University of East Anglia

ISC11D034

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Author:	Raymond Scott (ISD)
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Issue

To provide an annual report on requests received by the University relating to Freedom of Information, Environment Information Regulations, Data Protection and Copyright.

Recommendation

Recipients are invited:
* To receive the report.

Resource Implications

No change to service is required and therefore there is no impact on resources.

Equality and Diversity

The report has no impact on groups with protected characteristics.

Timing of decisions

No decisions are required.

Further Information

* Raymond Scott (ISD), x3561, r.scott@uea.ac.uk

Background

As a public authority, UEA is required to have processes in place for the receipt, handling and response to requests made under the Freedom of Information Act 2000 and Environment Information Regulations 2004. It also has obligations under the Data Protection Act 1998 and Copyright Act 1988. Request management and advice is provided by the information compliance team in ISD, and this report summarises activity over the last calendar year (Jan – Dec 2011).

Discussion

### Freedom of Information Act/Environmental Information Regulations

Over the year, we received in total 274 requests for information (an 88% increase on 2010). Of these, 16 (6%) were processed under the EIR.

There were 27 cases where a requester was dissatisfied with a response and requested an internal review (a 145% increase on 2010).

Where a requester is dissatisfied with the outcome of an internal review, they can register a complaint with the ICO, which may then lead to an ICO investigation. Investigations can last a number of years before they are concluded. During 2011, we handled 11 ICO investigations. Of these two concluded with decision notices, one was withdrawn and 8 currently remain open at various stages.

Where a requester is dissatisfied with the outcome of an ICO investigation, the case can be brought to the attention of the First Tier Tribunal (Information Rights). In December 2011, UEA had its first case heard at the Tribunal.

Requests received during 2011 break down as follows:
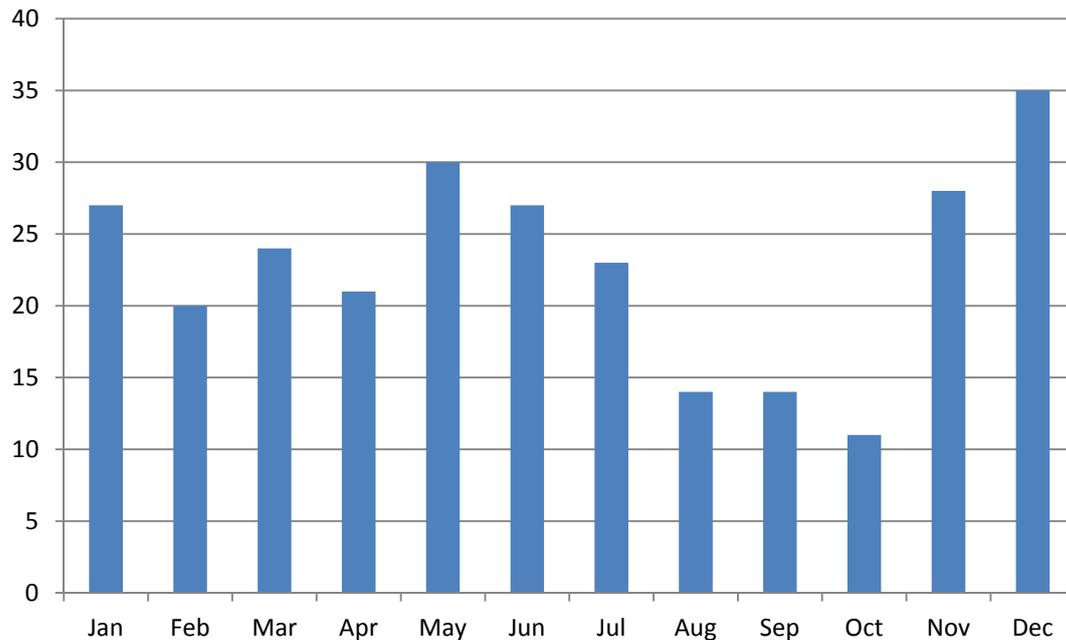
Part of the increase in requests towards the end of the year is attributable to a campaign relating to the closure of the School of Music.

The ICO (Information Commissioner's Office) is particularly interested in ensuring that public authorities provide responses within the statutory deadline of 20 working days after receipt. 89.2% of requests received responses within 20 working days. 92.5% (234) received a response within the statutory deadline (including instances where extensions were applied). 7.5% (19) received a response outside the deadline and breached s.10(1) of the Act.

