

COMMITTEE:	Cabinet
MEETING DATE:	9 September 2025
BY:	Executive Director for Council Resources
REPORT TITLE:	Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004 and Data Protection Act 2018 / UK GDPR – Compliance Statistics in 2024
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To report on the Council's compliance with the 20-working day timescale laid down by the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 for the calendar year 2024 (i.e.: from 1 January 2024 to 31 December 2024).
- 1.2 To report on the Council's compliance with the timescale laid down by the Data Protection Act 2018 / UK GDPR for the calendar year 2024 (i.e.: from 1 January 2024 to 31 December 2024).

2 RECOMMENDATIONS

- 2.1 To note contents of the report and provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During 2024, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer or an officer nominated by them.

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner.

3.2 Freedom of Information (FOI) and Environmental Information (EIR) request statistics are recorded by Information Governance. Guidance on how to handle information requests and requests for review is published on the Council’s intranet, accessible to all employees.

3.3 The total number of FOI and EIR requests in 2024 was 1,504. By comparison, 1,544 requests were received during the previous calendar year, 2023 – a decrease of 40. Overall, however, the number of FOI and EIR requests has been increasing steadily, and the requests have become increasingly complex since the Freedom of Information (Scotland) Act 2002 came into force.

The number of information requests which were considered to be vexatious in 2024 was: 0.

A breakdown of the FOI and EIR requests is provided at section 3.5 of this report.

3.4 The total number of requests for review received in 2024 was 98. By comparison, 93 review requests were received during the previous calendar year, 2023 – an increase of 5.

A breakdown of the FOI and EIR reviews is provided at section 3.6 of this report.

3.5 The table below provides a breakdown of the response timescales for both FOI and EIR requests in 2024:

	FOI				EIR			
	2024		2023 (for comparison)		2024		2023 (for comparison)	
On time	890	98%	965	99%	276	98%	248	97%
Late	18	2%	7	1%	6	2%	8	3%
Cancelled/Withdrawn	1		5		8		14	
Suspended	54		53		192		219	
Invalid	46		22		13		4	
Ongoing	0		0				0	
TOTAL ACTIONED	1009*		1,052		495		492	

*Includes 18 requests which were covered by both FOI and EIR legislation.

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review in 2024:

	FOI				EIR			
	2024		2023 (for comparison)		2024		2023 (for comparison)	
On time: Within 20 Working Days	31	91%	30	100%	53	85%	61	98%
Late	3	9%	0		9	15%	1	2%
Upheld or partially upheld	21		25		47		58	
Overtaken	9		3		14		4	
Decision reached for the first time (previously we failed to respond).	4		2		1		0	
Additional Info Provided	0		0		0		0	
Review Invalid	0		0		0		0	
Review Cancelled	1		0		1		1	
Review Suspended	0		0		0		0	
Still Outstanding	0		0		0		0	
Total Actioned	35*		30		63		63	

*Includes 0 requests which were covered by both FOI and EIR legislation.

3.7 The top three categories of enquirer in 2024 were:

General Public (45%)

Commercial Organisations (26%)

Journalists (15%)

3.8 **Data Protection Act 2018 (GDPR)** – with effect from 25 May 2018, East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information ('Subject Access Requests' or 'SARs') – to be answered within one month although this may be extended by a further two months for complex requests.

- 3.9 SAR statistics are recorded by Information Governance. Guidance on how to handle SARs is published on the Council's intranet, accessible to all employees.
- 3.10 The total number of SARs received in 2024 was 204. By comparison, 198 requests were received in 2023 – an increase of 6.
- 3.11 The table below provides a breakdown of the response timescales for SARs received in 2024.

	2024		2023 (for comparison)	
Completed on time (within one month or extended time)	131	90%	140	92%
Late	15	10%	12	8%
Suspended	49		40	
Withdrawn	3		3	
Ongoing	5		0	
Total Actioned	193		195	

3.12 Over the past five years, the volume and complexity of SARs received by the Council have increased significantly, and 2024-2025 brought an unprecedented number of such requests. East Lothian Council is not the only Scottish Local Authority to receive such an increase in recent years, and trends across Scotland point to high demand for transparency regarding the personal data held by government bodies, highlighted no doubt by the activities of the Scottish Child Abuse Inquiry and Redress Scotland. This in turn places high demand on already-stretched public funds to resource these requests and to ensure that the rights of individuals to access their own information are balanced effectively with the rights of others.

3.13 We have now received notification from the ICO that they are undertaking closer monitoring of our compliance with statutory timescales for responding to SARs. They asked for an action plan and time-bound targets for improvement which was returned to them on 7 August 2025 outlining the following:

- Recruit additional Customer Feedback and FOI Officer (Permanent)
- Procure redaction software
- Increase regular SAR statistics reporting to CMT from quarterly to monthly reporting

4 POLICY IMPLICATIONS

4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: None

5.2 Human Resources: None

5.3 Other (e.g. Legal/IT): None

5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	

Subject	Impacts identified (Yes, No or N/A)
Other	

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 None

8 BACKGROUND PAPERS

8.1 None

9 AUTHOR AND APPROVAL DETAILS

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Head of Service Approval

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Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	28 August 2025