

From: Benjamin Watts, Deputy Chief Executive

To: Policy and Resources Cabinet Committee – 6 May 2026

Subject: Freedom of Information and Subject Access Requests

Classification: Unrestricted

Summary: Following discussions with Members, this report provides some of the further information requested in relation to KCC's performance in handling Freedom of Information (FOI), Environmental Information Regulations (EIR) and Subject Access Requests (SARs). It also identifies the key pressures affecting statutory compliance and sets out the ongoing work to improve performance.

Recommendation:

The Policy and Resources Cabinet Committee is asked to NOTE this report.

1. Introduction

- 1.1 Following a briefing for the Committee in March 2026 which covered the legislative background and the challenges in responding to Freedom of Information and Subject Access Requests, Members requested a further paper be brought to this meeting to quantify some of the pressures and to explain the work being undertaken to improve compliance.
- 1.2 The below challenges to statutory compliance were highlighted as part of the briefing:
- Increasing volumes of requests, placing sustained pressure on teams.
 - Greater complexity, including a rise in requests generated or expanded through AI tools.
 - Limited capacity within operational delivery units and the Information Governance team.
 - Low prioritisation of requests in operational areas, where other statutory duties carry stronger and more immediate need for action and/or enforcement risks.
 - Requests increasingly used as a substitute route for complaints, adding further strain on resources.
- 1.3 It is important to note that the significant improvements and those planned are within existing resource levels which have not been increased in line with the growth in volume/activity.

2. Freedom of Information Requests

- 2.1 Under the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR), KCC is required to provide the requested information within the statutory timescale of 20 working days.

2.2 Whilst resources haven't gone up, the volume of FOI/EIR requests has increased significantly over the last five years, particularly in 2025/26. Despite this, partly because of a range of improvement activity, the percentage of requests closed within statutory timescales has improved, rising from around 76% to 88.5%. Whilst this represents a sustained improvement, it is below the ICO's benchmark for 95% compliance.

Year	Volume	Proportion
2021/22	1966	76.2%
2022/23	1738	76.9%
2023/24	2159	75.9%
2024/25	2344	80.0%
2025/26	3003	88.5%

2.3 In 2025/26 nearly 40% of the 3003 requests were for the Growth, Environment and Transportation directorate. The next largest area was the Children, Young People and Education directorate, these combined represent nearly 60% of activity.

Directorate	Volume	Proportion
Growth, Environment and Transportation	1155	38.5%
Children, Young People and Education	639	21.3%
Deputy Chief Executive's Department	546	18.2%
Chief Executive's Department	371	12.4%
Adult Social Care Services and Health	292	9.7%

2.4 A small number of divisions account for a large proportion of requests. The five divisions which receive the most requests represent nearly 59% of activity.

Division	Volume	Proportion
Highways and Transportation (GET)	708	23.6%
Education (CYPE)	337	11.2%
Governance, Law and Democracy (DCED)	328	10.9%
Finance (CED)	205	6.8%
Growth and Communities (GET)	190	6.3%

2.5 In 2025/26, 2657 of the 3003 requests were completed within statutory timescales (20 working days or less). Of the remaining 346 requests:

- 122 cases (35%) were completed on Day 21 – 25. This significant proportion of cases narrowly miss compliance. If these cases had been completed on time, this would have improved compliance to 92.5%.
- 148 cases (43%) were completed on Day 26 – 40. This grouping represents systemic delay, not just minor slippage and is driving overall non-compliance.
- 76 cases (22%) exceeded 40 working days. Whilst these long running cases represent a relatively small subset of cases; they disproportionately increase reputational risk and management effort as they are strongly correlated with internal reviews and complaints to the ICO.

These late cases (21+ working days) are mainly associated with the high-volume divisions listed in 2.4.

- 2.6 Requests submitted via email or the online form account for 99.5% of all requests in 2025/26; email alone represents over 75% of all requests. We will be exploring the return on redirecting a proportion of email correspondence to the online form which may reduce handling times and improve consistency.

Request Type	Volume	Proportion
Email	2339	75.87%
Online Form	728	23.61%
Phone	15	0.49%
Letter	1	0.03%

- 2.7 FOI/EIR requests continue to rise at pace, with a significant concentration of requests within a small number of high-volume directorates and divisions. While performance has improved markedly in recent years, particularly in 2025/26, compliance remains below the ICO's benchmark and is increasingly impacted by systemic delays rather than isolated cases.
- 2.8 Following the work in previous years, we continue to explore a number of relatively small operational improvements that could deliver meaningful gain particularly by addressing marginal late cases and encouraging greater use of the online request form. We continue to look at proactive publication of information as a mechanism to manage requests and the relationship with AI searching capacity on internet searches would seem to improve outcomes for those looking for information.

3. Subject Access Requests

- 3.1 Under UK GDPR, KCC is required to respond to a Subject Access Request (SAR) without undue delay and within one month of receipt; this is extendable by a further two months for complex requests. An automatic one-month extension has been applied to all SEN SARs received by KCC due to their complexity.
- 3.2 The volume of requests has risen sharply especially in the last two years. Whilst performance has improved since 2023/24 even with heavier workloads; it is significantly below the ICO's benchmark of 85%.

