

# THE FREEDOM OF INFORMATION ACT 2000: GOOD PRACTICE FOR DISTRICT COUNCILS

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## Contents

Goal of this paper.....	2
Method .....	2
Context for recommendations.....	2
Why is the FOI Act important for local authorities?.....	3
1. Responsibility and Resources .....	3
2. What is likely to be asked for? .....	4
3. Publication Scheme .....	5
4. Recording and Tracking Requests .....	6
5. Training and Awareness.....	6
6. Policy on Fees .....	7
7. Records Management .....	7
8. Review of other policies and procedures.....	7
9. Networks/sharing expertise .....	8
Appendix A: FOI in Ireland.....	9
Appendix B: FOI in Queensland, Australia .....	11
Appendix C: Examples of FOI requests received in Ireland and Queensland .....	13
Appendix D: Self-assessment checklist for FOI readiness .....	16
Appendix E: Suggested format for FOI logging and tracking system (Excel) .....	17

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## **Goal of this paper**

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To identify and recommend a cost-effective approach to the implementation and operation of a freedom of information (FOI) regime based upon good practice, and targeted at District Councils.

In addition to the Freedom of Information Act 2000 (FOI Act) we have also given consideration to the new Environmental Information Regulations (EIRs), which are expected to come into force at the same time as the FOI Act, and the impact of revisions to the Data Protection Act 1998 (DP Act). The recommendations are based primarily upon experience of the implementation of similar laws overseas.

## **Method**

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- Review the experiences of broadly comparable organisations overseas, including Ireland, who introduced their FOI Act in 1998, and the state of Queensland in Australia, who introduced their Act in 1993. Both organise local government functions in ways which are comparable to the UK and have FOI laws which are similar in core features, and current research material is available,
- Relate experiences in these places to the situation of UK authorities as appropriate, and in parallel consider the likely impact of the new EIRs and the revisions to the DP Act to ensure that recommendations take these into account,
- Produce reasoned recommendations in a draft report,
- Review the draft with IDeA to establish which areas would benefit from greater clarification and detail,
- Develop the draft as agreed and submit the report.

## **Context for recommendations**

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Concern has been expressed that a significant number of local authorities do not see themselves as being well-prepared for the FOI Act. A study carried out by IDeA and reported to Parliament in October identified a significant number of local authorities who reported problems and issues with implementation. The problems mostly related to timescales, resources and sources of timely advice.

Many authorities are considered to be doing exemplary work in preparing for FOI and some are working effectively in groups and networks to assist each other. This paper is written primarily for those District Councils who are concerned that their preparations are not on course for cost-effective compliance in January 2005. It may also provide a helpful checklist for others who are more fully prepared.

At the time of writing there are only a few weeks remaining before the Act comes fully into force. Our recommendations therefore focus upon the core activities which are needed to give reasonable assurance of being able to handle requests in compliance with the Act. We make clear the distinction between these essential core activities and those which are valuable and helpful. In all areas our intention is to distil what we can best describe as cost effective good practice.

While the main emphasis is upon the FOI Act, where relevant we point out the significant differences which apply to the EIRs and the revisions to the DP Act. The new EIRs could apply to a large proportion of the information held by local authorities, for example, much of what is held by environmental services and some of what is held by housing departments.

The task of managing these different legal regimes can be simplified if it is recognised that in most cases it is only when refusal of a request is contemplated that it is critical to understand which exemptions in which regime should be considered.

## **Why is the FOI Act important for local authorities?**

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It is sometimes asked whether it is necessary to engage in substantial preparations for FOI when the impact of the Act is not yet known and there are many other pressing priorities, for example, those relating to e-Government projects.

It is true that any particular authority will not know which questions will arise in what volumes over what timescales, and it is possible that some authorities may not receive problematic FOI questions for some time. Nevertheless there are good reasons, based both upon overseas experience and the situation in the UK, which indicate that the only prudent course is to prepare thoroughly. In particular:

- The Act is likely to become very well-known to the public. It applies equally to over 100,000 public authorities. The Information Commissioner has a duty to give information about—effectively to promote—the Act. Therefore the press, NGOs, pressure groups, politicians and members of the public may be expected to become aware of the new rights of access to information which the FOI Act provides,<sup>1</sup>
- It is very easy for an applicant to make an FOI request. There is no application fee, as in some overseas administrations. The Act provides a presumption of disclosure unless an exemption applies, and an applicant must be given reasons for refusal,
- In the case of most exemptions, including the exemption for commercial interests, even when the exemption applies, the application of the public interest test means that an authority must weigh up the public interest in release and in refusal, and release the information unless it judges that the public interest in refusal is greater,
- There is also an easy appeal route for a disappointed applicant to appeal at no cost to the Information Commissioner, who can require the release of information an authority has refused.

