SUBJECT	*Freedom of Information Management and RIPA Annual Report*
REPORT OF RESPECTIVE CABINET MEMBER/ CHAIRMAN	*The Chairman of the Joint Information Governance Group*
RESPONSIBLE OFFICER	*Director of Resources jburness@chiltern.gov.uk* *Head of Business Support sdixon@chiltern.gov.uk*
REPORT AUTHOR	Rachel Morrey, Information Systems Professional rmorrey@chiltern.gov.uk Zoë Bloomfield, Corporate Information Manager zoe.bloomfield@southbucks.gov.uk
WARD/S AFFECTED	*All*

1. **Purpose of Report**

   To provide Members with an update on the public engagement with the Freedom of Information Act 2000, Environmental Information Regulations 2004, the Data Protection Act 2018 / General Data Protection Regulations (GDPR), the Transparency Code of Practice, the INSPIRE Regulations, RIPA, and Protection of Freedoms Act 2012.

   RECOMMENDATIONS
   To note the report

2. **Executive Summary**

   This report is a reflective analysis of the past year's FOI and EIR progress and activities in response to requests processed by the Council.

3. **Reasons for Recommendations**

   This report is to inform Members about the number of requests received and the response rate.

4. **Freedom of Information Requests**

   The service areas that received the most FOI requests were Business Support and   Healthy Communities. The majority of requests are for commercial information that would be useful for businesses and many of the Business Support requests are ones where the requestor is re-directed to another organisation such as Bucks County Council.

   The busiest months of the year for FOIs were:
   January and March

   The quieter months of the year for FOIs were:
       August and September

**CDC FOI REQUESTS RECEIVED OVER THE LAST FINANCIAL YEARS**

| CDC	Financial Year 2016-2017 Nbr of Requests	% requests Within 20 Working Days	Financial Year 2017-2018 Number Requests	% requests Within 20 Working Days	Financial Year 2018-2019 Nbr of Requests	% requests **Within 20 Working Days**
April	**40**	**60%**	**38**	**95%**	**78**	**100%**
May	**54**	**87%**	**41**	**90%**	**81**	**99%**
June	**64**	**95%**	**54**	**88%**	**62**	**100%**
July	**59**	**95%**	**40**	**78%**	**92**	**99%**
August	**55**	**100%**	**12**	**92%**	**66**	
September	**35**	**86%**	**15**	**100%**		
October	**51**	**84%**	**40**	**97%**		
November	**61**	**87%**	**59**	**95%**		
December	**60**	**98%**	**30**	**97%**		
January	**76**	**54%**	**79**	**95%**		
February	**66**	**100%**	**57**	**91%**		
March	**60**	**97%**	**87**	**99%**		
Year Totals	681	82% Average	552	93% Average		
Requests received YTD Apr-Aug equals 105% increase between 2017-18 and 2018-19						

