



Information Governance Team

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI523208559

Thank you for your request for information relating to FOI and SAR data.

You have requested the following information:

1. Please supply your last eight complete quarters of info (so covering 2021/22 and 2022/23 financial years) showing:

a. Number of FOIs (a) submitted (b) responded to on time (c) refused (d) internally reviewed (e) reviewed by ICO

- i. How many different individuals submitted requests?**
- ii. How many FOIs did each of the top 10 most prolific requesters send?**
- iii. Of the requests that were refused, how many related to FOIA section 14 (vexatious requests)?**

- i. How many different individuals submitted requests?**
- ii. How many FOIs did each of the top 10 most prolific requesters send?**
- iii. Of the requests that were refused, how many related to FOIA section 14 (vexatious requests)?**

b. Number of EIRs (a) submitted (b) responded to on time (c) refused (d) internally reviewed (e) reviewed by ICO

- i. How many different individuals submitted requests?**

ii. How many EIRs did each of the top 10 most prolific requesters send?

iii. Of the requests that were refused, how many were deemed manifestly unreasonable on grounds of being vexatious?

In response to questions 1 a) and b),

We hold the information which you have asked for, but we have estimated that the cost of meeting your request would exceed the cost limit of £450 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees Regulations 2004). This represents the estimated cost of one person spending 18 hours or more, in determining whether the information is held, locating, retrieving and extracting it.

We do not hold all of this information in a reportable format and it would therefore require an officer to manually view each individual request on the system to extract the details required. This part of your request is therefore refused under section 12(2) of the Act.

However, under Section 16 of the FOIA and our duty to advise and assist we are able to provide information relating to the numbers received, answered within timescales, hit rates, reviews and ICO complaints. Please see the details below:

Please note that although requests will be determined on our system as to whether they are FOI or EIR our current reporting facility does not differentiate between the two when extracting the data for statistical purposes.

For 2021/2022 – the information you requested falls under the exemption(s) in Section 21 of the Freedom of Information Act 2000, which relates to ‘information reasonably accessible to the applicant by other means.’

This exemption applies as the information is published and publicly available to view by accessing the Council website, please use the following link:

Information Governance Annual Report – see Item 12

<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?CIId=553&MIId=12767&Ver=4>

For 2022/2023 – The Information Governance Annual Report will be prepared for Audit & Procurement Committee later in the year, however we are able to provide the following details:

Total FOIs/EIRs 1,196

Responded on time 1030 = 86% hit rate

Total No of reviews 37

ICO complaints 7

c. Number of SARs (a) submitted (b) responded to on time (c) refused (d) internally reviewed (e) reviewed by ICO

For 2021/2022 information, please see the Information Governance Annual Report

<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?CIId=553&MIId=12767&Ver=4>

2022/2023:

Total SARs 274
 Responded to on time 205 = 75% hit rate
 Total No of reviews 13
 ICO Complaints 3

d. Relevant KPIs for each of the above, per quarter, for comparison with actual performance

We do not have KPIs for the above, however the Council strives to achieve the recommended target rates as set out by the Information Commissioners Office in relation to FOIs/EIRs.

2. For the five completed years before that (2016/17 to 2020/21), please provide annual stats showing the total number of FOIs, EIRs and SARs and the percentage responded to on time, plus relevant KPIs.

Year	Total FOIs/EIRs received	Hit rate	Total SARs received	Hit rate
2016/2017	1,374	68%	144	68%
2017/2018	1,471	73%	136	82%
2018/2019	1,540	62%	225	73%
2019/2020	1,474	78%	266	72%
2020/2021	1,267	71%	268	76%

Please see our response to question 1 d) regarding KPIs.

We would advise that for the above SAR figures these would have included CCTV requests and also reflect the changes with the implementation of GDPR and the introduction of shorter timeframes.

3. For each of the same past seven years, please supply a list of the staff roles employed by your council and including a dedicated duty to information rights work, including but not limited to handling FOIs, EIRs and SARs, including whether these roles were full- or part-time and whether they were filled or vacant.

Information requests under FOI/EIR and SAR are co-ordinated by the Information Governance Team.

