

OPEN

Audit & Governance Committee

31 March 2025

Bi-Annual Update on Information Requests

Report of: Janet Witkowski, Acting Governance Compliance and Monitoring Officer

Report Reference No: AG/35/24-25

Ward(s) Affected: All

For Decision or Scrutiny: Scrutiny

Purpose of Report

- 1 This report provides a six-month update on information requests received under relevant legislation which was requested by Committee on 30 September 2024.
- 2 This report is produced in accordance with the requirements of the Constitution and the committee's terms of reference which state that: Audit & Governance Committee are to consider the Council's corporate governance arrangements against the good governance framework, including the ethical framework, local code of governance, and annual governance reports and assurances.

Executive Summary

- 3 It is a statutory obligation to comply with information rights legislation, including the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR), Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (GDPR). These pieces of legislation provide different rights of access to information held by the Council and there are different statutory timescales for responding.

- 4 This report provides the Committee with a summary of the requests for information, and compliance with those requests, received in the period 1 April 2024 – 30 September 2024, being six months following the annual report presented to Committee in September 2024.
- 5 The number of requests under FOI/EIR continued to increase at a rate of 14%, and compliance dropped slightly from 90% to 88%. This is primarily due to the increased number and complexity of requests received.
- 6 Requests made under DPA/GDPR did not increase in the first half of 2024-25 compared to the same period the previous year; they reduced by 2%. Compliance improved from 81% to 85%. Full year details will be provided in the annual report to Committee later in the year.

RECOMMENDATIONS

The Audit and Governance Committee is recommended to:

1. Note the update provided on information requests.
2. Identify any further briefings which may support the committee's understanding of the information provided.

Background

- 7 The report to Committee in September 2024 entitled Information Governance – Review of 2023/24 provided an update on the Council's arrangements for information management, information security, and requests for information received under relevant legislation during 2023/24.
- 8 The report indicated a significant increase in requests for information from 2022/23 (19% in FOI/EIR requests and 47% in DPA/GDPR requests). Despite overall compliance remaining at an acceptable level (90% for FOI/EIR requests and 87% for DPA/GDPR requests), it was highlighted that, considering the Council's ongoing fiscal challenges, a further increase in FOI/EIR requests was anticipated for 2024-25. The Committee agreed that it was important to monitor this and agreed that bi-annual updates would be helpful.
- 9 **FOI/EIR Requests**

The Information Rights Team manage and process all requests for

information that come into the Council. The number of FOI/EIR requests received in the first six months of 2024-25 compared to the same period in the previous three years is shown in the table below. There has been an increase in requests year on year although the percentage increase for the same period is variable. If the increase continues at 14%, the total number of requests received in 2024-25 could reach 2077 compared to 1943 in 2023/24.

1 April – 30 September (Q1-Q2)	Requests Received	Completed on Time	Compliance	Percentage increase on same period in previous years
2021-22	697	678	97%	22%
2022-23	766	690	90%	10%
2023-24	833	749	90%	9%
2024-25	948	836	88%	14%

10 FOI/EIR performance by directorate is detailed here.

Directorate	Q1-Q2 2021-22	Q1-Q2 2022-23	Q1-Q2 2023-24	Q1-Q2 2024-25
Corporate	222	228	217	235
Compliance	97%	90%	95%	90%
Place	283	326	403	496
Compliance	97%	88%	86%	85%
Adults Social Care	69	84	80	76
Compliance	98%	87%	98%	96%
Children's Services	100	126	133	141
Compliance	99%	98%	88%	90%
Cheshire East Overall	697	766	833	948
Compliance	97%	90%	90%	88%

11 The Place directorate receives a much higher volume of requests compared to other directorates. This is likely due to the topics of public interest and the difficult decisions being taken in terms of increased parking charges, HWRC closures, highways etc and complex enquiries relating to planning applications.

- 12 The most common requests received by Corporate include financial information, contracts and procurement and salaries and expenses. Children’s requests mainly relate to Children Looked After, SEND and EHCPs with the majority of requests for adults relating to safeguarding.
- 13 Most FOI and EIR responses are routinely published in the Council’s FOI Disclosure Log, in an effort to reduce the burden of repeat requests and responses. The Information Rights Team also work with services to encourage proactive publication of information and refer requesters to website locations to assist in reducing requests and improving customer relations.
- 14 Requesters can ask for an internal review if they are not satisfied with a response to their FOI/EIR request. The number of requests for internal reviews dropped by 27% and compliance improved (see table below). This is a positive position and demonstrates improved initial responses that might otherwise cause requesters to seek an internal review.

