

<b>Committee(s)</b> Audit & Risk Management Committee – For information	<b>Dated:</b> 28 January 2020
<b>Subject:</b> City of London Police Freedom of Information Requests Update	<b>Public</b>
<b>Report of:</b> Commissioner of Police	<b>For Information</b>
<b>Report author:</b> Gary Brailsford-Hart – Director of Information	

### **Summary**

At the March 2019 meeting of the Audit and Risk Committee an action was issued for the Commissioner to provide an update of Freedom of Information (Fol) request arrears to be presented to a future Committee meeting on the basis of a red RAG rating from an Internal Audit which had been completed in 2018 on this City of London Police (CoLP) business area.

The Commissioner of Police attended the September 2019 meeting of the Audit and Risk Committee and gave a verbal update to Members reassuring them that this risk was being managed. However, a further request was received following the November Audit and Risk Management Committee meeting, where the Committee whilst having received a verbal update from the Commissioner at the previous meeting, it would also like to receive a formal written report of Freedom of Information request arrears from the Commissioner at the next meeting on 28th January 2020.

This report outlines the Force's approach in its consideration and acceptance of the findings of the Fol audit report from 2018, how it is managing the ongoing demands in this area, and demonstrates the risk approach being taken within the appropriate departmental risk control framework.

### **Recommendation(s)**

Members are asked to note this report.

### **Main Report**

#### **Background**

1. At the March 2019 meeting of the Audit and Risk Committee an action was issued for the Commissioner to provide an update of Freedom of Information (Fol) request arrears to be presented to a future Committee meeting on the basis of a red RAG rating from an Internal Audit which had been completed in 2018 on this CoLP business area.
2. The Commissioner of Police attended the September 2019 meeting of the Audit and Risk Committee and gave a verbal update to Members. The minutes of that

meeting note: “The Commissioner of the City of London Police (CoLP) provided an oral update on the arrears in Freedom of Information Act (FOIA) requests. Since the last update the backlog of cases was resolved and new cases were received. In April 2019, a new record keeping system for FOIA requests was implemented. 121 cases were awaiting closure. It was reported that FOIA requests were an ongoing risk area for CoLP, particularly due to the difficulty in recruiting and retaining trained staff to manage requests”.

3. However, a further request was received following the November Audit and Risk Management Committee meeting, where the Committee decided it would like to receive a further update in the form of a formal written report of Freedom of Information request arrears from the Commissioner at the next meeting on 28th January 2020.

### **Current Position**

4. The management of Freedom of Information (Fol) requests within the City of London Police is not a City of London Corporation corporate risk but a CoLP ‘departmental’ risk. This report is provided to assure Audit and Risk Committee that the City of London Police recognise, understand and are appropriately managing their own ‘departmental’ risk.
5. The management of requests for information pursuant to the Freedom of Information Act 2000 (FOIA) is a dynamic and fluid process often driven by public interest, the media, and those seeking commercial opportunity. The City of London Police provides a public information access function, where requests for information are centrally managed and triaged across the Force. The centralised function, common to all police forces, assesses the threat, risk and harm from requests for information and ensures a consistent, and sometimes nationally approved approach, is taken when responding to requests.
6. The information access function also manages requests for information made under the Data Protection Act 2018 (DPA), the recent changes in legislation have led to a significant increase in the complexity and volume of requests – this has had a direct impact on arrears in Fol requests, with priority being given to DPA due to more significant personal impact and litigation risk.
7. Unlike Local Authorities the whole of the Police Service has a Centralised Referral Unit (CRU) for all Freedom of Information requests. This unit is hosted by Hampshire Constabulary and funded by all forces and is managed by a national S22a Collaboration Agreement. The role of the CRU is primarily to address and manage risks associated with requests for information concerning Police UK. The importance of this function cannot be overstated. For example a request asking for details of covert capability would ordinarily be refused on a number of exemptions, however, if answered by a single force it has the potential to mute the argument for non-disclosure in all other forces and potentially expose significant risk to policing operational capability, the CRU seeks to advise and avoid scenarios of this nature. Unfortunately, referrals to and from CRU do sometimes add an element of delay in the processing of some requests.

