

# Assessment report



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**Scottish public authority:** City of Edinburgh Council  
**Dates of on-site assessment:** 1 and 2 September 2010  
**Assessors from OSIC:** Alistair Rennie and Jill Walker  
**Date of publication:** 10 November 2010

## Appendix 1: Action plan for City of Edinburgh Council

| Recommendation  | Action   | Status    | Due      | Owner         |
|---|--|-----------|----------|---------------|
| 1. That the Council takes steps to ensure that where it issues a refusal notice, it complies with all applicable requirements of section 16 of FOISA and regulation 13 of the EIRS, ensuring that applicable subsections relating to exemptions/exceptions are cited correctly and that sufficiently robust explanations are given as to why they are considered to apply (including consideration of the public interest, where appropriate) | <ul style="list-style-type: none"><li>• Revise template letters to include appropriate wording and citations.</li></ul>  | Completed |          | <b>KW</b>     |
|   | <ul style="list-style-type: none"><li>• Revise procedures to require all refusal notices to be quality checked by the new Central FOI Team.</li></ul>  | Completed |          | <b>KW</b>     |
|   | <ul style="list-style-type: none"><li>• Training for departmental FOI Officers and Central FOI Unit on issuing refusal notices, applying exemptions/exceptions, and applying fees.</li></ul> | Completed |          | <b>KW/ LM</b> |
|   | <ul style="list-style-type: none"><li>• Produce guidance notes on application of exemptions/ exceptions and the public interest test.</li></ul>  | Pending   | 26.11.10 | <b>KW/ LM</b> |



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| <p>2. That the Council puts in place a programme of training across the organisation, taking into consideration the varying levels of knowledge required by staff to enable them to fulfil their duties under FOISA and the EIRS. This should include coverage of the interface between FOISA/the EIRS and the Data Protection Act 1998. As a priority, the Council should ensure that comprehensive training is provided to members of the new Central FOI Unit and that comprehensive training / refresher training is provided to the Council's FOI Officers. This should be conducted in advance of the new procedures and processes going live on 10 November 2010.</p> | <ul style="list-style-type: none"> <li>• Training on new procedures and for Central FOI Unit.</li> <li>• Investigate certification in FOISA/ERIS for Central FOI Unit staff and Departmental FOI Officers.</li> <li>• Refresher training for departmental FOI Officers on legislation.</li> <li>• Develop cross-Council training programme with Leadership and Development, including e-learning packages and workshops</li> <li>• Implementation of Council training programme.</li> </ul> | <p>Completed</p> <p>Pending</p> <p>Completed</p> <p>Completed</p> <p>Pending</p> | <p>28.10.10</p>                                 | <p><b>KW</b></p> <p><b>KW</b></p> <p><b>KW/ LM</b></p> <p><b>KW/ Leadership &amp; Development</b></p> <p><b>KW/ Leadership &amp; Development/ FOI Working Group</b></p> |
| <p>3. That staff should be fully notified in advance of all the changes in practice to be introduced from 10 November 2010.</p>  | <ul style="list-style-type: none"> <li>• Issue FOI brief to senior managers.</li> <li>• Issue brief on revised procedures to all staff.</li> <li>• Revise and publish intranet content to reflect new arrangements and procedures.</li> <li>• Cascade information on new arrangements and procedures via report to Council Management Team.</li> </ul>  | <p>Pending</p> <p>Pending</p> <p>Completed</p> <p>Pending</p>                    | <p>01.11.10</p> <p>10.11.10</p> <p>04.11.10</p> | <p><b>COMMS</b></p> <p><b>COMMS</b></p> <p><b>KW</b></p> <p><b>ADM/KW</b></p>   |
| <p>4. That the Council takes steps to ensure that it complies with the 20 working day timescales in FOISA and the EIRS when responding to a request for information, and requests for review, also ensuring that requests are logged accurately and in a timely manner onto "Capture".</p>   | <ul style="list-style-type: none"> <li>• Revise procedures to include clear instruction on logging requests on "Capture".</li> <li>• Training on new procedures for departmental FOI Officers and Central FOI Unit.</li> <li>• Training on "Capture" for</li> </ul>   | <p>Completed</p> <p>Completed</p> <p>Completed</p>                               |   | <p><b>KW</b></p> <p><b>KW</b></p> <p><b>Customer Services/</b></p>  |



