

North Lanarkshire Council Report

Finance and Resources Committee

Does this report require to be approved? Yes No

Ref AA Date 26/02/25

Annual Freedom of Information Report Financial Year 2023/2024

From Archie Aitken, Chief Officer (Legal and Democratic)
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Executive Summary

This report provides details of Freedom of Information (FOI) and Environmental Information (EIR) requests received by the Council during 2023/24 and provides further comparative and ancillary information.

Recommendations

It is recommended that the Finance and Resources Committee:

- (1) Acknowledge the contents of the report.

The Plan for North Lanarkshire

Priority	Enhance participation, capacity, and empowerment across our communities
Ambition statement	(20) Improve the involvement of communities in the decisions, and development of services and supports, that affect them
Programme of Work	Statutory / corporate / service requirement

1. Background

- 1.1 The Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, provide rights to the public to ask for and be provided with recorded information held by public authorities. The Environmental Information (Scotland) Regulations 2004, sit alongside the FOI legislation and govern access to environmental information such as planning matters, contaminated land, emissions etc. Once a FOI or EIR request is received, the Council has in most cases, 20 working days to provide the information asked for, or explain why it cannot be provided. If the Council does not respond, or the requester is unhappy with the response, the requester can ask for an internal review. If the requester is still dissatisfied following the internal review, they can then appeal to the Scottish Information Commissioner. This report provides a breakdown of the requests, internal reviews and appeals to the Scottish Information Commissioner processed by the Council in 2023/24.
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2. Report

- 2.1 In financial year 2023/24 the Council received 1,780 requests for information. This consisted of 1,408 FOI requests and 372 EIR requests.
- 2.2 The 2023/24 request total of 1780 is the highest number of requests received by the Council in a single year. It also represents a 10.5% increase on the 2022/23 total of 1,611 and a 26% increase on the 2021/22 total of 1412. This high number of requests is reflected nationally. The Scottish Information Commissioner states in his annual report that 95,361 requests were received by Scottish public authorities in 2023/24 and this is the highest reported yearly total since they began collecting statistics.
- 2.3 Following the 2022/23 Scottish Government consultation on access to information rights. The Scottish Government has set out its FOI policy objectives for 2024 - 2026. The objectives are to be taken forward in the following 3 workstreams: -
- Workstream 1 - consideration and use of Scottish Ministers' powers to extend coverage of the Freedom of Information (Scotland) Act.
 - Workstream 2 - updating statutory guidance for Scottish public authorities.
 - Workstream 3 - maintaining full FOI coverage of public sector in Scotland.
- 2.4 Any changes to FOI legislation or statutory guidance resulting from these workstreams will be reported to future meetings of the Finance and Resources Committee.
- 2.5 Of the FOI and EIR requests received in 2023/24 most were recorded as being received from "Public and Other" (39%). These are requests from members of the public and requests that have no identifiable affiliation to a particular organisation, group or company. The next largest category of requests was those received from elected representatives ie. Councillors, MPs, MSPs and parliamentary researchers acting on their behalf (15%). 14% of requests were from businesses and commercial enterprises, 14% came from the media and 7% came from solicitors acting on behalf of a client. These figures broadly reflect the distribution and proportion of requests recorded under these categories in 2022/23.
- 2.6 In 2023/24, 24 requests for internal review of the original decision were received. Despite the increase in requests this year, this total is only slightly higher than the 22 requests for review received in 2022/23. The 24 requests received for internal review represents 1.3% of the total number of requests received by the Council. This proportion is consistent with that seen last year and is lower than the national figure reported by the Scottish Information Commissioner of 3% of requests resulting in an internal review.

