

# Freedom of Information Act Annual Report 22/23

## 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 2022 and March 2023 Merton responded to a total of 1415 requests. 84% of responses were sent within 20 days. The following table shows the performance across the past 3 years.

Year	No. of requests	% on time
2022-2023	1415	84%
2021-2022	1391	78%
2020-2021	1341	87%

- 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, 198 cases (14%) 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)	81	40.91%
Section 14 Vexatious	1	0.51%
Section 21 Info accessible by some other means	20	10.10%
Section 22 Intended for future publication	5	2.53%
Section 24 National Security	1	0.51%
Section 30 Investigations	15	7.58%
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	23.23%
Section 40 Personal Information	19	9.60%
Section 41 Provided in confidence	0	0.00%
Section 42 Legal privilege	9	4.55%
Section 43 Commercial Interests	0	0.00%
Section 44 Prohibited by Law	0	0.00%

EIR - Exemptions Applied	% of Total Exemptions
1	0.51%

Department	No. of request	in time
<b>Community and Housing</b>	238	196
<b>Corporate Services</b>	452	402
<b>Children Schools and Families</b>	259	216
<b>Environment and Regeneration</b>	584	456

### 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 50 reviews were conducted in 2022/23.

Decision	Total	% of Total
Not upheld	13	26%
Partly upheld	1	2%
Upheld	22	44%
N/A	14	28%

### 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 2022/23 a total of 5 formal enquiries were received from the ICO. 3 of these were settled within time.