By international standards the FOI Act is generous to applicants. The new EIRs are marginally more generous to applicants than the FOI Act. The EIR exemptions are subject to the FOI public interest test, and a disappointed applicant will similarly be able to appeal to the Commissioner. The changes to the DP Act which are introduced with the FOI Act are expected to produce more requests for personal information, in particular about third parties.

In our judgement therefore, the FOI Act is very important for local authorities and preparation is vital.

### **1. Responsibility and Resources**

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Each council needs to decide who is responsible for handling FOI and EIR requests and complaints, and who is responsible for giving advice and assistance to applicants. To allow a senior person to review FOI complaints, the responsibility for FOI decision-making should be below the level of the CEO.

Responsibility for making FOI decisions may be undertaken by a dedicated FOI officer, or by decision-makers designated in the various departments. If the centralised model is chosen, the

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<sup>1</sup> We are aware that journalists in some newspaper groups are being trained in how best to make use of the Act

departments would need a liaison officer trained in FOI who would retrieve the relevant records and advise on sensitivities within the records.

At minimum, councils need an FOI coordinator position (not necessarily full-time). The coordinator's duties would include:

- Log and track requests
- Monitor timeliness of responses
- Co-ordinate replies which span multiple departments
- Collect statistics
- Maintain and update the publication scheme
- Offer expert advice to line area decision-makers
- Assist in preparation of submissions to the Information Commissioner on appeal cases
- Represent the council in FOI networks

These duties could be combined with data protection, information/records/website management, complaints, or a legal officer position.

## **2. What is likely to be asked for?**

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### **Level of enquiries**

To assess the likely level of demand, consider the council's current level of enquiries in areas such as:

- General enquiries received via its public counter/correspondence/information centre
- E-mails received via websites
- Complaints about council functions such as waste management, development approvals / rejections (some of these would be covered under the EIR)
- Complaints about neighbours' behaviour
- Data Protection subject access requests
- Requests for debriefing after award of tender

It may also be helpful to ask managers in each department what questions they anticipate or which would cause them concern.

### **Typical questions asked**

Areas which have attracted FOI requests for local authorities overseas include:

- Access to complaints about neighbourhood disputes: dogs, noise, rubbish, antisocial behaviour especially in housing estates
- Planning approvals / rejections / enforcement of conditions
- Subject access requests (DP) including mixed personal / non-personal requests
- Housing allocation: position on lists, policies, criteria, complaints
- Environmental health officers investigations and reports
- Human Resources recruitment and selection documentation by unsuccessful candidates
- Procurement (by unsuccessful tenderers)

- Issues of current concern or controversy by media and interest groups

See Appendix C for more examples of requests made to local councils overseas.

### **3. Publication Scheme**

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It can be valuable to review the operation and effectiveness of the current approved publication scheme. There are three priority areas to examine:

- Is it easy for people who use the scheme to understand what information is included and to access it? If not, they will require advice and assistance and may make otherwise unnecessary individual requests. A common problem is difficulty finding a class of information which is specified as being on the website when no direct link is provided.
- Should more classes of information be added to the scheme with the aim of reducing potential individual requests? Looking at the types of requests above, and any local issues which may generate requests, check if they can be answered by documents in the council's publication scheme.
- Is there a system for regular review and updating of the publication scheme in place? In this context, are usage analyses available and is feedback from users encouraged?

Also, if it is not already in place, a class defined on the lines of "selected recent FOI requests and replies" will provide the framework for an authority to respond effectively to a sudden surge in requests about a current topic.

## **4. Recording and Tracking Requests**

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Look at current turnaround times for answering correspondence / complaints / enquiries. Are they less than 20 working days? If so, it does not matter whether items are identified and classified as FOI requests. If not, these items would need to be assessed to determine if they were FOI requests and then treated accordingly.