Chiltern District Council Number of Requests Received
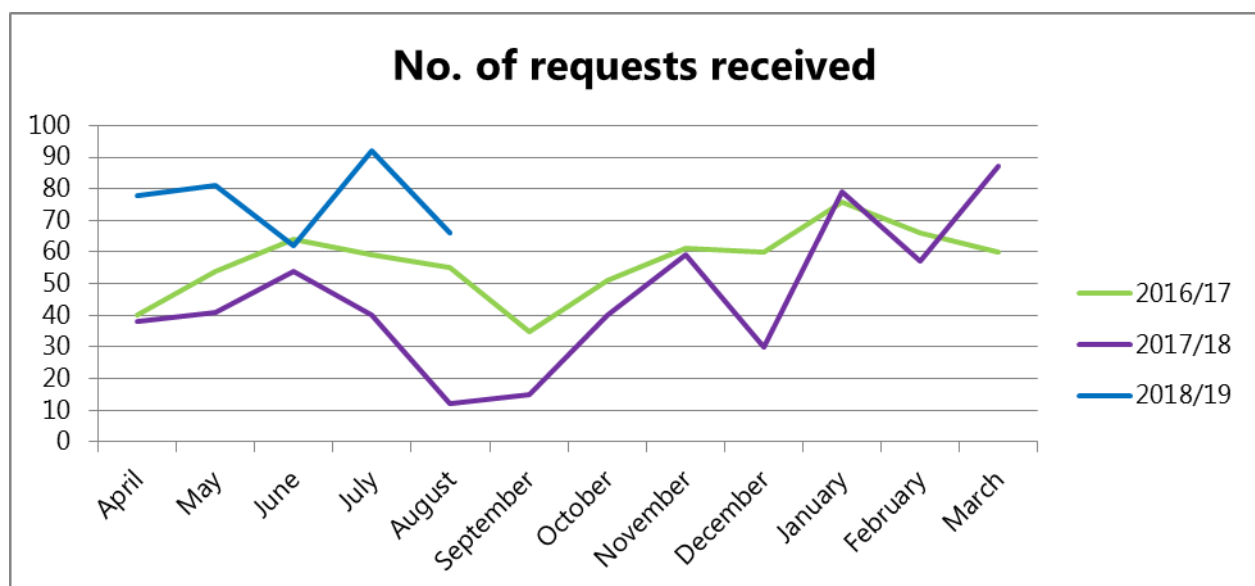
Chiltern District Council % response within 20 working days
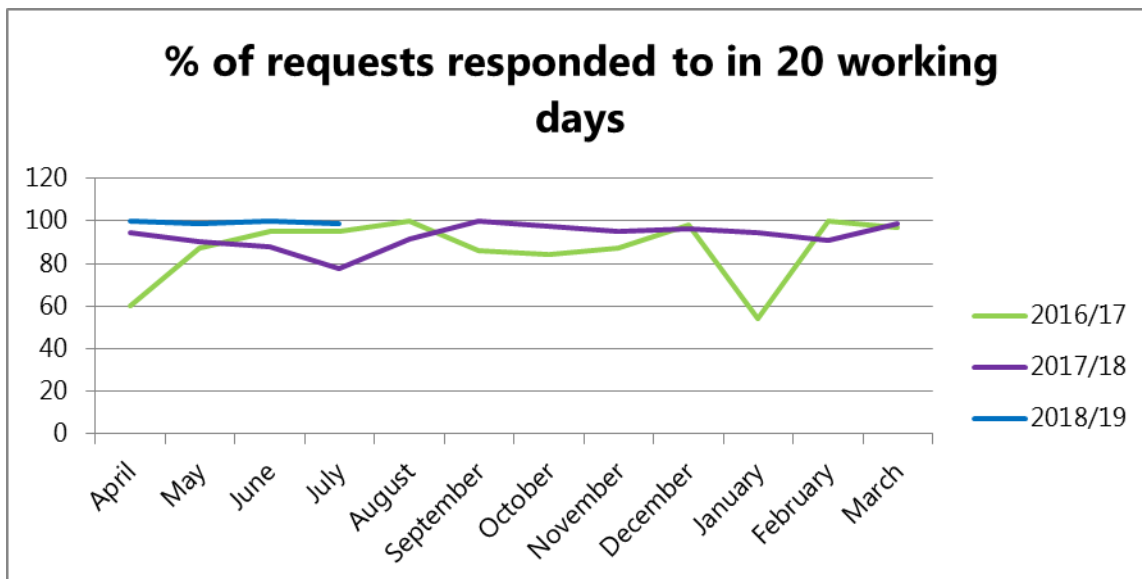
Chiltern District Council Breakdown of volumes received by service area
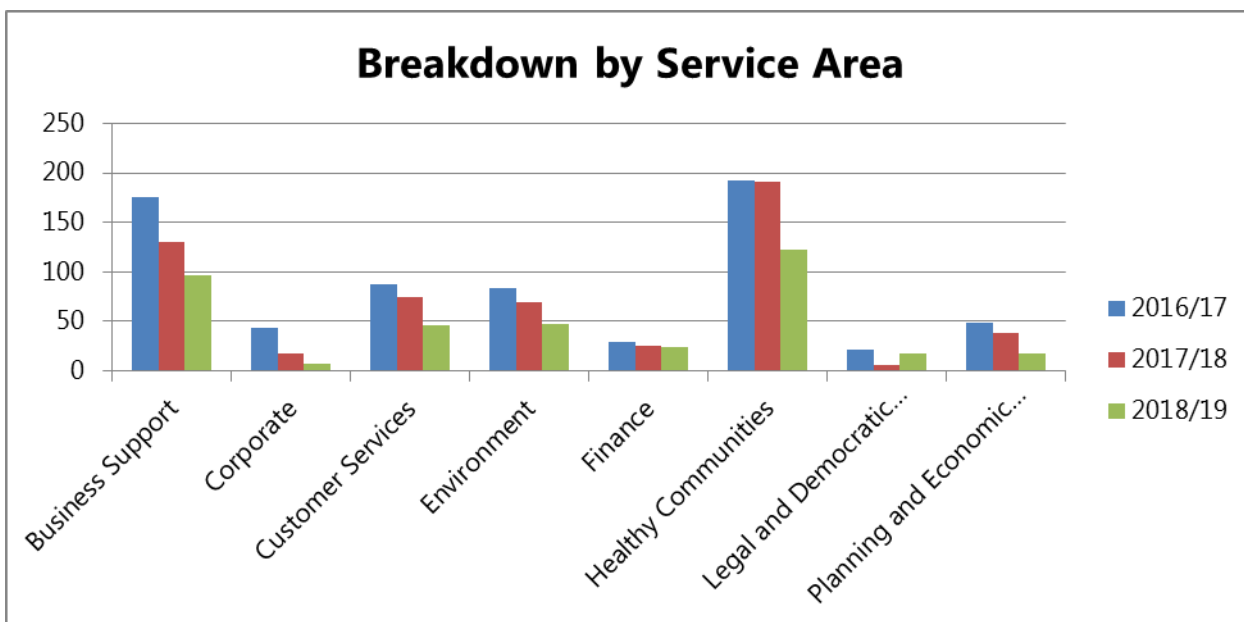
N.B 2018/19 is based only on months April – August.