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|  | departmental FOI Officers and Central FOI Unit. <ul style="list-style-type: none"> <li>Develop cross-Council training programme with Leadership and Development, including e-learning packages and workshops.</li> <li>Implementation of Council training programme.</li> </ul>   | Completed<br><br>Pending                               | 31.04.11                                     | <b>Departments</b><br><br><b>KW/ Leadership &amp; Development/ FOI Working Group</b><br><br><b>KW/ Leadership &amp; Development/ FOI Working Group</b> |
|  |   |  |  |  |
| 5. That the Council discontinues with its present practice to charge £70.55 for derelict tank searches.  | <ul style="list-style-type: none"> <li>Liaise with Service; discontinue charge for derelict tank search service.</li> </ul>   | Completed  |  | <b>SFC/ KW</b>   |
|  |   |  |  |  |
| 6. That the Council ensures that where a review has been requested, the reviewer takes into consideration all facts and correspondence available to them before making a decision.   | <ul style="list-style-type: none"> <li>Revise review procedure.</li> <li>Briefing for Review Officer and Admin support.</li> <li>Establish central records system for FOI documents, including new network folder structure.</li> </ul>   | Completed<br>Completed<br><br>Pending                  | 10.11.10                                     | <b>KW</b><br><b>KW/ MH/ KR</b><br><br><b>KW/ FOI Unit</b>  |
|  |   |  |  |  |
| 7. That the Council, with the introduction of the new Central FOI Unit, ensures that individual logging, tracking and monitoring systems currently being used by service areas are discontinued, to be replaced by consistent use of "Capture" and a new shared drive for document retention. That the Council monitors the effectiveness of this for a reasonable initial period. | <ul style="list-style-type: none"> <li>Liaise with service; discontinue alternative logging systems.</li> <li>Training on "Capture" for departmental FOI Officers and Central FOI Unit.</li> <li>Training on "Capture" for divisional FOI officers as required.</li> <li>Establish central records system for FOI documents, including new network folder structure.</li> </ul> | Pending<br><br>Completed<br><br>Pending<br><br>Pending | 01.12.10<br><br><br>31.12.10<br><br>10.11.10 | <b>KW/ Departments</b><br><br><b>Customer Services</b><br><br><b>Customer Services/ Departments</b>  |



| Recommendation  | Action  | Status                                       | Due                  | Owner   |
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|   |   |  |                      | KW/ FOI Unit  |
| 8. That the Council reviews the schedule of charges in its publication scheme, to ensure that it covers adequately all situations in which it would charge for environmental information.   | <ul style="list-style-type: none"> <li>Update publication scheme to include schedule of charges.</li> <li>Clarify Council's position on charging</li> </ul>   | Completed<br>Pending                         | 31.12.10             | KW<br>KW/ FOI Working Group/<br>CMT   |
| 9. That the Council updates its new Access to Information Policy, request forms and new Guidance and Procedures document in line with the recommendations detailed under the section headed "Policies, procedures and other documentation" above.   | <ul style="list-style-type: none"> <li>Review and update Access to Information Policy/ approval from Council Management Team.</li> <li>Update guidance and procedures.</li> <li>Update hardcopy request forms for use in Council offices and distribute.</li> </ul>   | Pending<br>Completed<br>Pending              | 28.01.11<br>28.01.11 | Information Management<br>Group<br>KW<br>KW/ FOI Working Group                        |
| 10. That the Council provides training to relevant staff in relation to section 12 of FOISA, to ensure that any refusal notices issued are compliant. Training should also be provided in relation to the Council's obligations to provide advice and assistance under section 15 of FOISA. The Council should also ensure that details are kept on file to demonstrate how the FOI Officer has come to the conclusion that section 12 is applicable. | <ul style="list-style-type: none"> <li>Training for departmental FOI Officers and Central FOI Unit on issuing refusal notices, applying exemptions/ exceptions, and applying fees.</li> <li>Training for departmental divisional officers and key personnel involved in FOI.</li> <li>Revise letter template to include formula for calculating fees and excessive cost</li> <li>Establish central records system for FOI documents, including new network folder structure.</li> </ul> | Completed<br>Pending<br>Completed<br>Pending | 28.01.11<br>10.11.10 | KW/ LM<br>KW/ FOI Working Group/<br>Leadership &<br>Development<br>KW<br>KW/ FOI Unit |



| Recommendation   | Action   | Status  | Due             | Owner  |
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| <p>11. That the Council ensures under its new procedures and processes that it is clear who will be responsible for signing off requests (which should take into consideration resilience for planned and unplanned absence).</p>  | <ul style="list-style-type: none"> <li>• Revise procedures to ensure that all requests are signed off by departmental FOI Officers.</li> <li>• Confirm FOI arrangements for each department, including deputies etc.</li> <li>• Provide training to Departmental FOI Officers and Central FOI Unit.</li> </ul>   | <p>Completed</p> <p>Pending</p> <p>Complete</p>                   | <p>16.12.10</p> | <p><b>KW</b></p> <p><b>Departments/CMT</b></p> <p><b>KW</b></p>  |
| <p>12. That the Council conducts a review of its staffing levels in service areas to ensure that there is sufficient cover when the FOI or Divisional FOI Officers are absent, whether this be planned or unplanned.</p>   | <ul style="list-style-type: none"> <li>• Confirm FOI arrangements for each department, including deputies etc.</li> </ul>  | <p>Pending</p>  | <p>16.12.10</p> | <p><b>Departments/ CMT</b></p>   |
| <p>13. That the Council ensures that where a notice under section 25 of FOISA is to be issued in relation to a request for information contained within its publication scheme that the full exemption is cited in the response and that the requestor is provided with details of their right to request a review and apply to the Scottish Information Commissioner.</p> | <ul style="list-style-type: none"> <li>• Revise template letters to include appropriate wording, citations and links.</li> <li>• Update intranet content and guidance.</li> <li>• Training for departmental FOI Officers and Central FOI Unit on issuing refusal notices, applying exemptions/ exceptions, and applying fees.</li> <li>• Training for departmental divisional officers and key personnel involved in FOI.</li> </ul> | <p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Pending</p> | <p>28.01.11</p> | <p><b>KW</b></p> <p><b>KW</b></p> <p><b>KW/ LM</b></p> <p><b>KW/ FOI Working Group/ Leadership &amp; Development</b></p> |
|  |  |   |                 |  |



