uk/council/dp-foi/foi/recent-information-requests.htm>).

2. Performance Information by calendar year

- 2.1 Between April 2020 and March 2021 Merton responded to a total of 1341 requests. 83% of responses were sent within 20 days. The following table shows the performance across the past 3 years.

Year	No. of requests	% on time
2020-2021	1341	87%
2019-2020	1609	88%
2018-2019	1813	83%

- 2.2 There are cases where information was not provided to the requestor as it is not held by the Council. The FOI Act does not require an authority to create information to satisfy a request.
- 2.3 Of these requests, 216 cases (16%) had an exemption applied as part of the response. This may have resulted in either a partial or full refusal. Both the FOI and EIR Acts contain exemptions that allow Public Authorities to withhold information in certain cases.

FOI - Exemption Applied	Total	% of Total Exemptions
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Section 12 Exceeds appropriate limit (costs)	52	24.07%
Section 14 Vexatious	0	0.00%
Section 21 Info accessible by some other means	41	18.98%
Section 22 Intended for future publication	13	6.02%
Section 24 National Security	2	0.93%
Section 30 Investigations	34	15.74%
Section 31 Law Enforcement/Prevention of crime	0	0.00%
Section 32 Court Records	0	0.00%
Section 33 Audit Functions	0	0.00%
Section 36 Effective conduct of public affairs	0	0.00%
Section 38 Health and Safety	46	21.30%
Section 40 Personal Information	9	4.17%
Section 41 Provided in confidence	5	2.31%
Section 42 Legal privilege	12	5.56%
Section 43 Commercial Interests	0	0.00%
Section 44 Prohibited by Law	0	0.00%

EIR - Exemptions Applied	% of Total Exemptions
2	0.009%

Department	No. of request	in time
Community and Housing	227	186
Corporate Services	497	453
Children Schools and Families	186	139
Environment and Regeneration	539	483

3. Internal Reviews

3.1 If a correspondent is unhappy with the way their FOI/EIR request was handled, they can ask for an Internal Review, which will be conducted by an independent officer not involved in the original decision.

3.2 A total of 29 reviews were conducted in 2020/21.

Decision	Total	% of Total
Not upheld	5	17%
Partly upheld	0	0%
Upheld	11	38%
N/A	13	45%

4. Information Commissioner

4.1 If, following an internal review, a requestor remains dissatisfied with the response they can approach the Information Commissioners Office (ICO) to ask them to review the decision.

4.2 During 2020/21 a total of 1 formal enquiry were received from the ICO. 1 of these were settled within time.