Healthy Communities receive many requests for housing, licencing, environmental health, community safety and leisure. Business Support Officers encourage all service areas to publish and make available data sets that are frequently asked for on each Council's website. For example Licensing data is now available in electronic format and open for public inspection.

The Local Government Association (LGA) has been promoting and supporting digital transformation and transparency. The Council accordingly is increasingly publishing its data sets, to enhance proactive transparency and by making more information publicly available and to promote the effective operation of FOI in the public interest. This work is on-going.

The new FOI Section 45 Code of Practice was issued on 4 July 2018. The ICO has published the guidance for practitioners on its website.   There is more emphasis on openness about certain types of information and withholding information will be harder to justify. The code provides guidance on the practice it would be desirable for public authorities to follow to meet their obligations under FOIA. Adhering to the code will result in positive benefits for an authority, and in practical terms offer good customer service.

## 5.   Subject Access Requests (SARs)

The data protection legislative changes that were introduced in May 2018 have heightened public awareness about their information rights and as a result more individuals are submitting SARS to the authority.   This is the first time SARs have been reported to committee.

Chiltern District Council

2018/19	No. Received	No. Validated	No. Completed on time*	% Completed on time
April	2	2	0	0%
May	0	0	0	100%
June	2	1	1	100%
July	0	0	0	100%
August	1	0		

Notes - * The time frame required for requests to be completed changed on 25 May 2018 from 40 days to 30 calendar days. Therefore all April requests should have been completed within 40 days. All subsequent months the time frame is 30 days.

Validated requests mean that the requester has submitted valid identification credentials and has been verified. The request has to be validated before it is processed any further.