- 2.7 Of the 24 internal reviews, in 21 cases the original decision was either wholly or partially upheld or deemed compliant. In 1 case the original decision was overturned and received a fresh decision at review. 1 review was undertaken because there was no response to the original request and 1 internal review was withdrawn.
- 2.8 One request received in 2023/24 was appealed by the requester to the Scottish Information Commissioner. This appeal is still being considered by the Commissioner and the outcome will be reported in next year's report.
- 2.9 Of the 1,780 requests received in 2023/24, 25 were not fully progressed due to factors such as clarification required to progress the request not being received or the requester withdrawing their request. Of the remaining 1,755 requests that were fully progressed, 1,732 (98.7%) were responded to within the statutory 20 working day deadline. This compares with a compliance rate of 98.7% in 2022/23 and 98.5% in 2021/22. The 2023/24 compliance rate broken down by quarter is as follows: -
- Quarter 1 - 98.3%
Quarter 2 - 98.6%
Quarter 3 - 99%
Quarter 4 - 98.8%

3. Measures of success

- 3.1 The Scottish Information Commissioner's self-assessment toolkit for public authorities on responding to requests on time considers a response rate to requests of 96-100% as excellent, 85-95% as good, 80-84% as adequate and less than 80% as unsatisfactory.

4. Supporting documentation

Appendix 1 – total number of requests received under either the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004 broken down by month.

Appendix 2 – an indication of the category of applicant.

Appendix 3 – details of cases submitted for internal review.



Archie Aitken
Chief Officer (Legal and Democratic)

5. Impacts

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/></p>

<p>5.6</p>	<p>Technology / Digital impact</p> <p>Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> <p>Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.7</p>	<p>Environmental / Carbon impact</p> <p>Does the report / project / practice contain information that has an impact on any environmental or carbon matters?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p>
<p>5.8</p>	<p>Communications impact</p> <p>Does the report contain any information that has an impact on the council's communications activities?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p>
<p>5.9</p>	<p>Risk impact</p> <p>Is there a risk impact?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?</p>
<p>5.10</p>	<p>Armed Forces Covenant Duty</p> <p>Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.</p>
<p>5.11</p>	<p>Children's rights and wellbeing impact</p> <p>Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).</p> <p>If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

**REQUESTS RECEIVED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002/ENVIRONMENTAL
INFORMATION (SCOTLAND) REGULATIONS 2004**

Applications Received 2023/2024

Month Ending 31 March 2024

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec 2023	Jan 2024	Feb	Mar	Total
FOI Requests	95	122	94	112	107	127	141	139	83	159	114	115	1408
EIR Requests	30	33	31	29	18	32	20	28	22	58	36	35	372
TOTAL – 2023/2024	125	155	125	141	125	159	161	167	105	217	150	150	1780

Applications Received 2011/2012 – 2022/2023

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
TOTAL – 2022/2023	129	137	116	110	133	111	128	162	93	168	175	149	1611
TOTAL – 2021/2022	91	138	131	121	120	105	129	166	67	107	121	116	1412
TOTAL – 2020/2021	66	74	117	143	107	108	107	154	90	86	102	91	1245
TOTAL – 2019/2020	146	141	126	150	138	116	127	146	83	138	131	94	1536
TOTAL – 2018/2019	125	109	132	154	133	138	170	143	91	195	125	137	1652
TOTAL – 2017/2018	111	101	122	128	145	92	163	167	79	137	155	134	1534
TOTAL – 2016/2017	119	127	105	128	113	120	110	142	99	148	131	151	1493
TOTAL – 2015/2016	111	94	124	109	102	107	133	127	58	119	135	126	1345
TOTAL – 2014/2015	117	112	93	150	120	91	125	113	93	145	103	126	1388
TOTAL – 2013/2014	86	87	88	125	97	79	91	77	71	159	101	108	1169
TOTAL – 2012/2013	84	96	85	114	86	89	167	113	74	124	105	103	1240
TOTAL – 2011/2012	66	75	100	127	89	96	98	107	79	132	139	118	1226

