

Briefing Note

To: Members of the Budget and Corporate Services Overview and Scrutiny Committee

From: Director of Environment

Subject: Subject Access Requests and Freedom of Information Requests

Date: 5 December 2024

1. Introduction

- 1.1 This report provides background information on the statutory requirements and a performance progress overview of the Council's handling of Subject Access Requests ("SAR") and Freedom of Information Requests (FOIs)
- 1.2 The report highlights opportunities to further improve performance with actions that the feedback team are implementing.

2. Background

- 2.1 The Council, as a public body, is subject to the requirements of the UK GDPR and the Data Protection Act 2018. These laws make provision for individuals (data subjects) to request their personal data. This is referred to as a Subject Access Request (SAR).
- 2.2 The law requires the Council to respond to SARs within one calendar month from the date when it receives the request. The Council has the discretion to extend this response time by up to two months, totalling three months for particularly complex requests. The features of a complex request may include technical difficulties in retrieving the information, searching large volumes of unstructured manual records, clarifying potential issues around disclosing information about a child to a legal guardian or applying an exemption that involves large volumes of particularly sensitive information.

- 2.3 The requester has the right to approach the Information Commissioner's Office (ICO) should they be dissatisfied with the Council's handling of their request. The Council has been approached by the ICO regarding six complaints related to delays in meeting the statutory deadlines. These requests have been subsequently closed and the ICO is satisfied with the Council's response.
- 2.4 The law specifies that certain types of information are exempt from the disclosure requirements. The main forms of exemptions that are likely to be relevant to the requests received by the Council are:
- Personal data relating to another data subject
 - Where disclosure is likely to cause harm to physical or mental health
 - Where disclosure is likely to prejudice social work functions
 - Where disclosure is likely to jeopardise an investigation or procedure
 - Legal professional privilege
 - Confidential references
- 2.5 The Council, as a public body, is subject to the requirements of the Freedom of Information Act 2000 (FOI). The FOI Act provides public access to information held by public authorities, in two ways:
- public authorities are obliged to publish certain information about their activities; and
 - members of the public are entitled to request information from public authorities.
- 2.6 The FOI Act covers any recorded information that is held by the Council. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
- 2.7 The FOI Act does not give people access to their own personal data. If a member of the public wants to see information that the Council holds about them, they may make a data protection subject access request.
- 2.8 The FOI Act specifies that certain types of information is exempt from the disclosure requirements. The main forms of exemptions that are likely to be relevant to the requests received by the Council are:
- Personal data
 - Information accessible by other means (e.g. published data)
 - Information regarding investigation into suspected chargeable offences
 - Legal professional privilege
 - Commercial interests

- Manifestly unreasonable requests

2.9 A request under FOI may also be refused where it would cost the Council more than £450 to provide the information. This is normally estimated in the staff time it would take to compile the information at the specified rate of £25.00 per hour, which equates to 18 hours work. Where feasible, part of the information may be provided if doing so would be within the cost limit.

3. The Customer Feedback Team

3.1 Historically, SARs and FOIs were managed at the departmental level, with minimal corporate administrative support and a lack of specialist expertise leading to varying practices and efficiencies. Whilst departments continue to hold responsibility for responding to SARs and FOIs, in June 2023, the Council established a multidisciplinary Customer Feedback Team to build a seamless, professional, and unified approach to handling customer feedback and to provide a level of expertise to support departments with the handling of requests.

3.2 The Customer Feedback Team is responsible for logging, tracking and providing support to departments across the council to manage the following areas:

- Handling complaints related to corporate and statutory services, including children's and adult social care.
- Managing requests under the Freedom of Information Act 2000.
- Responding to subject access requests under the UK GDPR/Data Protection Act 2018.
- Addressing requests under the Environmental Information Regulations 2004.
- Managing mayoral casework enquiries

3.3 The team operates under five overarching principles to ensure high-quality service delivery:

1. **Cohesive Customer Support:** Promoting early resolution and effective support for all customers.
2. **Efficiency and Resource Optimisation:** Streamlining resources across the Council to enhance income generation and reduce costs.
3. **Proactive Assistance:** Ensuring customers receive the right support at the earliest opportunity.
4. **Consistency and Alignment:** Delivering responses that reflect a consistent tone and message, aligned with the Council's Corporate Plan and strategic objectives.
5. **Customer Empowerment:** Providing accurate and timely information to help customers make informed decisions.

