

SLOUGH BOROUGH COUNCIL

REPORT TO: Council

DATE: 26th July 2011

CONTACT OFFICER: Tracy Luck, Head of Policy and Communications
(For all enquiries) 01753 875518

WARD(S): All

PART I **FOR INFORMATION**

FREEDOM OF INFORMATION ACT

1 Purpose of Report

To note the publication of requests and responses under the Freedom of Information Act 2000.

2 Recommendations

The Council is requested to note:-

That from 1st August 2011 requests and responses under the Freedom of Information Act 2000 will be published on the Council's website, with the exception of vexatious and offensive requests.

3 Community Strategy Priorities

3.1 The FOIA facilitates access to a range of information about the way the Council works and its services and therefore all of the Community Strategy's priorities:

- Celebrating Diversity, Enabling inclusion
- Adding years to Life and Life to years
- Being Safe, Feeling Safe
- A Cleaner, Greener place to live, Work and Play
- Prosperity for All

4. Other Implications

(a) Financial

It is possible to charge for some FOI requests as set out in the FOIA Protocol section 8.

(b) Risk Management

There are legal obligations for the Council in terms of complying with the FOIA and therefore risks should these duties not be met, including possible fines and action by the Information Commissioner.

(c) Human Rights act and Other Legal Implications

The requirements placed on all councils by the FOIA are summarised in the Council's Protocol on FOIA.

(d) Equality Impact Assessment

The FOIA requires councils to be open about the information that they hold and ensure that it is accessible. Slough Borough Council's approach is to ensure that all of the protected groups should be encouraged to access information and that this should be facilitated. There are no differential impacts as a result of the Council's approach to the FOIA.

(e) Workforce

The Council manages FOI requests within existing resources, but has one dedicated officer who coordinates responses.

(f) Sustainability

There are no implications.

5 Supporting Information

- 5.1 The FOIA was enacted in 2000 and applies to public authorities and companies wholly owned by public authorities in England, Wales and Northern Ireland. This includes local authorities.

Public authorities are obliged to provide information:

- through a publication scheme, which should list all the information they routinely make available to the public; and
- in response to requests made under the right of access given by the Freedom of Information Act.

- 5.2 On 1st February 2011 the Council resolved:

Request that the following be referred to the next meeting of the Member Panel on the Constitution for discussion, and that a report be brought back to the next full Council for decision:

- Publish all Freedom of Information (FOI) requests and responses received on or after 1st January 2008 on a Freedom of Information log sited on the Slough Borough Council website by the 1st June 2011.
- Continue to publish all Freedom of Information (FOI) requests and responses received thereafter.

- 5.3 The Member Panel on the Constitution considered the matter on 16th March 2011 and asked for a report to this Council meeting.

- 5.4 The implications on resource requirements and other sensitivities had to be considered prior to putting in place a mechanism to publish all FOIA requests and responses. Publication will therefore commence on 1st August 2011. As part of this consideration the opportunity has been taken to consolidate the Council's procedures and practices in relation to FOIA in a Protocol, based on the legislation and guidance

from the Information Commissioner. As such the protocol does not introduce new ways of working but clarifies the current position.

5.5 The Council's protocol states:

"11. Publication

Freedom of Information requests and their responses will be published on the Council's website. However, vexatious or offensive requests as defined by section 14(1) the FOIA and Information Commissioner guidance, containing abusive or offensive language or suggestions (which will not receive a response in accordance with this policy) will not be published. Personal information will be redacted from both FOIA requests and responses. All requesters will be informed that their requests and the responses will be published at the time the request is made."

5.6 This fulfils Members' wishes to publish FOI requests and responses whilst protecting Members, staff and others against the risk of publishing potentially defamatory material. FOI correspondents will understand the intention to publish and the parameters around publication at an early stage.

5.7 The Council has identified a simpler model for a Publication Scheme and a comprehensive review is being led by the Monitoring Officer.

6 Background Papers

FOIA Protocol