

FREEDOM OF INFORMATION ACT 2000**(the "FOIA")****REVIEW DECISION****In respect of the Council's response to Disclosure request: 1873595****DATE: 19 May 2014****1. SUMMARY**

- 1.1 A request for information under the FOIA was made on 8 March 2014 (the "Request"). The Request was supplemented by an additional request for information on 9 March 2014, and this was considered as part of the Request.
- 1.2 The Council responded to the Request on 8 April 2014.
- 1.3 The request for a review (the "Review") of the Council's handling of the Request was received on 8 April 2014 (11 minutes prior to the Council's response).
- 1.4 The requester responded to the information provided on 8 April 2014 and raised additional matters arising from the Council's response. The requester also confirmed that he wished the Review to go ahead based on the points raised in his e mail.
- 1.5 The Review was held on 19 May 2014.

2. DETAILS OF THE REVIEW

- 2.1 The request for the Review was made on 8 April 2014.
- 2.2 The Review was set up in accordance with the Council's FOIA procedure.
- 2.3 The Council officers undertaking the Review on 19 May 2014 were:
Helen Makin, Solicitor, Legal and Democratic Services and
Vicki Cooper, Business Operations Manager, the nominated Tier 4 manager.

3. THE ORIGINAL REQUEST FOR INFORMATION

- 3.1 The Request asks for information concerning the Council's use of Twitter and the MeltwaterBuzz software.
- 3.2 The Request asks for information relating to the keywords used by the Council

and for details about the MeltwaterBuzz software (this is a summary of the Request not a replication of the Request).

4. THE REASONS FOR THE REQUEST FOR THE REVIEW

- 4.1 The requester feels that the Council has not correctly responded to questions 1, 2 and 3 of the Request.
- 4.2 The requester wrote to the Council by e mail on 8 April 2014 stating why he is unhappy with the Council's response.

5. DOCUMENTS PRODUCED TO THE REVIEW

- 5.1 The following documents were read prior to the date of the Review and discussed at the Review:
 - The Request;
 - Council response to the Request;
 - The request for the Review and
 - Internal e mails containing details of the response to the Request;
- 5.2 A member of the Council's Communications Team gave additional information concerning Twitter and the Council's use of Twitter.

6. PROCEDURAL MATTERS

- 6.1 The Council is obliged to respond to a request within 20 working days of the receipt of the request and to confirm whether it holds the information and if so, to provide the information, or issue a refusal notice and apply an exemption.
- 6.2 The Council responded to the Request outside of the 20 working day period.
- 6.3 On 8 April 2014 at 10.48 the requester contacted the Council to state that the response to the Request was late and requested a review on this basis. The Council responded 11 minutes later. In the request for the Review received 8 April 2014 12.17 the requester does not make any representations about the delay in responding to his request. Therefore, delay has not been considered in detail.
- 6.4 However, unless an exemption is claimed, the Council is obliged to respond to a request for information within 20 working days, starting with the day after the

request is received. If the Council possess the information requested, the Council must confirm that it holds the information supply the information within the 20 working days.

- 6.5 No exemptions were claimed by the Council and none apply.
- 6.6 The Council did not respond to the matters raised by the requester in his request for the Review and these matters are left to be determined by the Review.

7. INFORMATION FOR DISCLOSURE

- 7.1 In respect of question 1 and the points made by the requester additional information has been obtained to give assurance to the requester:
 - a) Sentiment is ranked by the software. For example, "thank you" is a positive sentiment and gives a thumbs up sign whilst "worst" or "concern" is a negative sentiment and will give a thumbs down sign.
 - b) the software selects the sentiment to be associated with a tweet. The Council does not programme the software to recognise a tweet as being a particular sentiment, but it can change a sentiment if the software has associated an incorrect sentiment to a tweet. This is because the sentiment is selected by software which cannot assess the actual sentiment used in the tweet and sometimes the software does associate the wrong sentiment to the tweet.
 - c) Meltwaterbuzz software is an off the shelf solution and is used by the Council to provide information , statistics, customer service and engagement across a number of social media platforms, including Twitter. The Council is not permitted or able to make any changes to the software, has no access to the software code and has no control over how the software has been programmed to recognise positive/negative sentiment. The only influence the Council can have over the sentiment designated to a tweet is to manually change it, and this is only done if the Council considers that the software has used the wrong sentiment against the tweet.
- 7.2 In respect of question 2, the following information is provided:
 - a) the Council uses the "listen" module on the software to follow the discussions on Twitter. The Council can identify certain words (called

campaigns) and the software identifies these to the Council. For example, the Council uses "Cheshire West and Chester Council" as a campaign. The types of campaigns vary from day to day, but usual campaigns are for example "Cheshire West and Chester", "Cheshire East" and "Mike Jones". Some campaigns are used short term to cover a particular subject such as "Chester Plans". When selecting a campaign the Council can identify that certain words which could be associated with the campaign by the software are to be excluded and the software will not produce a response to the use of the word. This is the only part of the software which the Council can influence.

- b) The Council does not have a list of the keywords used by the Council on 8 March 2014 as a list is not kept; the list is continually changed and no record is kept of a list on a particular day.
- c) the words such as "and", "or", "not" are not individual words entered into the software but may form part of the words making up the campaign depending upon the campaign being entered (see "Cheshire West and Chester Council" above).As the Council does not have a list of keywords for 8 March 2014 the Council cannot supply the information requested.

7.3 The Council regularly uses the keyword of "Mike Jones". This enables the Council to identify service requests from the public.

7.4 Searches can be made against words using Twitter but this requires manually trawling the Council's Twitter account, whereas the software provides an automatic interrogation of the platform based on pre-programmed software which can be purchased by anyone as an off the shelf solution and will perform the same interrogation for anyone who purchases it.

8. CONCLUSIONS

- 8.1 The Council failed to inform the requester within 20 working days whether it held the information requested.
- 8.2 The Council failed to provide within 20 working days the information requested.
- 8.3 Overall, the Council failed to comply with the request for information in accordance with the statutory time limit of twenty working days, starting with the day following the receipt of the request.

- 8.4 The Council therefore breached sections 1(1)(a) and (b) of FOIA , as the Council had a duty to confirm or deny that the information existed and to provide the information not later than the twentieth working day following the date of receipt of the request (unless it considered an exemption applied), and the Council also breached section 10(1) of the FOIA in respect of both sub sections in section 1(1).
- 8.5 The Council's response could have supplied the requester with more information to explain why the information it supplied could not exactly meet the terms of the request. Additional information has been supplied above to rectify this and to explain why the information provided is limited.
- 8.6 Whilst the requester makes various statements in the request for the Review about how the software works, these have been discussed and questioned by Helen Makin with the Senior Digital Marketing Manager and the points made by the requester do not accurately reflect the fact that the software is an off the shelf solution and is pre- programmed outside of the control of the Council.

9 THE DECISION

Your complaint is:

PARTIALLY UPHELD

10 RIGHT OF APPEAL

- 10.1 If you are dissatisfied with the outcome of the Review or you remain dissatisfied with the way the Council conducted the original request or the Review, you may complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0856 30 60 60 or 01625 54 57 45

Website: www.ico.gov.uk

