



# Improvement Plan

## **Freedom of Information Requests Environmental Information Regulation Requests Subject Access Requests**

1. Introduction.....	Page 2
2. ICO investigations into the Council's performance .....	Page 2
3. Backlog of SARs and FOIs .....	Page 3
4. Improvement Plan – Addressing the backlog .....	Page 4
5. Improvement Plan – Performance moving forward.....	Page 5
6. High level implementation of the SAR/FOI/EIR improvement plan .....	Page 6

Jeremy Chambers  
**Director of Law & Corporate Governance**  
**Monitoring Officer**  
Lewisham Council

April 2023

## **1. Introduction**

- 1.1 The Council has a statutory obligation to respond to Subject Access, Freedom of Information and Environmental Information Regulation requests within statutory timeframes.
- 1.2 On 17<sup>th</sup> March 2023, the ICO has issued an FOI/EIR enforcement notice on the Council requiring it to publish an action plan by the 20<sup>th</sup> April 2023 showing how it will address the backlog of FOI/EIRs and ensure compliance moving forward.
- 1.3 The actions the Council is required to take is as follows: -

### **TERMS OF THE ENFORCEMENT NOTICE**

**THIS NOTICE REQUIRES THE LONDON BOROUGH OF LEWISHAM TO TAKE THE FOLLOWING STEPS BY NO LATER THAN SIX MONTHS FROM THE DATE OF THIS NOTICE:**

- (i) In respect of each information request where the response is outside of 20 working days as at the date of this notice, and where a permitted extension has not been applied, to comply with section 1(1)(a) of FOIA and, if information of the description specified in the request is held, either
- (ii) communicate it pursuant to section 1(1)(b) FOIA; or issue a valid refusal notice under section 17 FOIA, unless section 17(6) FOIA applies.

**THIS NOTICE FURTHER REQUIRES THE LONDON BOROUGH OF LEWISHAM TO TAKE THE FOLLOWING STEP BY NO LATER THAN 35 CALENDAR DAYS FROM THE DATE OF THIS NOTICE:**

- (iii) Devise and publish an action plan formalising the measures it will take to ensure it complies with its legal duties under Part 1 of FOIA to respond to information requests in a timely fashion, while also clearing its backlog of late requests as required by this notice.

## **2. ICO investigations into the Council's performance**

- 2.1 In October 2022, the ICO wrote to the Council concerned about its performance for both SARs and FOIs/EIRs.
- 2.2 The Council reported the following position to the ICO as of October 2022: -
  - SARs: There were 54 SAR requests over the one calendar month deadline;
  - FOI/EIR's: There were 100 FOI/EIR requests over the 20-working day deadline, with 20 over 6 months old and 67 over 12 months old.
- 2.3 This is the second investigation by the ICO into the Council's SAR and FOI/EIR performance in the last 4 years.

2.4 This improvement plan has been developed to address the following areas: -

- The backlog of existing SARs and FOI/EIR requests
- Improving the culture of handling SARs and FOIs across the Council
- Improving performance moving forward

### 3. Backlog of SARs and FOIs

3.1 The ICO's enforcement notice requires the Council to resolve the backlog of SAR and FOI/EIR within 6 months.

3.2 Open SAR cases by directorate as of 10<sup>th</sup> March 2023

	2020	2021	2022	2023	Total
CYP	5	5	28	16	51
Chief Exec	0	0	4	1	5
HRPR	0	0	9	5	14
Comm Svs	0	0	2	1	3
Corp Res	0	0	0	1	1
<b>Total</b>	<b>5</b>	<b>5</b>	<b>43</b>	<b>24</b>	<b>74</b>

3.3 Open FOI/EIR cases by directorate as of 10<sup>th</sup> March 2023

	2020	2021	2022	2023	Total
CYP	0	0	0	2	2
Chief Exec	0	3	2	5	10
HRPR	0	80	47	36	163
Comm Svs	0	49	43	15	107
Corp Res	0	77	2	10	89
<b>Total</b>	<b>0</b>	<b>209</b>	<b>94</b>	<b>68</b>	<b>371</b>

### 4. Improvement Plan - Addressing the Backlog

4.1 The Council is required to address the backlog of requests by 16<sup>th</sup> September (6 months from the date of the Enforcement Notice) Set out below are the immediate steps the Council has put in place to address the backlog: -

- The Council's Director of Law & Corporate Governance will take a corporate lead on the Improvement Plan;
- The FOI function transferred to the Director of Law & Corporate Governance with effect from 1<sup>st</sup> April 2023;
- Additional resources have been allocated to the Corporate SAR and FOI team;
- Whilst not specifically referenced in the Enforcement Notice, 4 additional officers are being recruited to address the backlog of SARs in CYP.
- A Working group has been established to address the backlog, chaired by the Director of Law & Corporate Governance with appropriate director level representation from each directorate. The Working Group will also include the

Director of Communications & Engagement, Head of Information Governance and the Chief Executive's Strategic Advisor.

- Dedicated resources to be made available in each department and will remain available until backlog cleared;
- A master document relating solely to the backlog will be prepared and maintained by the Chief Executive's Strategic Advisor;
- Periodic updates will be provided the Chief Executive and the ICO.

## **5. Improvement Plan - Performance moving forward**

5.1 The Enforcement Notice also required the Council to: -

*Devise and publish an action plan formalising the measures it will take to ensure it complies with its legal duties under Part 1 of FOIA to respond to information requests in a timely fashion ...*

5.2 In addition to the immediate measures to clear the backlog referenced in paragraph 4.1 above, the Director of Law & Corporate Governance will undertake a holistic review of the Council's FOI/EIR and SARs function.

5.3 The review will be completed by 30<sup>th</sup> June 2023 with recommendations reported to Executive Management Team shortly thereafter.

5.4 The review will consider the following matters in detail: -

- The level of resources necessary to provide a service that meets the Council's statutory requirements;
- The most effective structural arrangements to deliver the FOI/EIR and SARs function;
- Appropriate processes and the best use of digital technology;
- The use of the Council's Publication Scheme and Contracts Register;
- Training requirements for all officers involved in the process;
- Development of an internal communication plan/media campaign;
- A review of the Council's policies, guidance and process documentation;
- Reporting requirements;
- Publication of performance data.

5.5 Until such time as the review is completed, the following arrangements will be put in place: -

- The backlog arrangements detailed in paragraph 4.1, will remain in place to ensure that no further backlog develops;
- The Council's Information Governance Working Group will be re-established, to meet on a fortnightly basis and chaired by the Director of Law & Corporate Governance. Attendance by the Data Protection Officer and senior officers from directorates will be required;

- Specific monthly performance reporting will be made to the Council's Executive Management Team and each Executive Director will receive a monthly report specific to their directorate;
- A written update will be provided to every meeting of the Council's Assurance Board, which meets approximately six-weekly.

## 6 High level implementation of the SAR/FOI/EIR improvement plan

	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>ICO FOI/EIR enforcement notice</b>										
Publish Action Plan										
Deadline for clearance of backlog										
<b>Improvement Plan</b>										
Improvement Plan agreed by EMT										
Improvement Plan published										
<b>Clearing the Backlog</b>										
FOI function moves to DoL&CG										
Establish IG Working Group and reps										
IG Working Group										
<b>Detailed Review by DoL&amp;CG</b>										
Detailed review undertaken										
Report to EMT										
<b>Performance Reporting</b>										
Reporting to EMT										
Reporting to Executive Directors										
Report to Corporate Assurance Board										