

Annual Report 2008 – The Key Facts

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The Scottish Information Commissioner published his fifth Annual report in March 2009, looking back over 2008, and setting out his strategic direction for the remainder of his second and final term in Office.

Applications overview

- Between 2005 and 2008, the Commissioner received 1,941 applications, of which 65% have proceeded to investigation. He received 6,340 enquiries in the same time period.
- Cases will not be investigated if they do not contain sufficient information to allow investigation, or if they are resolved or withdrawn before an investigation can commence.
- 43% of appeals to the Commissioner in 2008 were in relation to local authorities, and 22% related to Ministers and the Scottish Parliament. 8% related to the police, and only 6% related to the NHS.
- 73% of applications in 2008 came from members of the public, with only 7% from the media. The number of enquiries and applications from the voluntary sector continues to be low.
- The percentage of applicants looking for information on administration and finance matters has shown a marked increase from 17% in 2007, to 24% in 2008. The second most common subject of appeals is safety and crime.
- The number of new applications received fell from 482 in 2007, to 367 in 2008.
- In 2008, the Commissioner closed 174 cases with decision. 127 cases were closed without investigation, and 121 were withdrawn or settled.
- By the end of 2008, the Commissioner had issued 768 decisions since the Act came into force.
- The number of open cases fell from 183 at the end of 2007, to 128 at the end of 2008.

Performance

- The average age of cases closed during the year came down from 10 months at the end of 2007 to 6.7 months at the end of 2008
- By the end of 2008, only 10% of cases had been under investigation for more than 12 months, compared to 29% at the end of 2006.
- A greater number of cases under investigation are being settled or withdrawn, (33% during 2008 compared to 32% in 2007) as staff increasingly work with applicants and authorities to broker mutually satisfactory outcomes without the need for formal decision
- Public awareness of the right to information under the Act increased to a new high of 78%.
- 67% of respondents to a 2008 public opinion survey agreed that FOI was useful to them.
- Public awareness of the Scottish Information Commissioner also increased from 14% in 2007 to 21% in 2008.



Highlights of 2008

- The Commissioner launched a new enforcement strategy, with the aim of promoting compliance within public authorities.
- More detailed investigations performance statistics were developed – the ‘Dashboard’ is updated and published every month on the Commissioner’s website.
- A Best Value Review was initiated in 2008, to ensure best practice in governance and management. The review will assess the economy, efficiency and effectiveness of the 4 Commissioner’s office and will report in early 2009.
- The Commissioner took part in international debate on FOI throughout the year, including participating in the development of Carter Center’s ‘Atlanta Declaration’ to advance FOI as a fundamental human right
- New strategic partnerships were announced, including a three year ESRC-funded research project with University of Strathclyde on use of the FOI Act by voluntary organisations, and the new Centre for FOI in Scotland at the University of Dundee.
- Clarification of the law in relation to FOI and personal data, with the publication of the House of Lords’ ruling on appeal by the common Services agency.

Vision and strategy

- The Commissioner Strategic plan for 2008-2012 - ‘A really open Scotland’ is available on his website. The strategy has six key themes:
 - **Case closure** – delivering better value for money by continuing to reduce the time taken to close cases – achieving progress towards his strategic objective of completing a greater number of investigations within six months.
 - **Compliance** – promoting good practice in the public sector, by identifying authorities which are failing to comply with their obligations under the Act and taking steps, with the authority, to rectify these.
 - **Development** – engaging in dialogue about changes to legislation and policy, including further dialogue with the Scottish Government on the expansion of the Act to preserve public rights to information.
 - **Practice** – working with partners to advance research and knowledge of FOI, including developing the new partnership with University of Dundee through the work of the Centre for FOI in Scotland.
 - **Awareness** – widen awareness, especially amongst specific demographic groups such as the elderly and young people, and improving the public’s understanding of their rights with respect to environmental information.
 - **Reference** – capturing and sharing experience when the Commissioner leaves office.

You can order a copy of the Annual Report 2008 by contacting the Scottish Information Commissioner:

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or you can download it from the Commissioner’s website at:

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