8. Whilst the FoI Audit in 2018 only focused on the specifics of FoI legislation, the organisational response and planning is broader and more complex. The inclusion of CRU referrals as well as the prioritisation of requests against strengthening Data Protection legislation was not been considered within the Audit but is a significant factor in how the force manages its capability to respond to requests for information.
9. Additionally, the capability of the force to respond to requests has been directly affected by a number of key personnel on long term sick leave, this has also been compounded by vacancies and sickness within the Performance Information Unit – a key unit in supplying statistical information.
10. Temporary staff have been recruited into the Information Access Unit to support the ongoing demands for information, however this has had limited success due to a lack of specialist FoI knowledge and skills. Staff are now returning to work from sickness absence and vacancies are being filled. The force is seeing the results of additional capability and the team is better able to meet the increasing demands in this area.
11. Additionally, recruitment has taken place within the Performance Information Unit and requests for statistical information are being addressed more efficiently as a result.
12. The importance of supporting the FoI process is fully understood by the force and a Gold Group chaired by T/Cdr David Evans has been convened where senior management control and direction, including additional funding, has been made available and continues to actively monitor and support the ongoing demands in this area. It is expected that all arrears across FoI will have been closed and a return to a normal state by the end of March 2020.
13. In addition, it should be noted that Freedom of Information is a standing agenda item at the Strategic Information Management Board, chaired by the Commissioner, where oversight and risk management is reported and directed accordingly.

## **Resourcing**

14. The centralised Information Access Team comprises four FTE's. Members of this team are expected to be multi-disciplined and manage requests for information pursuant to the Data Protection Act, Freedom of Information Act and Environmental Information Regulations, not only handling requests from the regulator, the public, journalists and the commercial sector but also solicitors, courts and the insurance sector.

**Core Team**

1 x Information Access Manager  
2 x Senior Information Access  
Officers  
1 x Information Access Officer

**Additional temporary resources:****In place:**

1 x Senior Information Access Officer  
(Consultant)  
1 x seconded Police Constable from Uniform  
Policing  
1 x seconded Grade D from Economic Crime

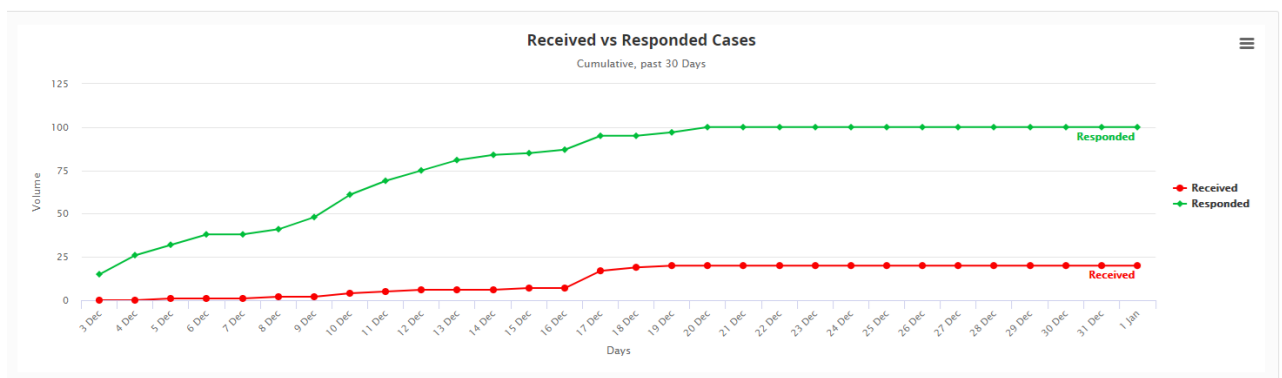
**Pending:**

1 x Senior Information Access Officer  
(Consultant) (Starts 20/01/20)  
2 x Information Access Officer  
(Pending evaluation and start date)