An FOI request would include requests where:

- The information is not already published/available,
- The information requested is not held,
- The information requested is held but would not have previously been released and may be exempt (the involvement of external third parties in the records may be one indicator of possible exemption issues),
- The request covers a large volume of information and charges may need to be considered,
- The applicant specifically refers to the FOI Act,
- There is a complaint about a previous request for information not being met.

If there are systems in place to record enquiries (e.g.: those received at public counter or via website) then keep doing so within that existing system for those routine enquiries.

If there are no current systems, then a simple logging system can be set up using an Excel spreadsheet template (at Appendix E) to count enquiries deemed to be FOI requests. One officer or one area would be responsible for monitoring timeliness of responses across the council, or each line manager could be responsible for monitoring this within their area.

An FOI request tracking system also facilitates an analysis of patterns of FOI requests which can identify weaknesses in areas within service delivery which may need to be addressed.

## **5. Training and Awareness**

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All staff need to have at least the following basic awareness:

1. That the public have a right of access under FOI, EIR and DP to information held by the council,
2. That the council has a duty to assist and advise the public,
3. The person/s to whom they should refer any such enquiries,
4. That everything which they write may be accessible under FOI.

Those staff whose duties primarily involve public contact (e.g. public counter staff and general enquiries staff) need sufficient awareness training to know the limits on what is routinely available, in particular through the publication scheme, and identify potential FOI and EIR requests and refer them to the designated officers.

In each department at least one officer must have sufficient awareness of FOI, EIR and DP to be able to thoroughly search for and retrieve the relevant records covered by a request. An officer (probably at a more senior level) within each department needs to have more detailed training to enable them to identify sensitivities within the records and determine if an exemption may be applicable. This person may be the decentralised FOI decision maker or may advise the centralised FOI decision-maker. A number of senior staff who can review complaints on FOI cases should also attend more detailed training.

## **6. Policy on Fees**

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Each Council should have developed a policy on fees for information which ideally should be consistent with those of other local authorities. This is also applicable to the publication scheme where there may be a cost for some information. The EIRs permit the charging of fees and the level of these need to be determined based upon any central advice which may be available. The fees policy should be available on the website, and included in FOI brochures and forms.

The FOI Fees Regulations will prescribe the circumstances where a fee can be charged for FOI requests. The current assumption is that no fee will be charged where the time spent on search and retrieval of records would cost less than £450. However disbursements (cost of copying, production of CDs or discs, postage etc.) will be chargeable.

This will require councils to estimate likely costs before commencing the actual work on a request, and, where appropriate, to assist applicants to reduce the cost of their request. It would be valuable to record all time spent on FOI requests to enable more accurate estimating in future requests and to support budget bids for FOI funding.

## **7. Records Management**

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All local authorities are expected to be compliant with the Code on Records Management, requiring defined policies, processes and systems to be in place in relation to records management. There are many sources of guidance on longer-term records management projects. Official guidance is available from the National Archives (model action plan for local government).<sup>2</sup> However, with only a short time before 1<sup>st</sup> January, there are a number of short-term projects which could be addressed.

As the Act is fully retrospective, it is likely that a large volume of records will be in paper form. Does the council have lists or indexes of file titles? Have they used consistent keywords within the index (e.g. "cars" or "motor vehicles")? Is the index automated? If it is not automated, this can be readily done using a program such as Word, Excel or Access, which has the capacity to sort and find keywords. Culling of paper records in accordance with the Retention and Disposal Schedules will reduce the volume of paper which has to be searched for a request.

With regards to electronic documents, does the council implement a policy of culling draft versions of electronic documents (e.g. those created in Word or Excel)? Staff should be aware that such drafts are also records under the Act and may be requested.

E-mail is a popular form of record for FOI requesters and staff should be made aware that e-mails are releasable. Emails should be culled in accordance with the Retention and Disposal Schedules. If councils do not have a full Electronic Document Records Management System they need to have policies on how long and in what form to retain emails. Emails may be stored electronically in folders or directories using topic-based titles. For primarily paper-based records systems, it is easiest to print out relevant emails and attach to the other papers on that topic. Don't allow inboxes to be used as part of the filing system! Other areas of improved practice relate to the language and degree of casualness in e-mails and using subject titles which facilitate finding those relevant to a request.

