

# Freedom of Information and Data Protection Report for January to June 2008

## Freedom of Information (Fofl)

The panel have already dealt with 7 cases this half year (as opposed to a total of five for the whole of last year). A table of the cases dealt with appears below.

Numbers of requests are greatly increased this year.

I have not previously kept a full log but looking back through the records held, I think 68 were dealt with in 2006, 98 in 2007 and about the same number as this by the end of June.

Both MP's and the press are making more enquiries but private individuals submit the vast majority.

There is one matter outstanding with the Information Commissioner (IC) but the other two outstanding cases involving him have now been resolved.

The first related to an internal memo giving legal advice on a planning application. As the situation with regard to the application had changed we decided that the document could now be released to the requester without the IC having to consider the case formally.

The other case was strongly opposed by us but the IC decision went against us.

The case related to the bill of quantities (with financial details) attached to a contract for works to Council premises. We had felt that a Section 43 commercial interest exemption would safely apply to this. Following the IC decision further legal advice was obtained and it was, in the end, decided in view of the length of time that had now passed, that an appeal to the Information Tribunal would not be successful. The document was therefore supplied to the requester.

We had received some criticism from the IC officer over the length of time we had taken to respond to their queries on the case but no mention is made of the total delay before they start dealing with a case after they have received it.

Our outstanding case as mentioned above was logged with them in October last year.

The IC has now confirmed that new publication schemes are required to be in place by 31 December. They do not this time need to be submitted for his approval and he has issued full guidance as to what he will expect such a scheme to contain for each type of public body. Following this template we will therefore need to produce this document and arrangements are in hand for this to be done in the October to December time slot.

## Data Protection

This year we will be participating in the National Fraud Initiative (NFI) run by the Audit Commission. They are asking for an increased number of data sets and more information from the data sets than ever before. Fair processing notices are now appended to most application forms and were on this year's Council Tax Bills so in most instances there are not huge implications with the supply of the data. There are still some issues to be ironed out and this is being done in conjunction with the Business Support Section and data set holders. The main problem areas are with the Electoral Register, personal licence holders, bus pass holders, and to some extent the extra information being requested from our own payroll.

The Fraud Team in Benefits are, on a trial basis, looking at Council Tax payers claiming a single person discount and persons listed for that address in the Electoral Register. Advice

on the Data Protection implications has been given and the Electoral Services Officer has also provided further advice on both the contents of the letters to be sent and the various reasons why more persons might be listed at an address without affecting the right to claim the discount.

Two issues have arisen over the use of photographs without consent in our publicity material and both were satisfactorily resolved.

One complaint was received regarding processing of data in the Council Tax section. Some data and an explanation of the law were provided and nothing further has been heard from the complainant.

One formal subject access request was dealt with.

During the issue of the new National Bus Passes several were returned as “gone away” and there were some complaints from the public that our records had not been updated. Data Protection Laws perversely work against us being “joined up” and sharing of information obtained to change a Council Tax account with other sections unless prior agreement to this processing is obtained. Work is in hand to try and introduce a corporate change of address/circumstances notification that would assist with this data sharing.

### General

The amalgamated guidance notes for Fofl, EIR and DP are with Management Board for approval. In doing this amalgamation it does now make for quite a long document so a two-page crib sheet is also being produced.

<b>Summary of Request</b>	<b>Decision</b>
Papers relating to resiting of recycling bins	All but 18 pages released and Sections 12(4)(e) and 13 EIR Regs applied to remainder
Evidence relating to potential prosecution over work to a listed building	Refused under Sections 30 and 40
Amount of compensation paid for Crowfield Airfield	Refused Section 40
Empty commercial properties	List of numbers by Parish supplied but addresses withheld Section 31 and in some cases also 40
Copy of report x/119/07 and new lease and memorandum of agreement for Chilton Fields	Supply report and lease with some redaction refuse copy of memorandum Sections 22, 40 and 43
Copy of papers relating to breach of food safety regulations (prosecution pending)	Assistance given to requester on general facts of the case but copies of documents refused under Sections 30 and 40
Information on the future of a piece of land owned by the Council	Some papers supplied but the remainder withheld under Section 22 and 43