Please see the attached current structure for the Information Governance Team. We do not hold historical structure charts but can advise that in 2015 the IG Team was restructured to include a Senior Information Governance Officer and had two IG Officers and two administrators from the then Business Services. In 2017 an additional post of Records Manager/Head of Information Governance was created.

In 2018 a further restructure took place of the IG Team, increasing the number of IG Officers to four and the appointment of two dedicated IG Assistants to replace the administrators. The post of Senior IG Officer was deleted.

The IG Team also has input from our FOI contacts who coordinate requests on our behalf for their particular service area and we also receive assistance, as and when required from Legal Services regarding complex requests.

4. For each of the same past seven years, how much did the local authority spend altogether on handling (a) FOIs (b) EIRs (c) SARs?

We do not hold this information and are therefore advising you as per Section 1(1) of the FOIA - Information not held.

We do not record this information as the handling/processing of FOIs/EIRs and SARs are part of the function of the Information Governance Team as a whole. It also involves our contacts across the Council for FOIs/EIRs as mentioned in our response to the previous question. We do not record or break down timescales nor is there a specific budget for handling such requests.

5. Please provide all guidelines and related documents that are used when processing FOI requests. I expect this to include all guidelines and related documents that are used when refusing requests, as well as documents relating to updates on FOI case law.

The Council refers and follows the FOIA 2000, guidance and Codes of Practice issued by the Information Commissioners Office in relation to the processing of FOIs.

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/>

6. Please provide all FOI training materials that the council holds. I expect this to include guidelines, briefings, and such documents, including presentation slides.

The Council has an internal e-learning module for FOI available for all staff (although this is not mandatory for all staff to complete).

The IG team publish guidance on a variety of topics via a IG Handbook that all staff can access (internal use only). Please see the attached documents that have been extracted from the IG Handbook relating to FOI.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance

Freedom of Information Act

This law gives people the general right to see recorded information held by public authorities. The Act helps to provide a better understanding of how public authorities carry out their duties, make decisions and spend public money.

Under FOI, anyone may request information from any public authority, this includes local authorities.

A 'Request for Information' is one which -

- (a) is in writing
- (b) states the name** of the applicant and an address for correspondence, and
- (c) describes the information requested.

Requests can be made via email, letter and also via social media.

** Under the FOIA, although requesters have to provide a name and contact details for a response to be issued, in most cases we have to consider requests without reference to the requester's identity or motives (i.e., applicant blind). Focus should be on whether the information is suitable for disclosure to the wider world. The requester does not need to explain why they want the information or justify their request.

When there is a request, as a Council we are required to tell the person:

1. Whether or not we hold the information they have asked for; and if so,
2. Have that information communicated to them.
3. Receive a response within **20 working days** of receipt of their request.

There is some information that does not have to be given and when this is the case, there are exemptions that can be used. Please contact the Information Governance Team for advice and guidance as to whether information you have been asked for and which you believe should not be disclosed, is covered by these exemptions.

The main exemptions are:

- The person can get the information from somewhere else, i.e., it is already published
- Information will be published by the Council at a later date
- It is personal information
- It is likely to harm commercial interests
- It attracts legal profession privilege

If the time it would take exceeds the appropriate limit, the information does not have to be provided.

Handling FOI requests flowcharts

This [flowchart](#) (external link) shows how to deal with requests for information.

 [Handling FOI requests.JPG](#)

 [If information is held.JPG](#)

 [If it takes too long.JPG](#)

 [Refusing a request.JPG](#)