3.4 To further support these goals, the Council implemented a new case management system, *Respond*, in April 2024. This system enhances the team's ability to log, track, and manage complaints and requests efficiently. Additionally, *Respond*

will provide valuable insights through data capture and reporting, enabling continuous service improvement and informed decision-making.

4. The Council's Process for Responding to Requests

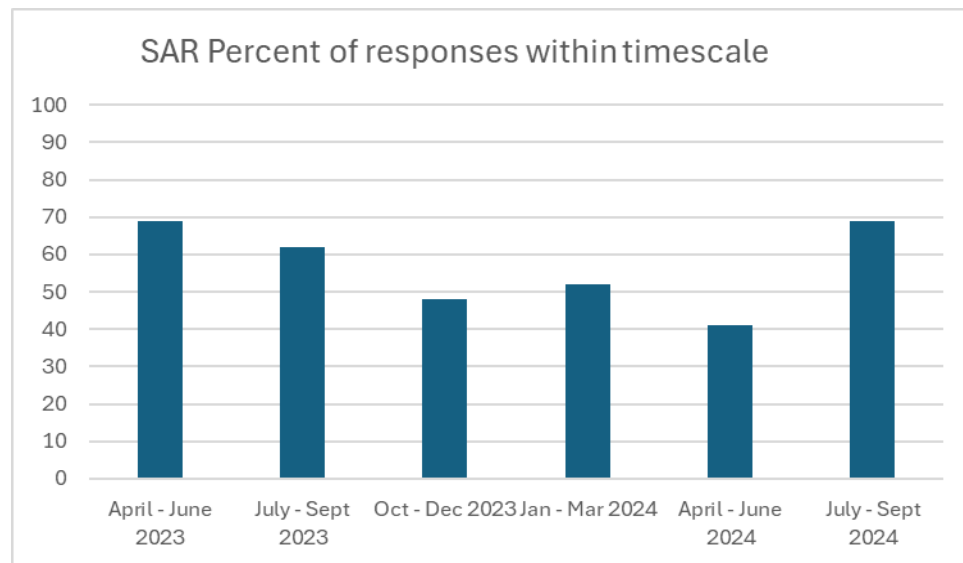
- 4.1 The Council facilitates the submission of Subject Access Requests (SARs) through an online form. Requests are received via this channel together with email and letter.
- 4.2 To ensure personal data is disclosed only to the correct individual and to minimize the risk of data breaches, the Customer Feedback Team requires authenticating information from the requester before processing the SAR. Once authentication is confirmed, requests are allocated to the appropriate officer within the relevant department for response.
- 4.3 Processing SARs involves multiple tasks, including:
 - **Assessing:** Reviewing the nature and scope of the request.
 - **Acknowledging:** Confirming receipt of the SAR to the requester.
 - **Clarifying:** Seeking additional information if the request is ambiguous or incomplete.
 - **Analysing:** Reviewing relevant records to determine the scope of disclosure.
 - **Assembling:** Gathering the necessary data from various sources.
 - **Redacting:** Removing or obscuring third-party information or exempted content.
 - **Communicating:** Providing the requested data or explanation of any exemptions applied.
 - **Updating:** Maintaining accurate records in the *Respond* system to track progress and outcomes.
- 4.4 Of these tasks, **analysing** and **redacting** are typically the most resource-intensive, requiring meticulous attention to detail to ensure compliance with data protection laws. For instance, an officer may need to review large volumes of paper records and sift through thousands of emails. Any information deemed exempt must then be carefully redacted. Once this process is complete, the response undergoes a thorough quality assurance check before being dispatched to the requester.
- 4.5 The officers assigned to handle SARs are frequently balancing these responsibilities alongside their core statutory duties, such as housing and children's safeguarding. Records indicate that **Housing** and **Children's Services** departments handle the highest proportion of SARs, adding additional pressures to their workloads.
- 4.6 The Council provides an online form to enable anyone to submit a Freedom of Information Request and most requests are received via this form. FOI requests are also accepted in any other written form, including emails and letters. The Council aims to be as helpful as possible, within the statutory limitations, and where necessary will seek clarification from

the person submitting the request. Where it is not possible to provide the information in full, as much information as possible is provided

- 4.7 Whilst the incoming requests and the issuing of the final responses are co-ordinated by the Customer Feedback Team, each service area is responsible for compiling the information that is requested from the services' records. With some requests information may be required from multiple service areas. The latter may involve a comprehensive search of computer databases and manual systems.

