

<b>Report to:</b>	QSMTM
<b>Report by:</b>	Helen Gardner-Swift
<b>Meeting Date:</b>	31 January 2018
<b>Subject/ Title:</b> (and VC no)	<b>SIC's Publication Scheme</b> <b>VC98116</b>
<b>Attached Papers</b> (title and VC no)	None

### Purpose of report

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1. To consider the further action required to ensure that the Scottish Information Commissioner (SIC) is publishing and making accessible as much information as possible in line with published good practice.

### Recommendation and actions

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2. The Senior Management Team (SMT) notes the report and agrees the proposed actions set out in paragraphs 9 and 10 below.

### Executive summary

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#### SIC Publication Scheme

3. The SIC has developed a Model Publication Scheme (MPS) to support authorities to meet their publication scheme duties under both FOISA and the EIRs. The MPS is a standard framework for Scottish public authorities to publish the information they hold.
4. The SIC has adopted the MPS in its entirety and has produced a 'Guide to Information' which:
  - sets out what information is available (and what is not available) in relation to each class
  - states what charges may be applied
  - explains how to find the information
  - provides contact details for enquiries and to get help with accessing the information
  - explains how to request information that has not been published
5. The classes of information that we publish are set out in the SIC Publication Scheme.

#### Class 3: How the authority takes decisions and what it has decided

6. At present, as regards decisions taken by the authority, we publish minutes of the QSMTM. We also refer to the weekly SMT meetings but do not publish the minutes of, or the papers considered at, these meetings (a staff version of the minutes is published to staff).
7. The MPS Guidance now refers to Class 3 as “**How we take decisions and what we have decided**” and explains that in relation to this class that the SIC, as a minimum, expects authorities to publish agenda, reports and papers for consideration and minutes of Board (or equivalent) meetings.
8. As we do not publish the QSMTM agendas, reports and papers it seems clear that we need to consider how we are going to do this in order to be able to comply with the MPS guidance.

**Action required**

9. As a minimum, I propose the following:
- a. The SIC publishes the QSMTM agenda and, where possible, the related committee reports (CRs) in addition to the minutes.
  - b. The format of the QSMTM minutes be adjusted to include a column indicating that the related CR can be published.
  - c. Where it is not possible to publish the relevant CR (or part of a CR) (for example, where a report contains confidential information, for example, sickness absence report, recruitment, cyber security) the reasons for this should be recorded, either in the minutes or in the CR.
  - d. Additional formal guidance should also be prepared concerning exempt information in CRs that it is not possible to publish.
  - e. As regards the weekly SMT meetings, any decision which requires ratification at a QSMTM should have a CR prepared for the SMT (at which it is considered). When the decisions are ratified by the QSMTM, the related CRs can then be made available for publication. This practice should start from February 2018.
  - f. The Publication Scheme “Guide to Information” is amended to reflect the above.
10. As regards the actions being ratified at today’s meeting, we should consider publishing these details and if anyone asks for further information we can then consider what can be provided.

**Risk impact**

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11. Risk 14 in the Operational Risk Register relates to the SIC’s publication scheme and at the monthly consideration of this by the SMT on 10 January 2018, it was decided to change the “likelihood” to 2 in the Residual Assessment providing a severity/tolerance of 8.
12. The current risk assessment remains appropriate until the proposed actions, as suggested above, are put in place.

**Equalities impact**

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13. The information we publish through the SIC publication scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises.

**Resources impact**

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14. Additional resource will be required to ensure that a CR is prepared for all matters requiring a decision by, or ratification by, the QSMTM.

**Operational/ strategic plan impact**

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15. None.

**Records management impact (including any key documents actions)**

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16. None.

**Consultation and Communication**

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17. QSMTM minute