## **8. Review of other policies and procedures**

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FOI impacts on existing council policies involving the seeking or acquiring of information from external persons. These policies should be reviewed to assess whether undertakings of information being held in confidence, for example, can be maintained under FOI, and if not, such policies should be amended accordingly.

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<sup>2</sup> This document can be found at [http://www.nationalarchives.gov.uk/policy/foi/pdf/local\\_government.rtf](http://www.nationalarchives.gov.uk/policy/foi/pdf/local_government.rtf)

Areas to review would include:

- Receipt of complaints / allegations (including undertakings of confidentiality to complainants),
- Investigations (including undertakings given to witnesses),
- Procurement (the terms of the advertisement and invitation to tender),
- Contracts (any clauses restricting disclosure of information),
- Other legislation containing restrictions on release of information.

It is well established overseas that provision of better feedback to unsuccessful tenderers and unsuccessful candidates for positions will reduce the number of FOI requests from such sources.

## **9. Networks/sharing expertise**

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Overseas, networks at all levels have been shown to provide multiple benefits in the implementation of FOI. They offer a cost-effective process for developing / adapting procedures, policies and systems. For example, a logging and tracking system for FOI and EIR requests could easily be developed for sharing across councils. Policies on release / exemption of types of records could be developed for use in all councils and shared via discussion boards / secure internet. Specialised training can be developed and provided for target groups such as HR staff, procurement, planning officers, and so on. Networks provide a potential vehicle for improving the quality and consistency of FOI practice across councils, reducing the potential for public criticism when inconsistent decisions are made.

Periodic meetings (face to face, or via videoconference) of groups of FOI officers provide a forum to discuss current problem cases, "round robin" requests, and decisions of Information Commissioner (as they begin to be issued). They provide the opportunity to discuss difficult cases and develop arguments relating to public interests and harm tests in original requests and in appeals to the Commissioner.

They also fulfill a role of providing mutual support for FOI practitioners. FOI officers can be placed in difficult positions politically within councils as a consequence of FOI release decisions, and participation in a network offers an avenue of seeking advice / support via phone / email / discussion boards with known and trusted fellow members of the network.

Councils could also liaise with local schools and colleges regarding topics of interest to students and prepare relevant material in advance which is then available to all rather than via a series of FOI requests from individual students.

## Appendix A: FOI in Ireland

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In 1997 each Local Authority was funded to allocate an additional full-time position of FOI Co-ordinator for an initial period of 18 months. During this time the Co-ordinators' time was fully occupied with implementation issues, particularly publications, review of policies and procedures, and training. The Local Government Management Services Board (LGMSB) established a network of the FOI officers which in turn set up sub-committees to develop policies on records management, improvements to HR processes, and templates for the publication scheme. The network continues to meet quarterly in Dublin and holds an annual conference. Although in the past few years there has been a decline of interest, the network is seen as an excellent resource and support for the FOI function in local authorities.

Regarding the need for a dedicated position for FOI, it became apparent soon after the commencement of the Act that only the largest councils needed a full-time FOI Officer (and in fact in Dublin City Council, the largest, more than one). Councils gave additional duties to the FOI officer, including Data Protection, information / records management, complaints, Ombudsman liaison, voter registration, preparing answers for questions to council, or general administration.

Within councils, the FOI officer's position is generally within the Corporate Services or Corporate Affairs / Governance departments. Where the FOI officer does not undertake Data Protection functions, these are carried out in the IT department. The FOI Officer does not necessarily undertake the role of FOI decision maker but may liaise with subject-specific decision makers in areas such as procurement, planning and development, housing etc. They continue to maintain the publications and in some cases have been allocated a larger role as content managers of the website.

Of FOI requests received by local authorities in Ireland, between 60 and 80 percent are personal; in the UK, most of these would be dealt with under the Data Protection Act.

The volume of non-personal FOI requests has always been relatively small, not exceeding 200 per year in the largest council, Dublin City Council. However from time to time a single request can be very large.

EXAMPLE. A residents' group submitted a request to a council for all records relating to a waste treatment plant. The contract documents relating to the building of the plant comprise 49 volumes; they also sought access to "all correspondence, memos, reports etc." which amounts to several filing cabinets.

