

Sent via email:

Rabyah Khan
request-840546-bcb5b67e@whatdotheyknow.com

Our ref: PA/0039217/21/22-00738

Your ref:

Date: 26 April 2022

Dear Ms Khan,

REQUEST FOR INTERNAL REVIEW - FOI reference 21/22-0738

Further to your request for an internal review received by the Council on 8 March 2022, I can inform you that I have been appointed, as Acting Chief Solicitor of the Council, to undertake the review.

BACKGROUND

On 7 March 2022 you requested information under the Freedom of Information Act 2000 ('FOIA') in the following terms:

"Dear Harrogate Borough Council,

- 1. How many British Muslim employees have you recruited? Please provide figures for every year since 2010.*
- 2. What is the average length of service?*
- 3. How many British Muslims have you employed in communications/media roles since 2010?*

Yours faithfully,

Rabyah Khan"

On 8 March 2022 the Council responded as follows:

"Dear Rabyah,

Thank you for your email received by the Council on 7 March 2022 requesting information under the Freedom of Information Act 2000 ('FOIA') relating to recruitment and retention.

Harrogate Borough Council can confirm the information you request is not held. This is because the Council does not record data which would identify an employee as British Muslim.

If you are not satisfied with the way your request has been handled, please contact -

Freedom of Information Officer, PO Box 787, Harrogate, HG1 9RW

or email foi@harrogate.gov.uk

The Council has an internal review procedure. If your complaint is about the decision which has been made you will usually be entitled to have your case reviewed by the Council's Chief Solicitor. Your request for internal review must be received by the Council within 40 working days from the date that the response to your initial request is issued.

If, after their decision, you are still not happy, you may appeal to-

*The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 0303 123 1113
website: <https://ico.org.uk/>*

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI or EIR does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Yours sincerely

The FOI Team

*Harrogate Borough Council
P.O. Box 787
Harrogate
HG1 9RW*

*Tel: 01423 500600
Web: www.harrogate.gov.uk*

The Council will endeavour to reply to your requests within the statutory deadlines, however please be aware that you may experience understandable delays when making information rights requests during the pandemic."

On 1 March 2022 you requested an internal review of the Council's response stating the following:

"I am writing to request an internal review of Harrogate Borough Council's handling of my FOI request 'Recruitment and retention: British Muslims'.

Please review if you hold this information."

REVIEW

I conclude the Council was incorrect in its response to you and can confirm that where the information has been provided by the applicant the Council would hold it.

I have analysed the format of the Council's application process as well as the relevant forms and can confirm that the Council records Islam-Shiite and Islam-Sunni data where it has been provided by the applicant. Whilst it is not a mandatory requirement for an applicant or employee to provide information in relation to their religion, nationality details are a mandatory requirement. Therefore, any data the Council holds is incomplete.

Under the provisions of Section 1 of the Freedom of Information Act 2000, the Council has two distinct but related duties in connection with your request. The first being to confirm or deny the existence of the information and the second being to provide it unless the information is covered by one of the exemptions or is one where in order to provide it the 'appropriate limit' is exceeded. The appropriate limit for Local Authorities is currently set at £450.

The Council has run a report from the application software to include both nationality and religion from which we have been able to determine that the applicants who have provided their religion since 2010, none of these have selected Islam–Shiite or Islam–Sunii.

However, there is a possibility a new employee may have provided their religion within the 'sensitive information' of their employment records. The Council would have to undergo a manual process of cross referencing this information. We have identified 1,457 new starters between 02/04/2010 - 31/03/2022. We estimate to manually cross reference each record would take 2 minutes equating to a total of 49 hours of officer time. For this reason, the Council is unwilling to undergo this process in order to identify the information it holds.

The 'appropriate limit' of £450.00 referred to in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 would be exceeded. In such circumstances the Council can either decide to provide the information and charge for it or refuse to supply it. In this instance, the Council are not willing or indeed able to commit officer time to such a request and therefore the information will not be provided.

If you are not content with the outcome of this review then you have the right to make a complaint to:

The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113
Website: ico.org.uk/

Yours sincerely



Peter Atkinson
Acting Chief Solicitor
Peter.atkinson@harrogate.gov.uk
01423 500600 Ext 58657

If you are replying to this communication by post, please ensure that you use the address at the bottom of the letter