

Governance Committee

2 October 2020

Appendix 4 Formal requests for information 2019/20

1.0 Internal reviews of formal information requests

1.1 Complaints regarding the final responses to freedom of information (FOI) and environmental information regulations (EIR) requests have their own procedure as an internal review carried out by Orbis Public Law. For data protection subject access requests (SARs), the Customer Services Team (CST) reviews our response if the customer remains dissatisfied and asks for legal support if it is particularly complex. There is an option for the customer to complain to the County Council's Data Protection Officer if they remain unhappy. For all types of information requests, there is then an option to complain to the Information Commissioner's Office (ICO) if the customer remains dissatisfied.

1.2 In 2019/20, we received seven requests for internal reviews, compared to nine in 2018/19. Out of the seven internal reviews, Orbis Public Law found fault with four requests in the way the exemptions, allowed by the legislation, were applied. In these four cases, further information was provided to the requesters and we were able to go back to the services who initially fulfilled those requests to clarify the use of exemptions, as part of a 'lessons learned' exercise. There was no fault found with two internal reviews and one is still outstanding. CST and Orbis Public Law continue to work closely to identify where improvements can be made irrespective of complaints, in order to improve the robustness, but also the helpfulness of our responses to requesters.

2.0 Complaints to the Information Commissioner's Office

2.1 In 2019/20, the ICO received four complaints regarding information requests made to the Council, compared to six in 2018/19. Three of these complaints were settled informally, with the Council receiving information notices. The cases were regarding incorrect or missing information, delay in responses, and exemptions applied. For these, we were able to provide information to the requesters resulting in no further action or investigation by the ICO. Lessons learned were that we improved the way we processed the cases and implemented better record management. One SAR was investigated as a formal complaint and a decision notice was given; the complaint was not upheld as we had applied the exemption correctly.