Approximately 10 percent of all requests are from the media, and a further 20 percent from business; the remainder are from interest groups and members of the public. The recent (2003) amendments to the Irish FOI Act which imposed an up-front fee on non-personal requests and appeals has dramatically reduced the number of requests and appeals.

During implementation much effort was put into reviewing policies and practices in several key areas with a view to reducing FOI requests and problems arising. Examples include:

**Procurement.** Overall procedures were reviewed; statements regarding confidentiality in advertisements and invitations to tender were reviewed and FOI requirements were clearly stated; de-briefing was enhanced and more details were provided to unsuccessful bidders.

**Human resources.** Selection and promotion processes were reviewed; clearer statements regarding accessibility of materials such as references were developed; reasons for decision and feedback were routinely given to unsuccessful candidates.

**Housing allocation.** Policies were reviewed; applicants on waiting lists were advised of their position and reasons for priority.

**Complaint handling.** Policies on receipt of complaints concerning neighbours or of anti-social behaviour were reviewed particularly as regards whether or not such complaints were confidential.

**Records management.** Policies have been developed for creation, retention and disposal of records which are common to all local authorities.

## **Appendix B: FOI in Queensland, Australia**

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The peak body for local councils is the Local Government Association of Queensland, which facilitates networks at the state and regional levels for councils generally and for a range of special subjects. In the early years (1992-4) FOI featured as an agenda item at the quarterly and annual conferences, but in recent years discussion has focused only upon FOI Act Amendments, and introduction of Privacy legislation.

The implementation of FOI in 1992-3 was co-ordinated across state and local government by the Department of Justice and the Attorney General. An FOI Policy and Procedures Manual developed specifically for local government and a computerised tracking and statistical system for FOI requests were distributed to all agencies at no charge. Brochures, forms and promotional materials (including a video) were also distributed. The training for FOI decision-makers was provided by the central agency using a variety of means, including face-to-face training sessions delivered regionally, and interactive satellite broadcasts (the technology at the time not permitting video conferencing or internet-based options).

When FOI was introduced in 1993, the larger councils allocated a full-time position to FOI, while smaller councils added the responsibility to existing positions such as Managers Corporate Services, Records Managers, or Legal officers. When the volume of anticipated requests did not eventuate, most of the full-time FOI positions were re-absorbed into the councils in all but three or four of the largest councils. (The largest, Brisbane City Council, has several full-time staff dedicated to FOI.) The Amendments to the Queensland FOI Act in 2002 which increased the charges for requests, impacted similarly to the Irish Amendments in reducing the number of requests.

While local authorities had been required for some time under the Local Government Act to make certain records available (such as minutes of meetings other than those in camera), when FOI was introduced, it increased greatly the amount of information made generally available. Many authorities decided to publish and sell the more valuable information which they held, to obtain revenue to offset the cost of administering FOI. (The charges for non-personal requests at the time were negligible apart from a \$30 application fee). With the advent of the web, most have now made such documents available as a free download, and charge only for hard copy versions. There remain however a number of items which are sold at a commercial rate by some councils such as electoral roll data, town plans, lists of building and development approvals and local history publications. For example, the Brisbane City Council City Plan Manual is sold for A\$424 and the interactive CD-ROM version for A\$736; the City of Sydney Council sells a fortnightly subscription to its Building Approvals List for \$500 per year; and Dublin City sells various local history archival materials and booklets ranging from €1 to €55.

## Comparative Snapshot

Country	Population	No. of councils	No. FOI requests	No. staff
England/Wales	50,000,000	500		
Queensland 2002	3,800,000	137	1300	
Ireland 2003	c.4,000,000	34	2668	
<b>Councils</b>				
Brisbane City	930,000		336	c.6000
Caboolture Shire	121,000		21	650
Dublin City	400,000		359	c.6000
Limerick County	113,000		57	

### Main differences relevant to this comparison

In Australia, local authorities are not responsible for education or housing, but otherwise undertake similar functions, although perhaps less in the fields of health and social services than in England. In Ireland, local authorities are not responsible for education but are otherwise responsible for a similar range of functions to District Councils.