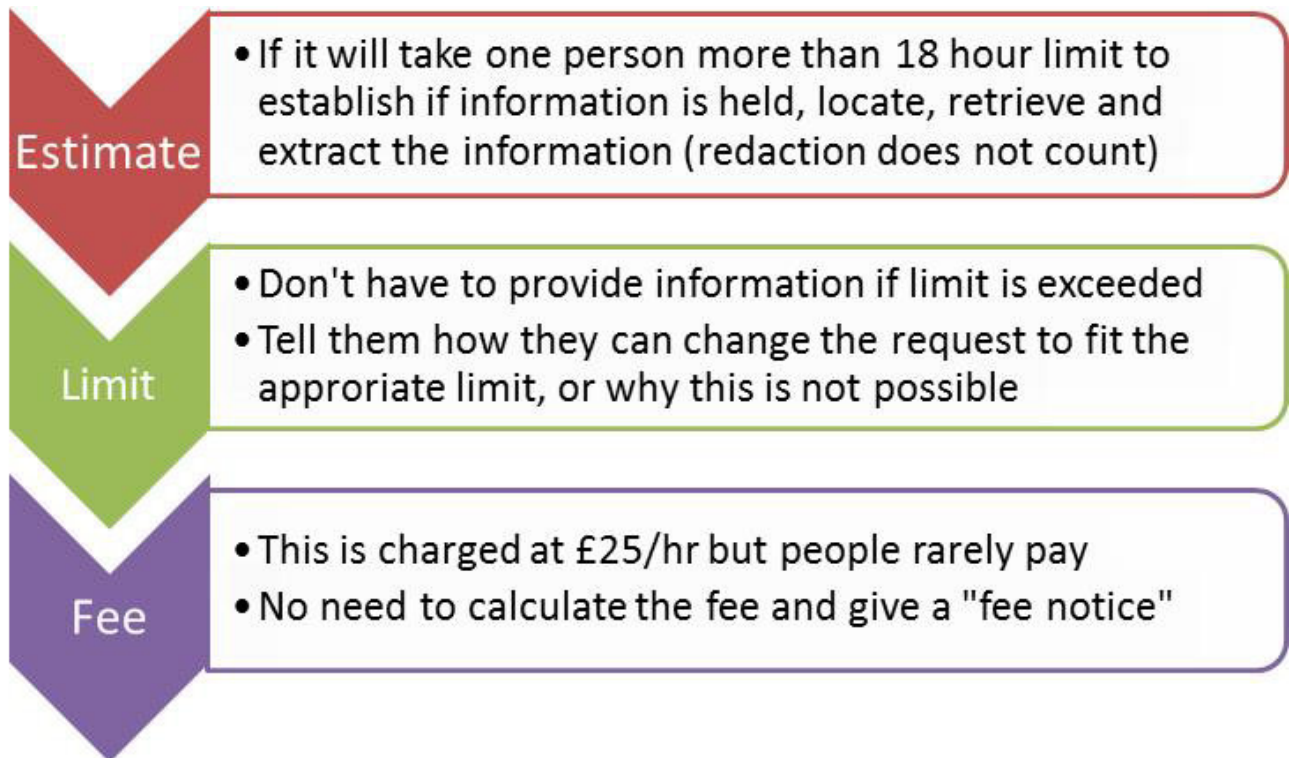
 [Releasing information.JPG](#)

Appropriate limit Guidance– FOI Section 12

Section 12 can be used depending on how much information is asked for, how difficult it is to locate, and how long it would take to extract.

Before you deal with a request, estimate how long it will take. This does not have to be exact but should be reasonable. For example the information maybe held in two thousand paper files and in order to extract the information, staff would have to read each file. A realistic estimate for which would be $1 \text{ min} \times 2000 = 2000 \text{ min}/60 = 33.3 \text{ hours} \times \text{£ } 25 = \text{£ } 833.30$ *this is well in excess of the appropriate limit*

You don't, however, have to provide the estimate to the requester as long as you explain how the requester can bring their request within the acceptable limit.



Aggregating requests

The costs of more than one request can be aggregated if they are on the same or a similar subject and are received from the same person or a campaign within 60 working days

Where a request is about environmental information (EIR) the council can apply the exception for "manifestly unreasonable" requests at regulation 12(4)(b).

Information Governance: Freedom of Information Act Request Exemptions

Version: 1
Effective: January 2023

AIM OF THIS GUIDANCE

To explain some of the most common exemptions the Council may need to consider in order for the withholding of information when requested under the Freedom of Information Act 2000. There are two categories of exemptions, Absolute and Qualified.

Absolute Exemptions – are exemptions where the authority can deny the request without having to make a judgement on whether it would be in the public interest to do so.

Qualified Exemptions – are exemptions where the authority can only deny the request after having made a judgement as to whether it is in the public interest to do so. This is known as the public interest test.

What exemptions are we likely to use?

Section 1(1) – Information not held. (Absolute)

For this exemption to be applied, the Council must not hold the information requested. We must advise the requester of the reason; possible explanations could be:

- This is not recorded by the Council.
- Information is no longer held due to the Retention & Disposal Schedule.
- This information is held by another body, for example West Midlands Police.