Year	Volume	Closed in Timescale
2021/22	580	62.6%
2022/23	551	64.6%
2023/24	536	45.3%

2024/25	756	55.7%
2025/26	886	61.3%

3.3 In 2025/26, a total of 886 Subject Access Requests were received across the organisation. The majority of requests were received by the Children, Young People and Education directorate which also had the lowest percentage of cases closed within the statutory timescale. Directorates with lower numbers of requests were generally able to respond within timescales more consistently.

Directorate	Volume	Closed in Timescale
Children, Young People and Education	682	57.3%
Adult Social Care Services and Health	107	66.4%
Deputy Chief Executive's Department	61	82.0%
Chief Executive Department	29	75.9%
Growth, Environment and Transportation	7	100.0%

3.4 Demand is heavily concentrated in a small number of divisions. Specialist Children Services, Education, and Older Persons / Physical Disability account for over 80% of all cases.

Division	Volume	Closed in Timescale
Specialist Children Services (CYPE)	518	62%
Education (CYPE)	144	37%
Older Persons / Physical Disability (ASCH)	85	71%

The Information Governance team are working with CYPE to improve performance within the resources available.

3.5 As of March 2026, there was an organisation wide backlog of 55 cases:

- 53 were up to six months overdue including 23 which were due to be completed by the end of 2025.
- 2 cases were more than six months overdue.

3.6 In July 2025, KCC was invited by the ICO to participate in its Care Experience Pilot due to concerns about KCC's compliance in responding to SARs. The pilot project is aimed at improving access to records for those with care experience. It also provides the Council with the opportunity to take steps to improve its general SARs compliance. At the time of invitation, SARs compliance was at 53%.

3.7 In 2025, KCC received 49 SARs related to care-experienced young people; 73.5% (36 cases) were closed within the statutory timeline. Of the 36 cases:

- 25 had a deadline extension due to complexity
- 22 needed files to be retrieved and scanned from the archive centre
- 10 required redactions

3.8 CYPE has put in place the following measures to support the SARs process for care-experienced young people:

- All SARs for care leavers are managed by a dedicated point of contact within the 18+ Care Leaver Service, ensuring consistency and expertise in handling these requests.
- The Participation & Engagement team is working with the Children in Care services, the Independent Reviewing Officer, Young Adult Council and 18+ service on developing a new format for providing information to care leavers at an earlier stage to enhance their experience by providing more meaningful information at the age of 18, as part of their transition to adulthood.

3.9 Whilst KCC has made some progress in improving SAR performance against a backdrop of rising demand, compliance remains below regulatory expectations. Participation in the ICO Care Experience Pilot and the targeted measures introduced for care-experienced young people are positive steps, showing that focused ownership and process improvement can deliver better outcomes.

4. Proposals to improve compliance

4.1 Current arrangements are under sustained pressure and further improvement is required to ensure compliance, manage reputational and regulatory risk, and uphold individuals' statutory rights.

4.2 Five targeted proposals are set out below to support this activity:

Improve directorate ownership and accountability

FOI & SAR compliance is only routinely monitored by this Committee as part of the performance dashboard for the Chief Executive's Department and Deputy Chief Executive's Department. It is proposed that FOI & SAR data is included in the quarterly performance reports taken to each Cabinet Committee going forward so that each Committee has increased oversight for FOI & SAR compliance in their respective areas. This will also introduce clearer ownership of FOI/SAR performance at a directorate level.

Improve training and support for operational staff

Staff are currently required to undertake two mandatory e-learning courses, Introduction to Information Governance and GDPR: Data Protection Essentials, every two years. Subject to CMT approval, we are looking to consolidate this training into one mandatory e-learning course to specifically cover the legal obligations and importance of timeliness relating to FOIs & SARs in addition to wider information governance, data protection and cyber security training.

Develop action plan for marginal late cases

A significant proportion of FOI/EIR cases narrowly miss compliance. During quarter one of 2026/27, we are developing an action plan to identify small improvements in resourcing, triage or escalation which could quickly recover these into "on time" performance.

Expand standard responses and proactive publication

Working with the IG Leads, we will look to identify high-frequency FOI/EIR themes and:

- Develop reusable response templates to expedite the provision of compliant responses
- Proactively publish regularly requested datasets and explanations.
- Signpost requestors to already-published information.

Drive greater use of the online request form

We will look to actively redirect FOI/EIR requests from email to the corporate online form through clearer guidance on the website and automated email responses.

5. Conclusion

5.1 Demand for FOI/EIR and SARs continues to increase. While FOI/EIR performance has improved, compliance remains below the ICO benchmark, and SAR performance continues to present regulatory and reputational risk. The proposals in this report focus on strengthening accountability, improving staff capability, addressing marginal late cases, and reducing avoidable demand. Together, these measures aim to improve statutory compliance, manage risk and ensure timely access to information.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to NOTE this report.

6. Contact Details

Report Author: Lizzy Adam	Director: Benjamin Watts
Job title: Operations & Client Relationship Manager	Job title: Deputy Chief Executive
Telephone number: 03000 412775	Telephone number: 03000 416814
Email address: lizzy.adam@kent.gov.uk	Email address: benjamin.watts@kent.gov.uk