

Scottish Information Commissioner
Minutes of the Quarterly Senior Management Team Meeting
04 February 2021 – by video conference

NOTE TO READER:

The Scottish Information Commissioner publishes the minutes of Senior Management Team (SMT) meetings and the papers considered at the monthly and quarterly meetings, unless he considers, at the time of publication, that the minutes and/or papers are exempt from disclosure under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004 (FOI law). Where minutes or documents are not published, the minutes will make it clear why not.

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Present: Scottish Information Commissioner - Daren Fitzhenry (DF) (Chair)
 Head of Corporate Services - Helen Gardner-Swift (HGS)
 Head of Enforcement - Margaret Keyse (MK)
 Head of Policy & Information - Erin Gray (EMG)
 Finance and Administration Manager – Liz Brown (LB)
 Finance and Administration Manager - Kim Berry (KB) (Minutes)

Apologies:

Details	Action By	Target Completion Date	Publish Yes / No	Comments
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1. Minutes, action points update and matters outstanding

<p>1.1 Review of minutes – 16/12/20</p> <ul style="list-style-type: none"> • The minutes were approved and have been published with the relevant papers. <p>1.2 Action points update</p> <ul style="list-style-type: none"> • No action points outstanding <p>1.3 Matters outstanding</p> <ul style="list-style-type: none"> • No matters outstanding 			Yes	
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2. Finance Report – Variance Analysis as at 31 December 2020

<ul style="list-style-type: none"> • The SMT noted: <ul style="list-style-type: none"> ○ the contents of the Committee Report (CR) ○ the Q3 Financial Summary including the Variance Analysis as at 31 December 2020 ○ there has been additional unbudgeted spend on legal advisers, expansion of remote working, cleaning, website 			Yes	<p>CR published in full</p> <p>Finance Report available here</p>
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<p>accessibility and telephone conferencing costs</p> <ul style="list-style-type: none"> ○ due to the temporary closure of the office premises, there are savings on staff travel, training and in-house preparation of the Annual Report and that these savings will go some way to off-setting contingency fund applications ○ there has been additional unbudgeted capital spend on IT licences and hardware and systems and this additional spend is mainly due to the expansion of remote working ○ there were no instances of fraud affecting our office in Q3. <ul style="list-style-type: none"> ● The SMT agreed the publication arrangements. 				
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3. Information Requests and Reviews

<ul style="list-style-type: none"> ● The SMT noted <ul style="list-style-type: none"> ○ the contents of the CR and the statistics set out in the report: <ul style="list-style-type: none"> ▪ 11 requests received in Q3, a reduction of 45% from 2019/20 ▪ meeting all targets and responding within 20 days ▪ no RFRs received in Q3 but closed 2 which were received in Q2 ▪ the information has been uploaded to the FOI and EIR Statistics Portal ● The SMT agreed the publication arrangements. 			Partial	<p>CR and exemptions/ exceptions table published in full</p> <p>Summary table published here (Class 7)</p> <p>Outcome of requests table not published – Exemption s38(1)(b)</p>
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4. Subject Access Requests

<ul style="list-style-type: none"> ● The SMT noted <ul style="list-style-type: none"> ○ the contents of the CR and the statistics set out in the report: <ul style="list-style-type: none"> ▪ 5 requests received in Q3 ▪ average time to respond to subject access requests in Q3 was 2.5 days ● DF commented that the response time was to be commended, particularly during remote working 			Partial	<p>CR published in full</p> <p>Summary table published here (Class 7)</p> <p>Outcome of requests table not published –</p>
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<ul style="list-style-type: none"> the information has been uploaded to the FOI and EIR Statistics Portal Subject to a minor amendment the SMT agreed the publication arrangements. 				Exemption s38(1)(b)
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5. Health & Safety

<ul style="list-style-type: none"> The SMT noted the contents of the CR and the assurance that the Commissioner is meeting his statutory obligations in respect of employee health and safety, wellbeing and related training (where required) Subject to a minor amendment the SMT agreed the publication arrangements. 			No	CR not published – Exemption s30(b)(ii) and s39(1)
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6. Investigations Performance

