



Scottish Information  
Commissioner

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## Scottish Information Commissioner Statistical Submissions

### Temporary additional guidance for submissions covering the period between 1 April and 30 June 2020

The deadline for the submission of FOI and EIR statistics covering the period between 1 April and 30 June 2020 is **7 August 2020**.

This submission includes the period between 7 April and 26 May 2020, during which the Coronavirus (Scotland) Act 2020 introduced a temporary extension of the maximum timescale for responding to FOI requests, from 20 to 60 working days (although the duty to respond “promptly” to requests remained). You can read more about this temporary extension on our website at: [www.itspublicknowledge.info/covid-19](http://www.itspublicknowledge.info/covid-19).

As a result of this temporary change, we have amended elements of our guidance for public authorities on the submission of statistics – **for the period covering 1 April to 30 June 2020 only** – via the Commissioner’s portal. This amended guidance is provided below.

**Please note that the changes only affect the recording of requests responded to under the Freedom of Information (Scotland) Act (FOISA). This is because the Coronavirus (Scotland) Act did not apply to the Environmental Information (Scotland) Regulations (the EIRs).**

In addition, the Commissioner asks that all Scottish public authorities provide responses to supplementary questions alongside this submission, to provide information on their FOI response during the early stages of the Covid-19 pandemic, and on any impact of changes made by the Coronavirus (Scotland) Act 2020 on FOI response times. Further guidance on responding to our Covid-19 and FOI Supplementary Questions is provided below.

Both your authority’s quarterly statistical submission and your responses to our Covid-19 and FOI Supplementary Questions should be completed by **no later than 7 August 2020**.

Data can be submitted at:

- FOI & EIR Statistics Portal: [www.itspublicknowledge.info/stats](http://www.itspublicknowledge.info/stats)
- Covid-19 and FOI: Supplementary Questions: <https://foiscotland.onlinesurveys.ac.uk/covid-19-foi-supplementary-questions>

## FOI Statistics Portal: Temporary Additional Guidance

Guidance on the submission of FOI data for the period 1 April – 30 June 2020

The temporary extension of FOI timescales – to 60 working days for requests that were **responded to between 7 April and 26 May 2020** – will have an effect on the statistical data provided by Scottish public authorities for the period between 1 April and 30 June.

In particular, it will impact whether a particular request (or request for review) was:

- responded to within the statutory timescales, or
- responded to late.

The following table provides advice on how authorities should interpret the requirement to submit statistics relating to timescales for the submission covering 1 April – 30 June 2020.

Please note that the guidance below applies **only** to the recording of requests responded to under the Freedom of Information (Scotland) Act 2002 (FOISA). It **does not** apply to the recording of requests for environmental information under the Environmental Information (Scotland) Regulations 2004 (the EIRs). This is because only FOISA timescales were amended by the Coronavirus (Scotland) Act.

**Statistical data relating to EIR requests should therefore be submitted as normal.**

Question	Statistics Portal Text	Submission required
FOI Requests: Q7	The number of requests which received a response within the statutory timescale	<p>If the substantive <b>response</b> to an FOI request was <b>sent</b>:</p> <ul style="list-style-type: none"> <li>• <b>on or before 6 April 2020</b>, include details of all requests responded to <b>within 20 working days</b>;</li> <li>• <b>between 7 April and 26 May 2020</b>, include details of all requests responded to <b>within 60 working days</b>;</li> <li>• <b>between 27 May and 30 June</b>, include details of all requests responded to <b>within 20 working days</b>.</li> </ul> <p><b>Your response to this question should provide the cumulative total of these three figures.</b></p>
FOI Requests: Q8	The number of requests which received a late response	<p>If the substantive <b>response</b> to an FOI request was <b>sent</b>:</p> <ul style="list-style-type: none"> <li>• <b>on or before 6 April 2020</b>, include details of all requests responded to in <b>over 20 working days</b>;</li> <li>• <b>between 7 April and 26 May 2020</b>, include details of all requests responded to in <b>over 60 working days</b>;</li> <li>• <b>between 27 May and 30 June</b>, include details of all requests responded to in <b>over 20 working days</b>.</li> </ul> <p><b>Your response to this question should provide the cumulative total of these three figures.</b></p>
FOI Requests: Q9	The number of requests which required a response, but did not receive one	<p>Include all FOI requests where you have <b>not responded by the time you submit your statistics, and 20 working days have passed</b> since receipt of the request, (even if they were live during 7 April – 26 May and so were subject to the 60 working day limit during that time).</p>

