

Report to:	QSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
Meeting Date:	04 February 2021
Subject/ Title: (and VC no)	Information Requests and Requests for Review Report Q3 2020-21 VC144742
Attached Papers (title and VC no)	Summary table, exemptions and exceptions applied, outcomes of requests

Purpose of report

1. This report is required under the Governance Reporting Arrangements and its purpose is to inform the Senior Management Team (SMT) about information requests and requests for review received and dealt with in Q3 2020-21.

Recommendation and actions

2. It is recommended that:
 - (i) the SMT notes the contents of this report
 - (ii) the SMT notes that the information in this report has been uploaded to the FOI and EIR Statistics Portal
 - (iii) the publication arrangements set out in paragraph 33 are agreed.

Executive summary

Requests for information

3. As a Scottish public authority we have statutory obligations to respond to requests we receive for information which we hold. Requests are forwarded, on receipt, to the most appropriate member of staff for a response. We maintain a record of all requests in our case management system.
4. Our target response timescales are set out in the Performance and Quality Framework 2020-21.

Subject Access Requests

5. Subject access request statistics are reported separately.

Volumes of requests

6. Any requests categorised as joint FOISA/EIRs have been included in both the FOISA and the EIR numbers. The attached summary table analyses the statistics in the same way. This reflects the requirement on the FOI portal when entering our statistics and, therefore, ensures consistency of reporting.

Requests for information and requests for review received

7. In Q3, 11 requests were received as follows:

- 11 requests under FOISA
- 0 requests under EIRs
- 0 requests for review

8. RFIs & RFRs received in comparison to last year:

	2019-20	2020-21	% increase/decrease
Number received Q1	13	14	7%
Number received Q2	20	24	20%
Number received Q3	20	11	45%
Number received Q4			
Total	53	49	7%

Requests for information analysis

9. RFIs dealt with under FOISA and EIRs by quarter:

	2019-20	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total
Total received	68	12	19	11		42
Total closed	68	14	20	9		43

10. There were 3 open cases from 2019/20 which were carried forward to 2020/21 (and 2 cases open at the end of Q3) which explains why there are more cases closed than received.

11. For requests received under FOISA and EIRs, the following categories were recorded:

	2019-20		2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total	
About our functions/services	38	56%	10	9	7		26	62%
Application related	17	25%	0	4	1		5	12%
Misdirected - sent to us in error, asking for information which is likely to be held by other authorities	11	16%	2	6	1		9	21%
Other	2	3%	0	0	2		2	5%
Total	68	100%	12	19	11		42	100%

12. For requests closed under FOISA and EIRs, the following outcomes were recorded:

	2019-20		2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total	%
Information provided in full	16	24%	2	2	0		4	9%
Information partially supplied	21	31%	3	3	2		8	19%
Information not held	18	26%	4	12	3		19	44%
Information refused (exempt)	8	12%	1	2	1		4	9%
Clarification not provided	0	0%	1	0	1		2	5%
Request withdrawn	0	0%	1	1	1		3	7%
Excessive costs	0	0%	1	0	0		1	2%
Vexatious	0	0%	0	0	0		0	0%

Repeated request	0	0%	0	0	0		0	0%
Neither confirm nor deny	1	1%	0	0	0		0	0%
Request invalid	4	6%	1	0	1		2	5%
Total	68	100%	14	20	9		43	100%

13. The performance against our timescale target for responding to requests for information is set out in the table below:

Description	Target	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total
Request response: 20 days or fewer	100%	86%	100%	100%		95%

14. There were 2 open RFIs at 31 December 2020.

Requests for review analysis

15. Breakdown of requests for review dealt with under FOISA and EIRs by quarter:

	2019-20	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total
Total received	6	2	5	0		7
Total closed	6	2	3	2		7

16. 1 internal review partially confirmed the original decision, and

17. 1 internal review confirmed the original decision in full

18. The performance against our timescale target for responding to requests for review is set out in the table below:

Description	Target	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total
% of review response: 20 days or fewer	100%	100%	100%	100%		100%

19. There were no open requests for review at 31 December 2020.

COVID-19 pandemic

20. Our priority as an organisation has been to continue to provide key services and guidance within available resource while safeguarding the health, safety and wellbeing of our members of staff.

21. Since closing our office premises on 23 March 2020 and putting in place our business continuity arrangements, we have worked to maintain operational output within the constraints imposed by limitations on access to office systems. This has included responding to requests for information.

22. Our interim policy and Key Document “Covid-19: How the Commissioner will respond to FOI requests during the temporary office closure due to the impact of the Covid-19 pandemic” was reviewed on 6 October 2020. This policy sets out how the Commissioner aims to comply with requests under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs) during the temporary closure of the office premises due to the Covid-19 pandemic.

Risk impact

23. We have policies and procedures in place providing detailed guidance on how to respond to requests for information and requests for review. They are regularly reviewed to ensure that they are up to date and that requests are being appropriately handled and responded to.
24. Failure to respond to information requests and reviews within the statutory timescales would have an adverse impact on the Commissioner's reputation.
25. This committee report contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance.

Equalities impact

26. There is no direct equalities impact arising from this report.

Privacy impact

27. There is no direct privacy impact arising from this report.

Resources impact

28. Responding to information requests and reviews can be demanding on staff time due to the research that may be required to identify relevant information and the deadlines for response. However, responding to such requests, within the required timescales is an important function of the Commissioner.

Operational/ strategic plan impact

29. The guidance and procedures for handling information requests and reviews aim to ensure consistency of approach across the office and improve the efficiency of the process.

Records management impact (including any key documents actions)

30. The Key Document C2 Responding to Information Requests: Guidance and Procedures was due to be reviewed in March 2020 by the HOCS as Responsible Manager.
31. The Head of Enforcement (HOE) has begun a review of the administration aspects of handling RFIs, including dealing with requests for reviews. The HOCS is involved in this review and, in due course, will submit a report on any changes to the procedures and the Key Document to the SMT for approval. As a result of the temporary closure of our office premises due to the COVID-19 pandemic it was not possible to complete this review by 31 March 2020. The review has been carried forward into this financial year, 2020-21, and will be completed as soon as possible.

Consultation and Communication

32. Publication of minute.

Publication

33. I recommend:

- (i) this committee report and the exemptions and exceptions applied table should be published in full with the meeting minutes
- (ii) the summary table should be published in full in our Guide to Information / Class 7
- (iii) the outcome of requests table contains personal data and is withheld on the basis that section 38(1)(b) of FOISA would apply if a request were, at this stage, to be made for the information.