In Australia and Ireland, the FOI Act requires an applicant to refer to the FOI Act when making a request, and the statistics reflect this requirement. The total number of written enquiries to councils each year would be a figure many times greater.

In Australia and Ireland, subject-access requests are dealt with under the FOI Act rather than the Data Protection or Privacy Acts. The proportion of such personal requests ranges from 15 to 25 percent of the total.

Queensland local authorities in 2002 received 1300 access requests of which 15 percent were personal; from these there were 45 requests for internal reviews and 51 appeals to the Information Commissioner. A total of A\$45,000 in fees was collected.

In these 1300 requests, 297,000 documents were retrieved and considered (an average of 228 pages per request) 200,000 of which were released in full. The main grounds of exemption claimed were:

- Personal information (of a third party)
- Commercially sensitive information
- Confidential information
- Identity of confidential informants
- Legal privilege

## **Appendix C: Examples of FOI requests received in Ireland and Queensland**

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### **Frequently Asked Questions:**

- The successful tender submission for a contract and other documents lodged by or relating to the successful tenderer, together with various documents created by the Council in assessing the tender submissions of another two unsuccessful tenderers (in relation to tenders for waste management, road works, purchase of vehicles etc),
- Information about the salary packages of specified Council employees,
- Details of travel and hospitality expenses incurred by Councillors,
- Letters of complaint against applicant showing identity of complainant (e.g. complaints about noise, barking dogs, waste disposal etc),
- Environmental issues:
  - Air Emission Licences;
  - Integrated Pollution Control Licences;
  - Water Discharge Licences;
  - Groundwater Protection Scheme;
  - Disposal of Batteries;
  - Quantity of recycled products purchased by council;
  - Waste Management Plan;
  - Assessment of Recycling Sub-contractors.
- Report of selection committee assessment of staff member for promotion; including interview questions, assessments of and references for all candidates including the applicant,
- Information, including the sale price and valuation reports, in relation to the acquisition by the Town Council of a number of properties,
- Records concerning council's policies on housing; the assessment of the applicant's application for housing and reasons for its refusal,
- Copies of complaints of anti-social behaviour against the applicant in a council housing estate,

### **Other Requests:**

- Names of persons licensed by the council to carry on business as itinerant food vendors, and the registration numbers of the vehicles from which they were licensed to carry on that business,
- Document recording discussion between Director of external company and representatives of Council, clarifying details of third party's tender,
- Letter to the Mayor from the managing director of a firm that undertook a feasibility study of fundraising capacity of a council-operated gallery,

- Report by the corporative investigative unit of the Council into a complaint that a Council officer had not properly handled the applicant's earlier complaint about a neighbour's dog attacking him,
- Letters written to the Council by external solicitors concerning alleged infringement of a company's patent rights and copyrights,
- Communications between Council and Council's solicitors; the applicant had made unsubstantiated assertions of collusion between the council and various criminals,
- Full copy of legal advice obtained by Council; the substance of the advice had been disclosed in an article published in a local newspaper,
- Report of an investigation of a bicycle accident and a possible claim by the applicant against the council for compensation, including communications between the council and its insurer about whether to deny liability to compensate the applicant for injury suffered,
- Reports by a firm of geotechnical consultants commissioned by the Council to investigate and report on canal wall stability problems at a canal estate development; information about the liability of the Council for remedial work and the extent of the budget provision to be made for such work,
- Correspondence between the Ratepayers Association and the Council,
- Report prepared by consultants engaged by the Council to report on alternative management strategies for wastewater treatment plants,
- Consultancy report concerning a proposed effluent irrigation scheme at the applicant's premises, together with an Environmental Management Program, based in part on the consultancy report,
- Documents relating to applicants' complaints about property damage allegedly caused by water runoff from neighbouring property,
- Information relating to the financial terms of sale set by the council for a commercial operator's extraction of sand and gravel from a river, in particular the total amounts of material permitted to be extracted, the minimum amounts of material required to be extracted annually, and the actual amounts extracted,
- Documents relating to an agreement by the respondent to sell waste water to the developers of a power station,
- Records relating to the valuations of land owned by council and the rents obtained from them,
- Copies of reports by Environmental Health Officer of inspections made at the applicant's premises,
- All records concerning the inspection and subsequent prosecution of the proprietor of a butcher shop (request made by local newspaper),
- The name and address of the person who complained about the length of grass on public land,
- Number of tree preservation orders issued by council,