Section 12(2) – Costs. (Absolute)

This exemption relates to the total time to collate the information across all allocated teams being estimated to exceed 18 hours to complete. When seeking to apply this exemption, it is useful to provide a break down to evidence in the final response. For example:

- The information is not held in a reportable format so an officer would need to manually review 450 records which at 5 minutes each would take 37.5 hours to complete.

Whilst we can apply this exemption, we are obligated to advise the requester how they could refine their request or if they reformulated it what we could provide within the limit. With the example above, if this covered two years but requesting only one would be answerable.

Section 21 – Information already accessible. (Absolute)

If the requested information is available online, for example the Council's website, then we can provide the requester a link to the information. When providing the link, if the requester needs to access specific documents or a reference for a contract etc. it will be useful to confirm this to us, so we clarify this to the requester in the formal response.

Section 22 – Information intended for future publication. (Qualified)

If the information is going to be published, usually on the Council or Central Government Department website, within a reasonable timescale (within six months) of the request we can consider this exemption. When applying this exemption, we would provide a link to where the information would be located and an approximate date it should be available.

Section 30 – On-going investigation. (Qualified)

If a requester is seeking information relating to an investigation which the authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence, a Section 30 exemption can be considered. When applying this, the Council must conduct a Public Interest Test so reasons for an against disclosure must be given to the requester in the response.

Section 31 – Law Enforcement. (Qualified)

Where disclosure of information would have an adverse effect on the risk of crime, the Council can consider applying a Section 31 exemption for either part of or the whole request. Such requests can include the following:

- Business Rates credits, values on the individual accounts.
- Cyber security of the Council, how many attacks have we suffered etc.
- List of empty private properties.

This is a Qualified Exemption, so we need to provide a Public Interest Test for and against disclosure.

Section 40 – Personal Data. (Absolute)

The response to a request under the Freedom of Information Act is considered a disclosure to the wider world. If the information would require the disclosure of personal data or a collection of data that would breach the Data Protection 2018 then this exemption would apply. The exception to this would be details of senior Council officers such as name, work email and telephone.

If the number of individuals being low is the reason, they may be identifiable, then we can advise the requester the figure is <5 but apply the exemption for the actual figure.

Section 41 – Information provided in confidence. (Absolute)

If disclosure of the information to the public by the public authority holding it, would constitute a breach of confidence, we can consider a Section 41 exemption. An example of this would be if the information was provided to the Council as part of a tendering exercise and the exercise was stated explicitly to be in confidence. Therefore, the applicants would not expect their details to be disclosed to the wide world.

Section 42 – Legal privilege. (Qualified)

This applies whenever complying with a request would reveal information that is subject to 'legal professional privilege' (LPP). LPP protects information shared between a client and their professional legal advisor (solicitor or barrister, including in-house lawyers) for the purposes of obtaining legal advice or for ongoing or proposed legal action. These long-established rules exist to ensure people are confident they can be completely frank and candid with their legal adviser when obtaining legal advice, without fear of disclosure.

Section 43 – Commercially sensitive information. (Qualified)

If a requester seeks general information such as contract length, total value or extensions, this usually would be fine to disclose. However, if the requester wants a more detailed breakdown, such a per unit breakdown of costs or cost per hour, then the commercially sensitive exemption can be considered. Reasons for withholding the information could include:

- There is a public interest in allowing public authorities to withhold information which if disclosed, would reduce providers' ability to compete in a commercial environment.
- If prejudicing the commercial interests of the successful providers in the market would distort competition in that market, this would not be in the public interest.
- Disclosure of information may cause unwarranted reputational damage or loss of confidence in the Council.
- Revealing information such as a pricing mechanism can be detrimental to a provider's commercial interest.

To apply a Qualified Exemption the Council must conduct a public interest test to show we have balanced the for and against disclosure. It is not enough just to say information is commercially sensitive, we must evidence it.

These are the most commonly used exemptions we are likely to consider for Freedom of Information Requests submitted to the Council. Please contact the Information Governance Team for further advice and guidance if you are unsure as to whether any can be applied to the request you are dealing with.

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