

By: Susan Carey, Cabinet Member for Customers, Communications and Performance
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To: Policy and Resources Cabinet Committee – 20 November 2018

Subject: Freedom of Information Update

Classification: Unrestricted

Summary: This report provides an update regarding the challenges faced Kent County Council in relation to our obligations to comply with the Freedom of Information Act 2000.

Recommendation: It is recommended that Members **NOTE** the report and **COMMENT** accordingly on both the report and presentation.

Introduction

1. Members of this Cabinet Committee and Governance and Audit Committee have received updates over the past two years in relation to a number of information governance issues. Additionally, the Performance Report highlights key metrics relating to compliance with the Freedom of Information Act and the Data Protection Act.
2. The Data Protection Officer (DPO) is the officer responsible across the whole Council for ensuring compliance with information governance legislation. The DPO's minimum tasks, as set out in the new legislation, are;
 - a. To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
 - b. To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
 - c. To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).
3. At the last meeting of this Committee, Members asked for an update relating to the challenges faced in complying with requests made under the Freedom of Information Act.
4. This paper should be read in conjunction with the statistical data contained in the Performance Report that appears elsewhere on the agenda for this meeting.

Compliance with the Freedom of Information Act

5. The Chairman of this Cabinet Committee has kindly agreed that a presentation relating to this issue can be made at the meeting. This presentation will include a range of information and data about the types of requests that the council has received in recent times and the process that we adopt to respond to those requests. After the meeting, the presentation will be made available to Members and published on the Council's website.
6. It will be noted that whilst performance is broadly in line with last year, the target has been raised to 90% to reflect the expectations of the Information Commissioner's Office. It should also be noted that at the same time, the number and complexity of requests continues to grow reflecting the increasingly challenging operating environment for the Council. Similarly, the resources available to triage, manage and respond to requests has faced a real terms reduction and the resources available to directorates to manage the collation of information is also reducing.
7. As will be demonstrated through the presentation, in order to respond to the increasing targets, we are changing our approach to Freedom of Information requests. From the 1 April 2019, we will adopt a completely new process for handling requests that will increase efficiency but will reduce the level of support and deadline management that currently exists.
8. We will be issuing new guidance to officers that will include a more robust approach rather than a bespoke research service which goes beyond our statutory obligations.
9. To offset this, the Leader and Cabinet Member for Customers, Communications and Performance have asked the General Counsel to review the data that is proactively and transparently published by the Council on our website. The intention is to increase the information that falls within the scope of the Freedom of Information Act 2000 that is available on our website. It is hoped that this will increase transparency and reduce requests. Furthermore, it will reduce the time to respond to queries where the applicant can be signposted to the data.
10. Finally, we will be increasing the granularity of data that this Cabinet Committee receives. From April 2019, we will provide greater detail on the types of request that are received along with the timescales and a breakdown of the directorates responsible. This will increase the opportunity for Members to exercise oversight and scrutiny of timescales with an understanding of the relevant areas and the challenges faced.
11. The next meeting of this Cabinet Committee will receive the final guidance and proposed outlines of the information to be provided to this Cabinet Committee from 1 April 2019.

Recommendations

12. It is recommended that Members **NOTE** the report and **COMMENT** accordingly on both the report and presentation.