

## SERVICE UPDATE

<b><u>Name of Function:</u></b>	Customer
<b><u>Date:</u></b>	16 November 2023
<b><u>Title of Update:</u></b>	Freedom of Information Request Service Update
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### **UPDATE:**

This service update is to provide Members with an outline of the origin of Freedom of Information (FOI) Requests and information regarding the number of FOI requests that were received that could have been dealt with outwith FOI legislation.

### **Origin of FOI Requests**

The Access to Information Team where possible, categorise FOI applicants for reporting and monitoring purposes. The type of applicant is categorised based on information provided by the applicant. If the applicant category is unclear based on the information provided, then the applicant is categorised as 'public'. It should therefore be noted that the data is not completely accurate but is an indication of where FOI requests originate.

A description of the categories are detailed below.

**Academic** - any Applicant corresponding from a place of Education, or whom has identified their purpose of request as Educational or Academic

**Campaign Group** - any Applicant from a Charity or formal Campaign Group. This would not include any members of public making requests as part of a concern or campaign.

**Commercial** - Any company or applicant clearly acting on behalf of a company.

**Journalist** - Any Applicant emailing from a media email address, either naming a publication, or clearly acting on behalf of a publication.

**Legal** - Any solicitor acting on behalf of their client.

**Politician** - Any MP/MSP/Councillor acting on their own behalf or on the behalf of their constituent. This group also includes and political researchers acting on behalf of a particular party.

**Public** - Any applicant that does not clearly fall within any of the other categories. This would include any person emailing or contacting from a personal email address, where there is no clear indication that they are acting on behalf of any of the other groups. This would include any requests made via whatdotheyknow.com.

**Public Sector** - Any applicant making an FOI request from another public body, such as another local authority or Police/NHS.

The applicant category data relating to FOI requests submitted in 2022/23 and to date in 2023/24 is detailed below.

	<b>2022/23</b> <b>(12 month period)</b>	<b>2023/24</b> <b>(7 month period)</b>
<b>Academic</b>	39 (2%)	19 (2%)
<b>Campaign Group</b>	127 (8%)	56 (6%)
<b>Commercial</b>	238 (14%)	201 (21%)
<b>Journalist</b>	275 (17%)	159 (17%)
<b>Legal</b>	56 (3%)	16 (2%)
<b>Politician</b>	273 (17%)	148 (15%)
<b>Public</b>	638 (39%)	364 (38%)
<b>Public Sector</b>	5 (0%)	0 (0%)
<b>Total</b>	<b>1651</b>	<b>963</b>

FOI volumes in 2023/24 have increased with an additional 84 requests compared to the same period last year. The trends in relation to ‘applicant type’ are consistent across the two time periods, with the exception of commercial entities where there has been a significant increase in the number of requests received.

Whilst MPs, MSPs, and local councillors have alternative means of accessing information and are encouraged to use these methods, where possible, there are a significant number of FOIs received each year from political sources. The data demonstrates a slight reduction in the percentage of requests received from political sources to date in 2023/24. However, it should be noted that there was an influx in requests from this applicants in this category during Q4 in 2022/23 and the increase may reoccur in Q4 of this financial year.

Journalists also consistently show high engagement with FOI requests, indicating their ongoing active involvement in seeking information.

Academic, campaign groups, and legal entities, whilst contributing fewer requests, still demonstrate some engagement in utilising FOI.

## **FOI Requests dealt outside legislation**

Aberdeen City Council receive requests or enquiries into the FOI process that, for a number of reasons, do not lead to the disclosure of information. The Access to Information Team record the reasons why a request is closed without response. A description of the closure categories are detailed below.

**Request Withdrawn** – This category applies where an applicant has requested to withdraw their request. This may be because the applicant has change their mind about making the request or it may become apparent that they have contacted the wrong public authority.

**Clarification Sought but not received** – If a request is unclear then further clarity is sought from the applicant. This category applies if a response is not received within 20 working days and the request is therefore closed.

**Service Request** – This category applies when there is a more appropriate 'business as usual' procedure for the request. The applicant is advised that their request has been forwarded to the relevant service to respond.

**Invalid** – This category applies when the request does not meet the basic requirements to be handled under FOI legislation, e.g. the applicant has not provided their name within the request. Under Section 8(1)(b) of the FOISA, an information request must include the full name of the applicant. Further information can be found within the Scottish Information Commissioner's guidance at [www.itspublicknowledge.info/how-do-i-ask](http://www.itspublicknowledge.info/how-do-i-ask)

The applicant is given 20 working days to provide the necessary information and if not received then the request is therefore categorised as invalid.

**Duplicate** – A disclosure log and online tool is available to customers to find relevant information provided in previous requests without the need to submit a new request. However, if an identical request is received either from the same applicant, or from a different applicant, the original response is provided and the new request is categorised as a duplicate.

**Information Otherwise Accessible** – This category applies when there is already publicly available information that answers the request. The applicant is signposted to the relevant information.

**Subject Access Request** - Under FOI legislation, personal information is exempt from release. Any such requests are instead handled under the Subject Access Request procedure.

The closure category data relating to FOI requests submitted in 2022/23 and to date in 2023/24 is detailed below.

	<b>2022/23</b>	<b>2023/24</b>
	<b>(12 month period)</b>	<b>(7 month period)</b>
<b>Withdrawn</b>	11 (1%)	4 (0%)
<b>Clarification not received</b>	80 (5%)	55 (6%)
<b>Service Request</b>	30 (2%)	4 (0%)
<b>Invalid</b>	1 (0%)	4 (0%)
<b>Duplicate</b>	20 (1%)	9 (1%)
<b>Information Otherwise Accessible</b>	60 (4%)	33 (3%)
<b>Subject Access Request</b>	24 (1%)	10 (1%)
<b>Total requests closed without disclosure</b>	<b>202 (12%)</b>	<b>119 (12%)</b>
<b>Total Requests</b>	<b>1651</b>	<b>963</b>

The total percentage of requests which were closed without the disclosure of information under FOI legislation has remained consistent at 12% across both financial years. Likewise the reasons have also remained consistent.

### Summary

In summary, we are experiencing an increasingly high demand in relation to FOI requests. From the information available, the majority of requests are submitted by the general public. Whilst there are other channels available to request information, the data also evidences a significant volume of requests from commercial, journalists and political groups. This highlights their ongoing interest in accessing information through the FOI process.

There is a robust operational model in place to manage access to information requests and to ensure that requests are handled in line with statutory legislation. There are a relatively low number of requests that do not lead to the disclosure of information under FOI legislation. There are tools available to help applicants find the information required and the proactive publication of data is encouraged across the organisation to ensure information is accessible without the need for an FOI request.