Subject Access Requests
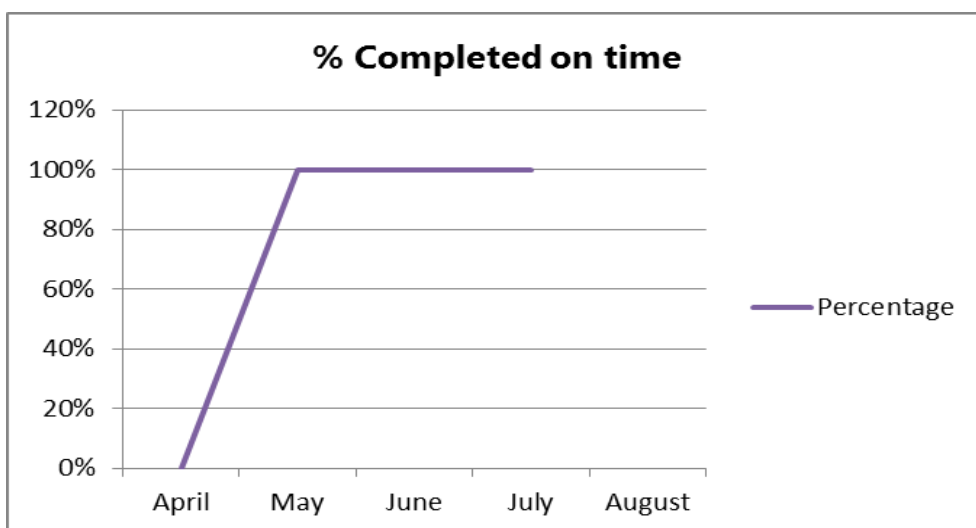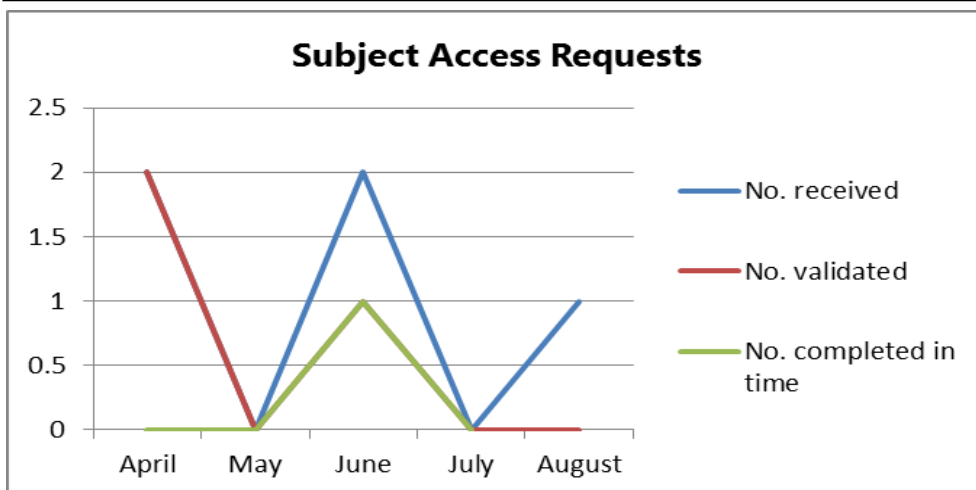
% Completed on time

Notes - * The time frame required for requests to be completed changed on 25th May 2018 from 40 days to 30 calendar days. Therefore all April requests should have been completed within 40 days. All subsequent months the time frame is 30 days.

The second request from June has had the time frame extended by up to another 2 months so the new deadline is 01/10/2018. The requestor was advised of the extension due to the complexities of the request before the end of the initial 30 calendar days' deadline.

6.   RIPA

The Regulation of Investigatory Powers Act 2000 (RIPA) addresses human rights issues arising from the carrying out of surveillance and the accessing of communications data by local authorities and other law enforcement agencies. On the 1st September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

An updated Corporate Policy & Procedures Note was published on the intranet and is based upon the requirements of The Regulation of Investigatory Powers Act 2000 ('RIPA'), The Protection of Freedoms Act 2012, the Home Office's Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources and the Regulation of Investigatory Powers (Communications Data) and (Directed Surveillance and Covert Human Intelligence Sources) Orders 2010 and the Investigatory Powers Act 2016. The Council takes responsibility for ensuring that the RIPA procedures are applied in practice.

Relevant staff will receive training in October 2018. There were no Regulation of Investigatory Powers Act 2000 (RIPA) investigations conducted for the year 2017-18 at SBDC.

7.   Links to Council Policy Objectives

7.1 The aim is to support corporate information management policy, information governance procedures and strategy.

7.2 The objective is to inform Members and senior management of the response to statutory duties that aligns with the code of Corporate Governance ensuring openness and transparency, encouraging better community engagement and supporting economic activities, thus empowering citizens through increased access to information.

Background Papers:	**ICO Model Publication Scheme 2013** **The Protection of Freedoms Act 2012 (POFA)** **Regulation of Investigatory Powers Act 2000(RIPA)** **Home Office Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources Regulation of Investigatory Powers (Communications Data) and (Directed Surveillance and Covert Human Intelligence Sources) Orders 2010** **Investigatory Powers Act 2016** **Freedom of Information Act 2000 (FOIA)** **Environmental Information Regulations 2004 (EIR)** **Data Protection Act 1998 (DPA)** **EU General Data Protection Regulation (GDPR)** **Human Rights Act 1998** **INSPIRE Regulation 2009** **PSN Local Data Handling Guidelines (August 2014)** **Re-use of Public Sector Information Regulations 2015 (ROPSI)** **Local Government Transparency Code 2015** **Strengthening Local Government Transparency Consultation on changes to the Local Government Transparency Code 2015** **S45 FOI Code of Practice**