- The various prosecutions and enforcement orders taken by the Environment and Planning sections of the council, the nature of the orders, the number of subsequent convictions and the estimated costs since 1998,
- Records relating to building approval for a house on a block of land owned by another person (an ex-neighbour),
- Records relating to communications between a developer and council during negotiations,
- Documents received or brought into existence by the respondent in assessing and approving a development application lodged by a third party in respect of land owned by council,
- Applicant seeking information which would identify the registered owner of a dog which collided with the applicant's motor vehicle on a public road.

## **Appendix D: Self-assessment checklist for FOI readiness**

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### **Roles and responsibilities**

- FOI Co-ordinator role has been allocated
- FOI decision-makers have been identified
- One or more senior staff are designated to handle FOI complaints
- FOI Co-ordinator to identify and liaise with local / sector networks of FOI practitioners

### **Procedures**

- Procedures for handling FOI requests and complaints have been developed and communicated to relevant staff
- System for logging and tracking FOI requests is in place
- Templates for FOI response letters have been set up
- FOI charging policy is on website and included in brochures / publicity material / FOI forms

### **Training**

- All staff have received awareness training in FOI
  - How to recognise an FOI request and what to do with it
  - Impact of FOI on their work e.g.: how they record information, writing email
- FOI decision makers and those handling FOI complaints have been given more detailed training

### **Records Management**

- FOI Co-ordinator and liaison officers in each department are familiar with records held
- Policies and retention schedules exist and are being implemented
  - Unnecessary records in paper and electronic form have been culled
  - Emails are printed, moved to appropriate storage folder or culled regularly
- Publication Scheme has been completed and publications are on website or otherwise available
- Other policies have been reviewed:
  - Procurement and feedback to tenderers
  - Complaint handling and statements about confidentiality
  - Other legislation containing restrictions on release of information
- A "dry run" of at least 3 potential requests has been successfully conducted
- Public awareness plan has been developed and implemented

## **Appendix E: Suggested format for FOI logging and tracking system (Excel)**

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The attached Excel spreadsheet is an example of a simple system for logging and tracking basic information about requests. Systems of this type are used by a number of local authorities in Ireland and Australia and have been found to be practical and effective.

It will often be the case that more information needs to be collected and recorded. For example, information about consultations, both internally and with third parties, details of how the public interest test has been applied, and copies of correspondence. Such information can be recorded in individual case files.

The Excel system shown can be modified easily and provides a very simple and immediately available solution. Larger authorities who receive many requests may benefit from more purpose built software and a wide variety of solutions are in use in other countries and are available here.

District councils who have not yet decided upon a solution may find this to be either an interim or longer term solution.

## Example of Logging and Tracking Excel Spreadsheet

A	B	C	D	E	F	G	H	I	J	K	L	M	N
FOI ref #	Name	Address	Request	Date received	Date due	Date finalised	Days taken	Released in full	Released in part	Refused	Charges	Search time	Other time
EXAMPLE: F05/01	Smith	12 XXX	(Description)	03/01/2005	31/01/2005	26/01/2005	23	Y			£2.40	3.25	4.50

### Notes:

A: FOI Request # : This is useful for quoting in correspondence and to create an FOI file

B, C: If there is a correspondence tracking system in the council, these fields may be unnecessary

D: Brief description of the request

E: Date Received - when received anywhere in the council, not just with the FOI Officer

F: Date due: 28 calendar days added to the Date Received (Copy formula "=(DateReceived+28)" into rest of column).

Can be manually modified for public holidays or clock stopping

H: Days Taken - copy formula "=(Date Finalised-Date Received)" into rest of column

I, J, K : Can record a Yes / No response or the number of pages released in full, in part, refused etc.

L: Charges - including disbursements (photocopying, postage)

M: Record time spent by all staff searching and retrieving information

N: Record all other time spent (making decision etc)

(these columns could simply be combined, but it may be useful to be able to separate out the search time in view of the charges regime)

At the end of each reporting period, calculate the totals for requests, those released in full, part etc, charges; and the averages for Days Taken and Search Time / Other Time.