FOI Reviews: Q2	The number of requests for review answered within the statutory timescale	<p>If the substantive <b>response</b> to an FOI review was <b>sent</b>:</p> <ul style="list-style-type: none"> <li>• <b>on or before 6 April 2020</b>, include details of all requests for review responded to <b>within 20 working days</b>;</li> <li>• <b>between 7 April and 26 May 2020</b>, include details of all requests for review responded to <b>within 60 working days</b>;</li> <li>• <b>between 27 May and 30 June</b>, include details of all requests for reviews responded to <b>within 20 working days</b>.</li> </ul> <p><b>Your response to this question should provide the cumulative total of these three figures.</b></p>
FOI Reviews: Q3	The number of requests for review which received a late response.	<p>If the substantive <b>response</b> to an FOI review was <b>sent</b>:</p> <ul style="list-style-type: none"> <li>• <b>on or before 6 April 2020</b>, include details of all requests for review responded to in <b>over 20 working days</b>;</li> <li>• <b>between 7 April and 26 May 2020</b>, include details of all requests for review responded to in <b>over 60 working days</b>;</li> <li>• <b>between 27 May and 30 June</b>, include details of all requests for review responded to in <b>over 20 working days</b>.</li> </ul> <p><b>Your response to this question should provide the cumulative total of these three figures.</b></p>
FOI Reviews: Q4	The number of requests for review which did not receive a response.	<p>Include all responses to requests for review where you have <b>not responded by the time you submit your statistics, and 20 working days have passed</b> since receipt of the request, (even if they were live during 7 April – 26 May and so were subject to the 60 working day limit during that time)</p>

**Authorities are reminded this temporary guidance will only apply in relation to the 1 April to 30 June 2020 submission period. Future submissions to the portal will revert to the 20 working day timescale for all requests.**

**Authorities are further reminded that this guidance only applies to data submitted in relation to FOI requests. Data relating to EIR requests should be submitted as normal.**

If you have any queries relating to this guidance please email [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info), and we will respond to you as soon as we can. Please include a telephone contact number, where possible.

## Covid-19 and FOI: Supplementary Questions

*Temporary additional guidance on the submission of FOI data relating to Covid-19*

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In addition to the submission of statistics via the Commissioner's statistics portal, the Commissioner also asks that all Scottish public authorities respond to a short, one-off set of supplementary questions.

The purpose of these supplementary questions is to enable public authorities to provide the Commissioner with additional information relating to their FOI response during the Covid-19 pandemic, and the impact of the Coronavirus (Scotland) Act 2020. Submit your response to these questions at: <https://foiscotland.onlinesurveys.ac.uk/covid-19-foi-supplementary-questions>

As with submissions to the Commissioner's statistics portal, these supplementary questions must be responded to by **7 August 2020**.

A summary of the supplementary information provided will be published on the Commissioner's website, and may be reported by the Commissioner to the Scottish Parliament or Scottish Government to support analysis of the impact of the Covid-19 pandemic and the Coronavirus (Scotland) Act on Scottish public authorities.

The Covid-19 and FOI: Supplementary Questions relate to the period between 1 April and 30 June 2020. The questions include requests for information on:

- The number of responses to FOI **requests** (excluding EIR requests) issued by your organisation between 7 April and 26 May 2020 which were sent **within 20 working days** of receipt of the request
- The number of FOI **review** responses (excluding EIR reviews) issued by your organisation between 7 April and 26 May 2020 which were sent **within 20 working days** of receipt of the request for review
- The number of responses to FOI **requests** (excluding EIR requests) issued by your organisation between 7 April and 26 May 2020 which were sent within between **21 and 60 working days** of receipt of the request
- The number of responses to FOI **review** responses (excluding EIR reviews) issued by your organisation between 7 April and 26 May 2020 which were sent within between **21 and 60 working days** of receipt of the request for review
- The number of responses to FOI **requests** (excluding EIR requests) issued by your organisation **between 1 April and 30 June 2020** (this covers the **whole** reporting period) which were sent **more than 60 working days** from receipt of the request
- The number of responses to FOI **review** responses (excluding EIR reviews) issued by your organisation between 1 April and 30 June 2020 (this covers the **whole** reporting period) which were sent **more than 60 working days** from receipt of the request for review
- The estimated proportion of FOI requests received during this period which relate directly to Covid-19, your organisation's Covid-19 response or impact of the pandemic on your organisation

We recommend that you have as much precise data to hand as possible on these areas before responding to these supplementary questions. While you will be able to participate in the questionnaire if you do not have precise data, the provision of this important information will ensure that your organisation's return is as accurate, reliable and informed as possible.

**Only one supplementary submission should be made by each Scottish public authority.**

**If you have any queries relating to our supplementary questions, please email [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info), and we will respond to you as soon as we can. Please include a telephone contact number, where possible.**

## Contact us

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