

Freedom of Information Requests Received and Complaints made to the Information Commissioner for the Year 1 April 2024 to 31 March 2025

1 Summary

- 1.1 The Authority is bound by the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which require the Authority to disclose information when requested by a member of the public. Where a member of the public considers that the request has not been correctly dealt with or dealt within the statutory timescales, they may request that the Information Commissioner's Office (ICO) review the matter.
- 1.2 This report identifies any complaints made to the ICO and Freedom of Information requests made to the Authority during the year from 1 April 2024 to 31 March 2025.

Recommendation that:	a Members note the Freedom of Information and Environmental Information Regulations requests received during the period 1 April 2024 to 31 March 2025; and
	b Members make further suggestions to improve the Authority's services in the future.

2 Background

- 2.1 Public authorities can be held to account for their decision-making. The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) aim to make government more transparent by giving the public a mechanism through which to find out more about government policies and the decision-making process.
- 2.2 The FOIA and EIR give individuals and companies the right to ask public authorities whether they hold certain information and, if they do, the right to be given that information. FOIA does not deal with the collection and use of personal data, which is governed by the Data Protection Act 1998. The EIR came into force at the same time as FOIA to regulate public access to all environmental information held by public authorities.
- 2.3 A public authority must comply with a request within 20 working days of receiving it or, if the public interest test applies, within such time as is reasonable in the circumstances. If the officer dealing with the request considers an exemption applies and declines to provide the information the applicant has the opportunity to request that the Authority's Solicitor as the named Data Controller undertake an internal review of the decision.
- 2.4 If a public authority refuses to disclose the information requested or deal with the request for information within the statutory timescales, the applicant can appeal to the ICO. If the ICO decides that the authority has failed to comply with FOIA, the ICO can issue an enforcement notice requiring compliance if considered in the public interest. The applicant or the public authority may appeal to the Information Tribunal against the notice and appeals from the Tribunal to the High Court on points of law are also allowed. If a public authority fails to comply with an enforcement notice, the ICO may certify this failure to the court, who may deal with the authority as if it had committed a contempt of court.

- 2.5 For the year beginning 1 April 2024 and ending 31 March 2025:
- 77 requests under FOIA and EIR were made to the Authority, compared to 65 requests last year. 51 requests were FOIA requests and 26 EIR requests;
 - 66 were responded to within time;
 - 11 were responded to out of time;
 - No requests for an internal review were received; and
 - No complaints have been made to the ICO.
- These are monitored on a quarterly basis by means of our Performance Indicators and are reported to Resources Committee.
- 2.6 Of the requests received
- 28 requests are related to the Authority's planning function; only one of these requests related to planning enforcement;
 - 3 requests were made for information relating to the Authority's HR function, including details of apprenticeship schemes currently offered by the Authority; and
 - 11 requests were for information relating to the Authority's income and expenditure on particular aspects of its business including details of costs paid to consultants, income received from the Government, car parking income, staffing costs, costs awarded to the Authority as a result of Planning Appeals, and expenditure on legal counsel.
- The remaining requests cover a large range of topics including information about the Windermere Byelaws Public Inquiry (1995), historic minutes dealing with 'bedroom tax' from 1990/91, details of housing development subject to a section 106 agreement, the Authority's readiness to harness AI in its business, information regarding the culling of grey squirrels within the Lake District National Park, requests for source data for various mapping layers held on our GIS system, information regarding the maintenance of the riverside footpath at Caldbeck, and queries about any proposed Habitat Bank or SPV.
- 2.7 Eight data breaches were reported to the Data Protection Officer in the period from 1 April 2024 to 31 March 2025. Breaches were minor in nature relating to the loss of mobile phones, attaching emails without deleting personal email addresses from the email chain below it, and incomplete redaction of documents placed onto the planning applications pages of the Authority's website. Most were due to human error.
- 2.8 There were no incidents reportable to the ICO.
- 2.9 The minor nature of the breaches demonstrates that the staff are not only aware of the requirement to report breaches but also that they are clear as to what constitutes a breach.
- 2.10 Members are asked to note the substantial amount of time and resources required to respond to Freedom of Information/Environmental Information Requests. In some instances, the equivalent of one day can be spent dealing with a single request. The Authority endeavours to publish as much as possible on the Authority's website but as matters become more contentious (particularly when relating to enforcement and pre-planning advice), such requests are used to obtain large volumes of information which are not published to the website. Such information must be reviewed, and personal information redacted. In addition, more representations contain inflammatory and libelous comment which has required guidance and training to try

to find an appropriate balance between publishing the views of representatives and protecting the Authority from legal action.

2.11 Compulsory training on the requirements of data protection and how to comply with the Data Protection Act 2018 and the UK GDPR 2016 has been introduced.

2.12 We will review and revise our public and internal guidance notes; and continue to undertake refresher training for all staff, especially those team members who display information to our website. We will continue to monitor any further breaches and consider whether any further training of officers or changes to our custom and practice need to be undertaken.

3 Policy Context

3.1 Reviewing FOIA and EIR requests and identifying trends over a period of time will enable us to identify areas of concern where the Authority is not performing as well as it might against the Vision and the Partnership Plan. Identifying trends will enable us to see where we need to improve our service delivery.

3.2 As part of our Business Plan – Demonstrating a High-Performance Culture, the review of FOIA requests enables the Authority to improve its level of service to roll out training and review processes where this will improve the organisation's performance.

4 Proposals

4.1 Members note the FOIA and EIR requests made to the Authority, complaints made to the ICO and make further suggestions to improve the Authority's services in the future.

5 Best Value Implications

5.1 The report has no Best Value implications.

6 Finance Considerations

6.1 The report has no finance considerations. However, Members should be aware that any complaint to the ICO which is upheld may result in the Authority having to pay such a fine as may be considered reasonable by the ICO.

6.2 If we fail to report breaches or undertake Privacy Impact Assessments, we can be fined Euros 10,000,000 (approx. £8,800,000) or 2% of turnover.

6.3 If we fail to comply with the conditions for retaining and processing personal data, do not comply with a data subject access request, process an individual's data fairly or process data outside of the purpose for which we retained it, we can be fined Euros 20,000,000 (approx., £17,600,000) or 4% of turnover.

6.4 In addition compensation may be payable to the individual whose data has been inappropriately processed.

7 Risk

- 7.1 The monitoring of FOIA requests received by the Authority will help us to identify any areas of risk and enable the Authority to take appropriate steps to either negate or minimise that risk.

8 Legal Considerations

- 8.1 The response to FOIA or EIR requests within the required timescales is a statutory requirement and failure to comply can result in legal action being undertaken by the ICO against the Authority through the Information Tribunal or High Court.

9 Diversity Implications

- 9.1 This report has no diversity implications.

10 Sustainability

- 10.1 There are no significant environmental, economic, and social effects.

Background Papers	Legal Services Database and individual Legal Services matter files
Author/Post Responsible Director	Julie Wood, Deputy Monitoring Officer and Solicitor Stephen Ratcliffe, Monitoring Officer and Director of Sustainable Development
Date Written	9 April 2025