| Recommendation  | Action  | Status  | Due                                  | Owner  |
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| 14. That the Council establish a process for following up requests where it is responding in terms of section 27 of FOISA or regulation 10(4)(d) of the EIRS and that this process is included in the new Guidance and Procedures document.   | <ul style="list-style-type: none"> <li>Revise procedure to include process for responding to section 27 of FOISA and regulation 10(4)(d).</li> <li>Provide training to Departmental FOI Officers and Central FOI Unit.</li> </ul>   | Completed<br><br>Completed                                    |                                      | KW<br><br>KW/ LM   |
| 15. That the Council ensures that where a notice under section 17 of FOISA or regulation 10(4)(a) under the EIRS is being issued, that they fully comply with the requirements of the relevant legislation.   | <ul style="list-style-type: none"> <li>Revise template letters to include appropriate wording and citations.</li> <li>Revise procedures.</li> <li>Update intranet content and guidance.</li> </ul>  | Completed<br>Completed<br>Completed                           |                                      | KW<br>KW<br>KW   |
| 16. That the Council, in setting up the Central FOI Unit, ensures that a process is put in place to ensure that where exemptions/exceptions are being applied, the FOI Officer provides the draft response to the Unit in sufficient time to allow it to be checked and returned in time to allow the final response to be issued within 20 working days. | <ul style="list-style-type: none"> <li>Introduce timescales into procedures to allow sufficient time for checking.</li> <li>Train Departmental FOI Officers and Central FOI Unit on procedure.</li> <li>Training for departmental divisional officers and key personnel involved in FOI.</li> <li>Promote timescales/ procedures as part of cross-Council training programme.</li> <li>Update intranet content and guidance.</li> </ul> | Completed<br><br>Completed<br>Pending<br>Pending<br>Completed | 30.11.10<br><br>28.01.11<br>28.01.11 | KW<br><br>KW<br>KW/ COMMS<br>KW/ FOI Working Group/<br>Leadership &<br>Development<br>KW |
| 17. That the Council conducts a cycle of audits both centrally and in its outlying offices, to evaluate compliance with the new procedures and process to be put in place from the 10 November 2010.  | <ul style="list-style-type: none"> <li>Monitor key performance indicators:<br/><u>Request volume and compliance with timescales</u> <ul style="list-style-type: none"> <li>No of requests for information received</li> </ul> </li> </ul>   | Pending   | 31.12.10                             | KW/ FOI Working Group  |



| Recommendation | Action   | Status | Due | Owner |
|----------------|--|--------|-----|-------|
|                | <ul style="list-style-type: none"><li>- No of requests answered within statutory timescales</li><li>- No of requests answered outwith statutory timescales</li></ul> <p><u>Request outcomes</u></p> <ul style="list-style-type: none"><li>- No of requests fulfilled in full</li><li>- No of request fulfilled in part</li><li>- No of requests where exemptions have been applied</li><li>- No of requests transferred (EIRs only)</li><li>- No of requests – clarification not provided</li><li>- No of requests – fee not received</li><li>- Excessive cost of compliance</li><li>- Information not held</li><li>- Repeated/vexatious</li></ul> <p><u>Review volume and compliance with timescales</u></p> <ul style="list-style-type: none"><li>- No of requests for review received</li><li>- No of review requests answered within statutory timescales</li><li>- No of review requests answered outwith statutory timescales</li><li>- No of reviews escalated to SIC</li></ul> |        |     |       |



| Recommendation   | Action   | Status  | Due      | Owner    |
|--|--|---------|----------|----------|
|  | <p><u>Review outcomes – internal</u></p> <ul style="list-style-type: none"><li>- No of reviews upheld by the Council in full</li><li>- No of reviews upheld by the Council in part</li><li>- No of review decisions not upheld by the Council</li></ul> <p><u>Review outcomes – SIC</u></p> <ul style="list-style-type: none"><li>- No of SIC review decisions in favour of Council in full</li><li>- No of SIC review decisions in favour of Council in part</li><li>- No of SIC review decisions in favour of applicant</li></ul> <p>and report to CMT on a regular basis.</p> |         |          |          |
| 18. That the Council for a reasonable initial period, quality checks all its responses where information is not being disclosed in full in response to a request for information, and that this should be done via the new Central FOI Unit to ensure adherence to its new procedures and to monitor success of the training it is to provide. | <ul style="list-style-type: none"><li>• Quality check all refusals and responses where information is not being disclosed</li></ul>  | Pending | 10.11.10 | FOI Unit |