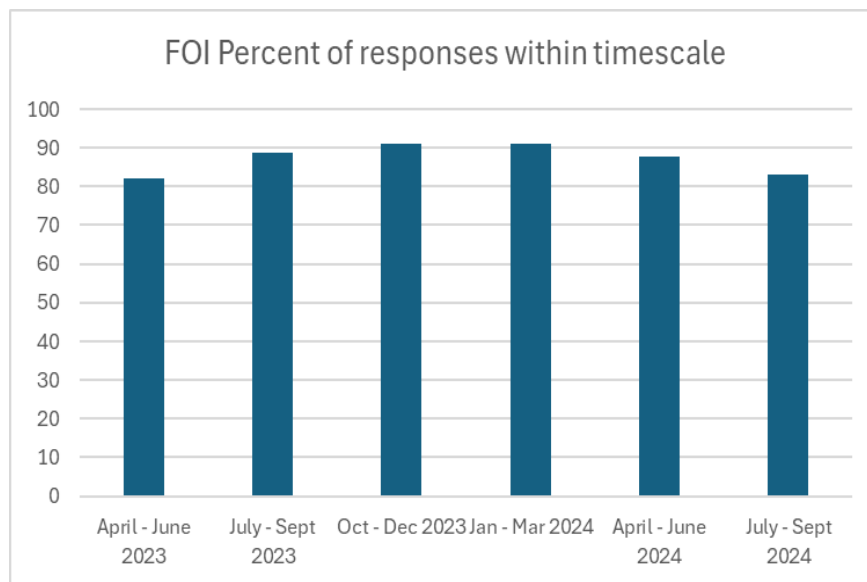
5. Performance Indicators

- 5.1 The SAR performance against the statutory timescale is as follows:



Reporting Period	Numbers	Percent within timescale
April – June 2023	9/13	69.2%
July- Sept 2023	13/21	61.9%
Oct – Dec 2023	11/23	47.8%
Jan – Mar 2024	13/25	52%
April – June 2024	12/29	41.4%
July – Sept 2024	20/29	69%

- 5.2 The Freedom of Information performance against the statutory timescale is as follows:



Reporting Period	Numbers	Percent within timescale
April – June 2023	234/285	82.1%
July- Sept 2023	246/277	88.8%
Oct – Dec 2023	311/341	91.2%
Jan – Mar 2024	317/348	91.1%
April – June 2024	312/356	87.6%
July – Sept 2024	219/264	83%

- 5.3 The Council recognises that its current performance in meeting statutory timescales remains well below our aim of meeting 100%. After several quarters of declining performance, the most recent quarter has shown encouraging signs of improvement for subject access requests. The freedom of information request response times improved earlier in the year but the latest quarter demonstrates that performance in this area remains challenging.
- 5.4 To continue to the address the performance challenges and improve compliance, the following actions are being implemented:
- Issuing timely reminders to progress requests and prevent delays.
 - Providing management reports to departments for greater accountability.
 - Delivering targeted training to departments on redactions and exemptions.
 - Online resources and training on the Council's learning and development portal.
 - Enhancing knowledge of statutory exemptions to be applied when appropriate.
 - Strengthening collaboration between the Customer Feedback Team and the Data Protection Officer.

- Preparing regular reports that are available to the Information Governance Board upon request to monitor compliance, identify risks, and implement solutions.
- Publishing scheme data of interest to the general public to reduce repeat and duplicate Freedom of Information requests
- Using the Respond case management system to identify themes and trends to proactively manage demand

- 5.5 Additionally, the Council could investigate emerging technology opportunities in the future to enhance efficiency through automation of resource-intensive tasks, such as analysing and redacting, as highlighted in section 4.3 of this report.
- 5.6 Due to the above measures, which demonstrates the Council's proactive efforts to improve compliance, the Council has successfully avoided enforcement action, unlike some other local authorities.
- 5.7 It is important to note that the Council ensures that the information requested is provided to all requests, except where the information is exempted. Therefore, whilst a proportion of requestors did not receive the information within 20 days, they will still receive the information requested.
- 5.8 Performance is currently being actively managed and reported regularly to the Council's Management team with the objective of achieving the Council's target of issuing 95% of response within the statutory timescale.

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File Reference:

Previous Relevant Minutes: None

Background Papers: None

Appendices: None