Responses to requests can be: not held, refused, released in full, or released in part.
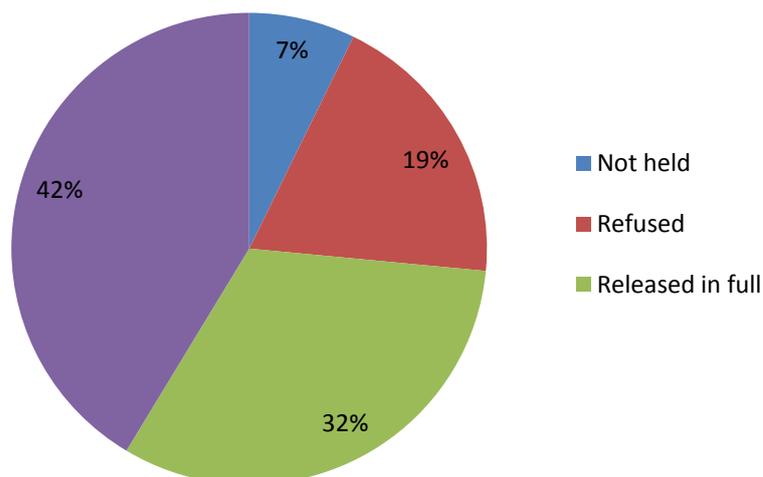
The departmental restructuring resulting from the AIP mid way through the year makes it difficult to report in a meaningful way how the requests break down by holding department. This will be looked at again for next year's annual report. The AIP did mean that a new network of FOIA departmental contacts needed to be created, with advanced training provided for those who had no previous experience of working with information compliance.

Data Protection

Request Administration

In 2011, 22 initial requests for personal data, otherwise known as subject access requests (SARs) were received. Only 13 of those cases were auctioned as the remaining 9 requesters did not provide the necessary fee or identity verification documentation. Of the requests handled, in 3 all requested information was provided, and in 10, only some information was provided. This was invariably due to the need to redact information that identified other individuals and was therefore barred from release under section 7(4) of the Act.

We have 40 calendar days to respond to a SAR. In the 13 cases handled, we met the time limit in 8 of them; in five we exceeded the time limit. This response rate needs improvement.

Advice and guidance

A large part of the work in this area consists of providing ad hoc advice and guidance to University staff, and in some cases, students. No complete records are kept of the extent of this activity but a three month statistics recording trial at the beginning of 2011 revealed that on average, the IPCM responds to approximately 5 such queries per month. Because of recording deficiencies it is anticipated that this number may be on the low side but it is, in general, reflective of the level of work in this area.

The IPCM also serves as a member of the University Research Ethics Committee providing input on data protection issues to the Committee. He attended 2 such meetings during the year.

Copyright

Copyright oversight is an activity that is more difficult to monitor than either FOI/EIR or DPA as there is not 'formal' process to administer. The work in this area mainly consists of advice and guidance to individuals within the University. No precise statistics are maintained of the workload in this area but a review of email folders identified over 40 separate queries received by email during the year. Additionally, requests can be received by phone, and once again, although accurate records are missing, at least half of the email total is estimated to have been received.
Extrapolating from the test statistics period in early 2011, if averaged over an entire year, copyright inquires would average approximately 6 per month.

Training and events

During 2011, 15 persons attended the 2 CSED sponsored introductory FOIA course. 19 attended the 2 CSED-sponsored DPA course, and 9 attended the 2 CSED-sponsored Copyright course. Seven persons attended the one and only EIR course during 2011. This gives a total of 40 persons that attended some form of CSED-sponsored information compliance course during 2011.

During the first half of October, eight introductory and advanced training sessions were run to meet the needs of the large number of new FOIA contacts joining the network as a result of AIP. Virtually all FOI Contacts received the training.

In early November, we held the first annual FOIA departmental contact liaison half day. All departmental contacts were invited along with key individuals who had recently received training. Of the 39 invited, 12 people attended the event. When the session is next run, we intend to keep it shorter to fit in better with others' schedules.

Throughout the year the IPCM presented introductory courses in FOIA, DPA and copyright to PGR students in FOH, SSF and SCI as part of their Professional Development Programme. PGR students in HUM only received a presentation on copyright and e-thesis submission. SSF PGR students also received this session. SCI PGR students were also offered the introductory EIR course. Attendance was variable as the course was not mandatory.

The copyright and thesis submission course for HUM and SSF was attended by 23 students. Within SSF, 10 students attended the FOIA course and 9 attended the DPA course. Figures for SCI and FOH PGR attendance at courses are not available, but no more than 10 attended each of the courses.

Information Compliance Audit

In November 2011, the information compliance service was subject to audit looking at policies, processes and performance around FOIA, EIR and DPA. The audit concluded with three low priority recommendations: publish a DPA policy, investigate the potential for information management systems to support the service, and train up members of the SPC team to provide cover for DPA in the absence of the Information Policy and Compliance Manager. All these points are in the SPC team plan and the work is in hand.

ISD SPC team

During summer 2011, ISD reorganised staff and created an SPC (Strategy, Policy and Compliance) team. This team includes responsibility for information compliance, and provides backup and support for the Information Policy and Compliance Manager.

Given the increase in not only the number of requests, but also the number of appeals, on-going ICO investigations, and technical complexity of cases, ISD submitted a request to ET for additional resource to support information compliance activity.