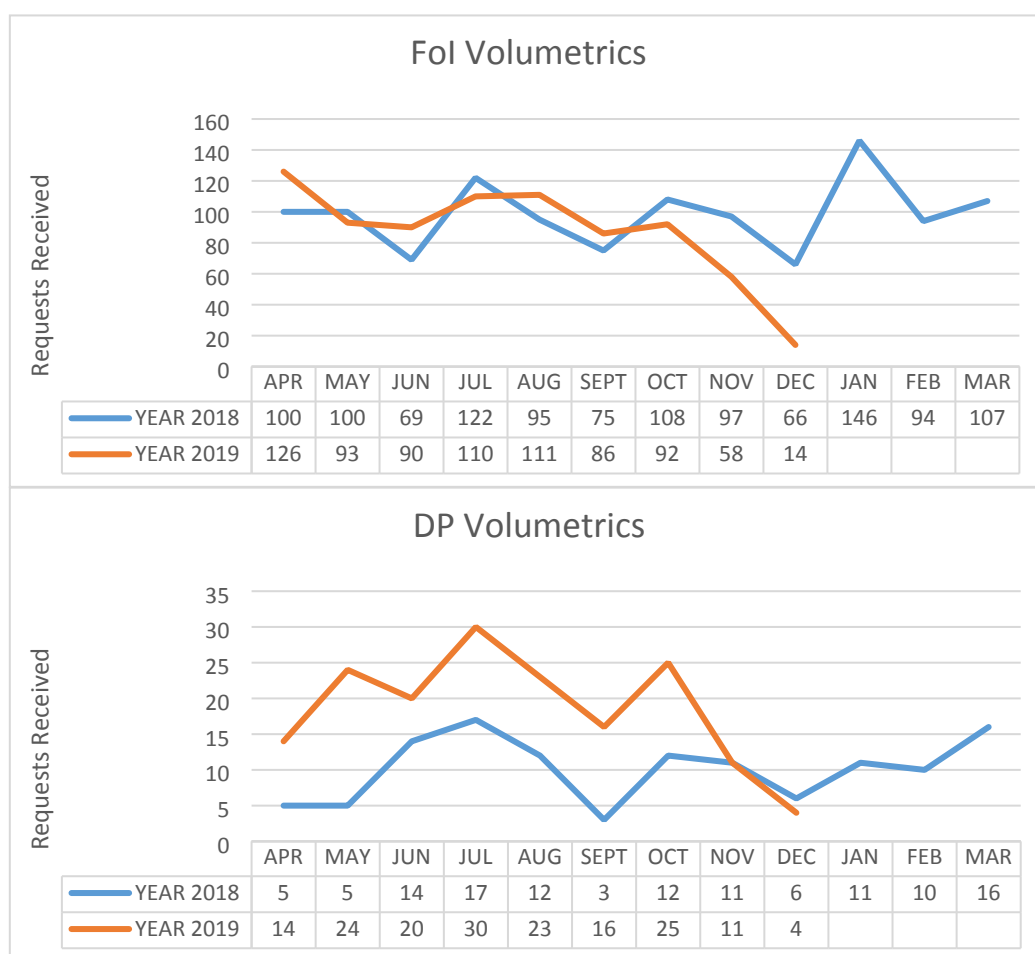
**Performance**

15. New request tracking and management software has been installed and is now demonstrating gains in the processing of requests for information. Additionally, the increase in resourcing has had a positive impact on the processing of requests and the chart below demonstrates the throughput of requests, plotted against the number of requests being received.

16. The demand charts below illustrate the volume of requests year-on-year for 2018 and 2019 across the FoI and DPA legislative areas. There is still a backlog of requests and this is demonstrated within the graphic at Appendix 1. A fuller explanation of this graphic can be given to Members at the Committee.



## Demand Data:



## Conclusion

17. This report has outlined the background and current position regarding the Fol arrears. It can be seen that this area of business is complex and has been impacted by a number of factors which have exacerbated the build up of arrears. However, the force has, and is, managing the risk associated with this and will continue to do so.

## Appendices

- Appendix 1 – Fol Request Arrears (January 2020)

## Background Papers

None.

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## Appendix 1 – Fol Request Arrears (January 2020)