1 April – 30 September (Q1-Q2)	Internal Review requests received	Completed on time	Compliance	Percentage increase on same period in previous years
2021-22	37	35	94%	19%
2022-23	50	42	84%	35%
2023-24	56	50	89%	12%
2024-25	41	40	97%	-27%

- 15 Requesters who remain dissatisfied with the outcome of an internal review, have the right to make a complaint to the Information Commissioner’s Office (ICO). The number of complaints to the ICO relating to FOI/EIR responses remained steady and still extremely low when considered against the overall number of requests received.

Outcome	Q1-Q2 2021-22	Q1-Q2 2022-23	Q1-Q2 2023-24	Q1-Q2 2024-25
Complaint not upheld	1	0	2	3
Complaint upheld	2	1	1	1
Complaint withdrawn	2	2	0	0
Informally resolved	0	0	0	0
ICO Complaints received	5	3	3	4

- 16 This, again, shows a positive position in that very few FOI/EIR responses are escalated to the ICO.

17 DPA/GDPR Requests

For the purposes of this report, the details below relate to the number of Subject Access Requests (SARs) received under DPA/GDPR. Whilst other requests for information are made under data protection legislation by other agencies such as the police, disclosures are made on a discretionary basis under one of the relevant GDPR exemptions. Therefore, there is no statutory duty to comply.

- 18 The number of SARs received in the first half of 2024-25 was slightly less than the same period the previous year and compliance continued to improve.

1 April – 30 September Q1-Q2	SARs Received	Completed on Time	Compliance	Percentage increase on same period in previous years
2021-22	99	49	50%	-6%
2022-23	109	67	61%	10%
2023-24	177	146	81%	62%
2024-25	174	149	85%	-2%

- 19 Children’s Services receive more SARs than any other directorate in any given period. They mainly consist of requests from care leavers wishing to access their records from when they were in care and parents of children with EHCPs. Compliance improved; however, it should be noted that delays in dealing with SARs are caused by the complex and voluminous nature of the records. Information gathered can create thousands of pages of information, which must be carefully reviewed and redacted before it is released to the requester.
- 20 The statutory timescale for responding to SARs is one calendar month. In certain cases, the GDPR allows the deadline to be extended by up to an additional two months, for example where a request is complex.
- 21 The number of complaints received regarding alleged infringements of data protection legislation, some of which result in complaints to the ICO, continued to be in single figures. Reasons for complaints primarily relate to an alleged breach of confidentiality or the handling of a SAR.
- 22 The Information Rights Team manages an effective information requests process and provides support and advice to service departments enabling them to respond to requests in a timely manner.

Consultation and Engagement

23 It has not been necessary to consult on the contents of this report.

Reasons for Recommendations

24 This report provides assurance to Committee on the adequacy of the Council's arrangements for information requests received under relevant legislation during the period April – September 2024. The report supports the corporate objective of being an open and enabling organisation.

Other Options Considered

25 Not applicable as report is for information and assurance.

Implications and Comments

Monitoring Officer/Legal

26 Information Governance lies within the remit of the Audit & Governance Committee. The Council must comply with relevant legislation relating to information rights requests, including the UK General Data Protection Regulation (UK GDPR), Data Protection Act 2018, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

27 Failure to comply with information rights law can attract enforcement action by the Information Commissioner's Office (ICO). This can include a financial penalty of up to £17.5million for non-compliance with UK GDPR, a public reprimand, an enforcement notice to take particular action, or a decision notice. Any of these actions would cause reputational as well as financial damage to the Council.

Section 151 Officer/Finance

28 There are no direct additional financial costs arising from this report other than in the event of non-compliance. As indicated in the previous paragraph, failure to comply with the UK GDPR and information rights legislation can attract enforcement action by the ICO including a financial penalty.

29 A financial penalty would impact significantly on the Council's budget/Medium Term Financial Strategy (MTFS).

Policy

30 There are no policy implications directly arising from this report.

Equality, Diversity and Inclusion

31 There are no equality, diversity or inclusion implications arising from this report.

Human Resources

32 There are no human resources implications arising from this report.

Risk Management

33 Inadequate and delayed responses can present challenges which could affect the level of compliance or cause financial or reputational damage to the organisation. The measures and mitigations set out in this report describe how these risks are managed across the organisation.

Rural Communities

34 There are no implications affecting rural communities arising from this report.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

35 Management and protection of information is essential to ensure the right levels of care are given to those residents that require it, and to ensure that accurate records are maintained and supplied in a timely manner when requests for that information are received.

Public Health

36 There are no public health implications arising from this report.

Climate Change

37 There are no climate implications arising from this report.

Access to Information	
Contact Officer:	Julie Gibbs, Information Rights Manager (DPO) julie.gibbs@cheshireeast.gov.uk
Appendices:	None
Background Papers:	Report to Audit & Governance Committee 30 September 2024 – Information Governance – Review of 2023/24