

Freedom of Information Act Annual Report 18/19

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/opendata.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 2019 and March 2020 Merton responded to a total of 1609 requests, an decrease from the previous year. 88% of responses were sent within 20 days. The following table shows the performance across the past 3 years.

| Year | No. of requests | % on time |
|-----------|-----------------|-----------|
| 2019-2020 | 1609 | 88% |
| 2018-2019 | 1813 | 83% |
| 2017-2018 | 1795 | 76% |

- 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 In addition to these requests there were a further 329 cases (20%) where an exemption was 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 |
|--|-------|-----------------------|
| Section 12 Exceeds appropriate limit (costs) | 107 | 32.52% |
| Section 14 Vexatious | 0 | |
| Section 21 Info accessible by some other means | 51 | 15.5% |
| Section 22 Intended for future publication | 16 | 4.86% |
| Section 24 National Security | 0 | |
| Section 30 Investigations | 1 | 0.30% |
| Section 31 Law Enforcement/Prevention of crime | 44 | 13.37% |
| Section 32 Court Records | 0 | |
| Section 33 Audit Functions | 1 | 0.30% |
| Section 36 Effective conduct of public affairs | 2 | 0.61% |
| Section 38 Health and Safety | 0 | |
| Section 40 Personal Information | 66 | 20.06% |
| Section 41 Provided in confidence | 19 | 5.78% |
| Section 42 Legal privilege | 4 | 1.22% |
| Section 43 Commercial Interests | 12 | 3.65% |
| Section 44 Prohibited by Law | 1 | 0.30% |

| EIR - Exemptions Applied | % of Total Exemptions |
|--------------------------|-----------------------|
| 5 | 1.52% |

| Department | No. of request | in time |
|--------------------------------------|----------------|---------|
| Community and Housing | 282 | 253 |
| Corporate Services | 541 | 504 |
| Children Schools and Families | 298 | 218 |
| Environment and Regeneration | 629 | 563 |

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 21 reviews were conducted in 2019/20, 1.3% of the 1609 requests received. 17% of the original decisions were not upheld.

| Decision | Total | % of Total |
|---------------|-------|------------|
| Not upheld | 1 | 5% |
| Partly upheld | 1 | 5% |
| Upheld | 19 | 90% |
| N/A | 0 | 0% |

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 2019/20 a total of 7 formal enquiries were received from the ICO. 7 of these were settled within time.