

Report of the Performance and Compliance Officer

Subject: Freedom of Information Requests, Environmental Information Requests and Subject Access Requests Report – 2021/22

Introduction

Open and transparent access to information held by the Authority can enhance the Authority's reputation for accountability, efficiency and effectiveness. In adhering to this approach, the Authority must also uphold high standards in protecting personal information and comply with Right of Access requirements under Data Protection regulations.

Co-ordination of responses to Freedom of Information Requests (FOI), Environmental Information Requests (EIR) and Subject Access Requests (SAR) is managed by the Admin and Democratic Services Team in liaison with staff providing responses. The Authority's Data Protection Officer provides advice on requests that relate to potential disclosure of personal information and Subject Access Requests.

The Authority has in place a publication scheme (as required by the Freedom of Information Act 2000) which sets out for the public the information available within the Authority and how to obtain it. Information is grouped into classes. Some of the information may be published as a document or on the Authority's website while other information is available on request. The publication scheme is published on the Authority's website and can be viewed here:

<https://www.pembrokeshirecoast.wales/wp-content/uploads/2019/05/Publication-Scheme-2013.docx>

This report utilises data from the Admin and Democratic Services FOI, EIR, SAR register and Authority's performance reporting system to assess annual trends.

Different Forms of Requests

Freedom of Information Requests (FOI): Anyone has a right to request information from a public authority. The Authority has two separate duties when responding to these requests: to tell the applicant whether we hold any information falling within the scope of their request; and to provide that information. In some cases, the Authority will be unable to make public some or all of the information requested due to exemptions or if it would cost too much or take too much staff time to deal with the request, the request is vexatious or the request repeats a previous request from the same person.

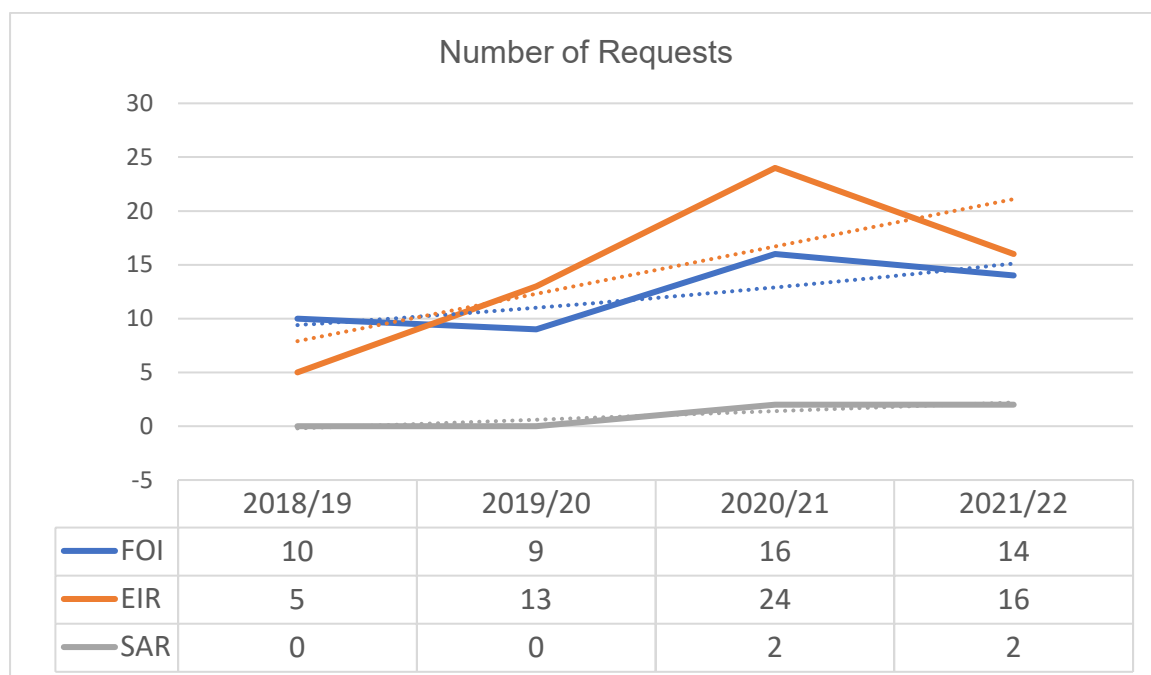
Environmental Information Requests (EIR): Under the Environmental Information Regulations 2004 members of the public are entitled to request environmental

information from public authorities. The Regulations give people a right of access to information about the activities of public authorities that relate to or affect the environment, unless there is good reason for them not to have the information. There is as a presumption in favour of disclosure. The Environmental Information Regulations state exceptions that set out when the Authority can refuse to provide requested information.

