

Freedom of Information: Business as Usual Request Process

Introduction

Herefordshire Council is committed to responding to Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests in a timely manner as a matter of priority. The council's compliance rate (requests answered within the statutory 20 working days) is consistently high, and in 2023 stood at 98.7%.

The Information Governance (FOI) team are always looking at ways in which we can further improve the service that we offer, including ensuring a quick and efficient process for requesters. As such, in 2023, we started to process some of the information requests we received as 'Business As Usual' (BAU), handling 288 requests that way.

What is a BAU?

A BAU is a request for which there may be an easy answer and therefore might not require being put through the formal FOI / EIR process. BAU's are quicker to process than FOI / EIR requests, giving a faster response to the requester. We aim to process BAU within 5 working days.

When processing BAU's we bear in mind whether any FOI / EIR exemptions may apply to the information being requested and how that would affect the response. Any personal data is also subject to the UK General Data Protection Regulations (GDPR) and Data Protection Act 2018.

The Information Commissioner's Office (ICO) has highlighted the advantages of such an approach in a recent [case study](#).

FOI or BAU?

The Information Governance (FOI) team triages all information requests which are received, separating BAU's out from any requests which definitely need to be logged as FOI or EIR requests.

The following are routinely treated as BAU requests:

- **Requests for information which is already published**

The council proactively publishes a great deal of information it holds on its website. Key information can be found in the [Publication Scheme](#) and our [open datasets](#). Requests for information which are available there can be easily diverted to those sources of information; requesters having instant access to the information they need, and from the datasets they can filter and download the data they require.

- **Repeat Requests**

We publish all of our FOI / EIR requests and responses (except where an exemption has been applied for personal data) and these can be viewed on our [disclosure log](#). The log can be searched by keyword, or, by time period (such as month or year). So, if we receive a further request for something which has already been asked and answered, we'll signpost the requester to the previous response. By January 2024 over 1,500 requests / responses had been uploaded to the log, and more are being added each day.

- **FAQ's**

When frequent requests about an issue are received, such as something which may be topical or in the news, we proactively publish an [FOI FAQ](#) that is specific to that subject, in the hope that this will help to easily answer queries and reduce the number of further requests received.

Similarly, if we receive lots of requests about the same subject e.g. parking fines, electronic vehicle charging points and sustainability, environment & climate, etc. we collate all of the questions and answers received so far into one document. If we receive further requests for the same information in the future we will treat these requests as BAU and signpost the requester to the published resources available.

Likewise, we often receive repeated requests for information we do not publish nor disclose in response to FOI requests because we consider that information to be exempt e.g. details of empty properties, business rates credit balances / reliefs / exemptions, some public health funeral information, etc. We also publish [FOI FAQ's](#) setting out our reasoning for not making that information public. This does not prevent someone requesting it under FOI if they wish to receive a formal refusal, but helps set out our approach and reasoning in the first instance.

- **Easily Answered Queries**

Sometimes a request is received for information which is not already published but which can easily be answered by the service area, perhaps because the information is readily to hand, or because Herefordshire Council does not hold the information, or, because the information in question is actually held by / is a service offered by another public authority. If that is the case, the Information Governance (FOI) team will liaise with the relevant service area to collate an answer which we can relay back to the requester.

- **FOI's from other councils**

There is an understanding between local authorities not to send FOI requests to other councils, due to the red tape that dealing with such requests can cause each other. Sometimes though councils do wish to obtain information from fellow councils for benchmarking purposes, etc. Therefore if such a request is received it's dealt with as BAU.

What happens if I want my request to be dealt with as an FOI / EIR request rather than BAU?

Within our BAU reply we state that if the requester is unhappy with the BAU response, then under their right of access under the FOI Act, they can let the Information Governance (FOI) team know and we will look at their request again formally under the Act and we will send them a reply within 20 working days of their original request. However, it should be noted that a formal response

under FOI / EIR would not differ from one issued as BAU. For example, if, under BAU, we signposted a requester to information already published then we would do the same in a formal FOI response. Responding formally under the FOI Act just gives the requester a more formal route, such as internal review and escalation to the ICO, if they are unhappy with the response or service they have received.

Further information

Further information about the BAU request process is available from the Information Governance (FOI) team: foi@herefordshire.gov.uk