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

Requests by type of Requestor - 2023/2024

	Media	Solicitor (on behalf of client)	Commercial /Private Enterprise	Voluntary / Campaign Organisation	Elected Representative (MP, MSP, Councillor)	Trade Union	Academic / Student	Public & Other	Total
April	14	7	9	4	17	1	2	71	125
May	20	10	32	8	29	4	4	48	155
June	16	9	17	10	20	1	2	50	125
July	34	11	22	10	32	0	1	31	141
August	17	11	13	6	18	2	2	56	125
September	20	8	16	10	34	3	1	67	159
October	20	11	21	10	25	5	0	69	161
November	23	16	23	8	41	1	2	53	167
Dec – 23	13	6	25	7	10	2	0	42	105
Jan – 24	24	16	37	10	23	2	1	104	217
February	24	11	21	2	12	0	3	77	150
March	21	10	20	11	7	2	3	76	150
Total	246	126	256	96	268	23	21	744	1780

Requests by type of Requestor - 2014/2015 – 2022/2023

	Media	Solicitor (on behalf of client)	Commercial /Private Enterprise	Voluntary / Campaign Organisation	Elected Representative (MP, MSP, Councillor)	Trade Union	Academic / Student	Public & Other	Total
2022/2023	217	97	247	93	277	17	29	634	1611
2021/2022	169	117	246	79	138	15	35	613	1412
2020/2021	119	143	212	62	165	8	19	517	1245
2019/2020	277	110	278	75	149	29	42	576	1536
2018/2019	334	137	277	93	147	34	27	603	1652
2017/2018	260	131	268	86	192	36	25	536	1534
2016/2017	227	181	223	68	187	24	19	564	1493
2015/2016	217	193	192	54	168	14	19	488	1345
2014/2015	264	164	211	56	115	17	28	533	1388

Appendix 3**Freedom Of Information (Scotland) Act 2002****Environmental Information (Scotland) Regulations****2023/24 - Requests for Review of Original Decision.**

Received	Expiry	Response	Subject	Decision
16/5/23	14/6/23	14/6/23	Car park at School	Overtured
17/5/23	15/6/23	15/6/23	Home Working	Withdrawn
19/5/23	19/6/23	16/6/23	Parking Tickets and Fines	Upheld (Wholly)
13/6/23	11/7/23	11/7/23	Family Member	Upheld (Wholly)
19/6/23	17/7/23	21/7/23	Education Provision	Upheld (Partial)
24/7/23	22/8/23	22/8/23	Nursing Home	Upheld (Partial)
17/8/23	14/9/23	14/9/23	Drumpellier Av, Coatbridge	Upheld (Wholly)
23/8/23	20/9/23	28/9/23	Probationary Teachers	Upheld (Partial)
23/8/23	20/9/23	28/9/23	Probationary Teachers	Upheld (Partial)
23/8/23	20/9/23	28/9/23	Probationary Teachers	Upheld (Partial)
18/9/23	16/10/23	16/10/23	Phased Retirement	Upheld (Partial)
5/10/23	2/11/23	2/11/23	EL and Childcare	Upheld (Wholly)
3/11/23	4/12/23	14/12/23	School Deferral	Upheld (Partial)
11/12/23	12/1/24	12/1/24	Council Staff	Upheld (Wholly)
11/12/23	12/1/24	11/1/24	Appraisal Exercise	Upheld (Wholly)
11/12/23	12/1/24	12/1/24	Council Staff	Upheld (Partial)
12/12/23	15/1/24	15/1/24	Morningside Road	Compliant with EIR
21/12/23	24/1/24	24/1/24	Reading Test	Upheld (Wholly)
9/1/24	6/2/24	7/2/24	Primary Education	Upheld (Wholly)
19/2/24	18/3/24	13/3/24	Pavement Parking	Upheld (Partial)
28/2/24	27/3/24	27/3/24	Employment Tribunals	Upheld (Wholly)
5/3/24	3/4/24	3/4/24	School Walking Route	1 st time decision
21/3/24	19/4/24	16/4/24	Broomknoll Street, Airdrie	Upheld (Wholly)
26/3/24	24/4/24	24/4/24	School	Compliant with EIR