Subject Access Requests (SAR): The right to access under Data Protection Act 2018 and UK GDPR, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data, as well as other supplementary information. In doing so it can help individuals to understand how and why the Authority is using their data, and to check that we are doing it lawfully. In some cases, the Authority will be unable to provide all or some of the requested information if an exemption applies or if a SAR is manifestly unfounded or manifestly excessive.

Trends in terms of number of requests

The Authority has seen a general increase over the years in terms of the number of FOI, EIR and SAR it receives. FOI and EIR requests peaked in 2020/21 with a significant number of EIR received, including 7 EIR's relating to the Brynhir development. The Authority received its first SARs in 2020/21 and 2 SAR in 2021/22.



Please note one SAR was withdrawn in 2021/22 and this is not contained within the figures above.

WhatDoTheyKnow.com is a site to help people submit Freedom of Information requests. The Authority received 4 requests via WhatDoTheyKnow.com in 2021/22.

No requests for the period 2018/19 – 2021/22 have resulted in a fee payment request.

Themes of requests in 2021/22

As in previous years FOI requests in 2021/22 tended to focus on information held by particular functions within the Authority. In particular IT, HR, Assets/ Buildings/ Estates, Admin Democratic Services and Planning. In 2021/22 the Authority saw requests relating to Electric Vehicle Charging Points and there is potential that the Authority will see an increase in requests relating to its approach to decarbonisation going forwards.

FOI Requests 2021/22	
Area	Theme of Request
IT	Hybrid & Public Cloud Strategy
	IT systems information
HR	Coronavirus Job Retention Scheme
	Stonewall Equality Limited
	Bullying and sexual harassment complaints
	Planning and Covid working information
	Employment of British Muslims
Assets/ Buildings/Estate	NP vehicles
	Authority vehicles information
	Confidential waste
	Establishment of Electric Vehicle Charging points in Amroth
	Electric Vehicle Charging
Admin Democratic	FOI statistics from January 2020 to date
Planning	Planning statistics

As in previous years EIR requests tend to focus on information held by particular functions within the Authority. In particular Planning, Assets/ Buildings/ Estates and Access. Similar to previous year planning related requests dominate the themes of requests.

Area	Theme of Request
Planning	Nitrates & Phosphates statistics
	Housing stock within the National Park
	Information on ownership of land Old farmhouse, Gilgal terrace, Pennar.
	EC19/0020 Land adjacent to Castle Hill, Newport, Pembrokeshire
	Land west side of Seafield, Stepside SA678PP
	The Old Farmhouse Cilau Fawr, Cilau
	Unspent S106 Funding
	Signage within 10 mile radius of Little Haven
	Planning application EC/0097, 3 The Glen, Little Haven
	Impact of Phosphate Targets
	Planning statistics
Assets/ Buildings/Estate	Upgrading of PCNPA's Broad Haven public car park
	Fixed Penalty notices
	Land Owned or Managed by the Authority

	Freshwater East Slipway
Access	Public footpath between SM 86308 16367 to SM 86075 14776

The Authority has only received limited SAR requests, the two submitted in 2021/22 related to information held by Planning and HR/Finance.

Meeting Timescales for responses

The Authority is normally required to take up to 20 working days to respond to an FOI request or EIR request. For SAR a response must be provided at the latest within one month of receiving a request. In certain circumstances the length of time can be extended in line with expectations within the relevant regulations. Covid 19 had an impact on some of the responses that were not provided within required timescales. The Authority has amended administrative processes to include an additional reminder to staff providing responses.

	% responses provided within required timescales			
	2018/19	2019/20	2020/21	2021/22
FOI	100% (10 out of 10)	100% (9 out of 9)	93.75% (15 out of 16)	92.86% (13 out of 14)
EIR	100% (5 out of 5)	92.31% (12 out of 13)	95.83% (23 out of 24)	93.75% (15 out of 16)
SAR	N/A (No SAR's received)	N/A (No SAR's received)	100% (2 out of 2)	50% (1 out of 2)

Opportunities to improve access to information

Currently the Authority doesn't publish its Freedom of Information and Environmental Regulation responses on its website. A number of other Public Bodies do take this approach. For example, Pembrokeshire County Council have a search disclosure log on its website that publishes their responses: [Search Disclosure Log - Pembrokeshire County Council](#). Publishing responses can help reduce duplicate requests, with opportunity to signpost requester to previous response.

For statistical data there are also opportunities for the Authority to utilise Data Unit Wales [OpenDataWales](#) platform which allows public bodies to publish their own open data.

RECOMMENDATION:

Members are requested to RECEIVE and COMMENT on Report.