<ul style="list-style-type: none"> The SMT noted the following <ul style="list-style-type: none"> the contents of the CR and the statistics set out in the report: 172 applications received in Q3, a big increase on Q1 and Q2 average age of cases is on a downward trend given the number of applications received, cases awaiting validation have increased although KPIs are not being met YTD, performance has improved as the year has gone on and six of the KPIs in Q3 were met MK commented that she was proud of the work of the team dealing with a large caseload despite the challenges of remote working Subject to minor amendments to paragraphs 14 and 21 the SMT agreed the publication arrangements. 			Partial	CR published in full Dashboard reports withheld – Exemption s27(1)
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7. Operational Plan Monitoring Report

<ul style="list-style-type: none"> The SMT reviewed the Operational Plan 2020-21 Monitoring Report discussed updates and the following actions were noted: <ul style="list-style-type: none"> Human Resource Management – checks are taking place to confirm that Carer Positive Scheme accreditation is taking place at present. Improving Authority Practice – website discovery work has highlighted that there 			Yes	Report published in full – available here
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<p>may be some duplication of work. This will be reviewed and assessed over the next few weeks.</p> <ul style="list-style-type: none"> ○ Information Management - HGS is in discussion with The Keeper regarding the submission date for the revised Records Management Plan and it is likely that some tasks relating to this piece of work will carry forward into 2021-22 ○ Digital and IT Strategy will be carried forward into 2021-22 so that account can be taken of the results of the website discovery work ○ review of file plan and retention schedule will be carried forward into 2021-22 ○ Promotion and Communication - Promoting FOI rights strategic approach 2020 – 2024 will be carried forward into 2021-22 ○ Resource Management –Scottish Procurement Shared Services Group will provide assistance with the procurement of the legal services contract 				
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8. GDPR Report Q3 – deferred to MSMTM on 24/02/21

9. Operational Risk Register 2020-21

<ul style="list-style-type: none"> • The SMT reviewed the Operational Risk Register 2020-21 and updates were discussed and noted. 			No	Operational Risk Register withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
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10. Strategic Risk Register 2020-21

<ul style="list-style-type: none"> • The SMT reviewed the Strategic Risk Register 2020-21 and updates were discussed and noted. 			No	Strategic Risk Register withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
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11. Publication Scheme (SIC) Assurance Report

<ul style="list-style-type: none"> • The SMT noted the the contents of the CR • DF noted the assurance provided 			Yes	CR published in full
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<ul style="list-style-type: none"> ○ we are publishing and making accessible as much information as possible in line with our published policies and procedures ○ the GTI has been reviewed to ensure that the information we are publishing is up to date and that we are publishing as much information as possible ○ the GRA requirements regarding assurance are met by way of this CR ○ the related objective in the Operational Plan 2020-21 to “Maintain a compliant publication scheme and guide to information” has been achieved. <ul style="list-style-type: none"> ● Subject to a minor amendment, the SMT agreed the publication arrangements. 				
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12. Self-assessment Toolkits Report

<ul style="list-style-type: none"> ● The SMT noted <ul style="list-style-type: none"> ○ the contents of the CR and the summary data provided ○ interest in the toolkits returned to more usual levels in 2020 after a short-term increase the previous year, most likely due to the designation of registered social landlords ○ it is not anticipated that any further modules will be produced in the current form. A wider review of the toolkit approach is anticipated in 2021-22 ● Subject to minor amendments the SMT agreed the publication arrangements. 			Yes	CR published in full
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13. British Sign Language Action Plan – report and review – deferred to MSMTM on 24/02/21 (since the date of meeting, and following an ad hoc change to the Governance Reporting Arrangements, this report will be submitted in Q1 2021-22)

14. Employment Policy Update

<ul style="list-style-type: none"> ● The SMT noted <ul style="list-style-type: none"> ○ the contents of the CR ● DF noted the assurance provided <ul style="list-style-type: none"> ○ the revised Employee Handbook (EH) will contain all relevant and up to date employment policies. If there is a continuing need for interim HR guidance 			Partial	CR published in full Revised Employee Handbook withheld –
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<p>and policies relating to the impact of the COVID-19 pandemic, these will also remain in place</p> <ul style="list-style-type: none"> ○ as the revised EH is near completion, account is also taken of any revised policies and guidance set out in that document to ensure that our employment policies are as legally compliant as possible ○ regular employment law updates are provided by Law at Work and Law at Work also provide advice on legal compliance when required. <ul style="list-style-type: none"> ● The SMT agreed the publication arrangements. 				Exemption s30(b)(ii)
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15. Biodiversity report – deferred to MSMTM (February 2021 or March 2021)

16. Data Protection Policy and Handbook (no paper)

<ul style="list-style-type: none"> ● HGS provided a verbal update: <ul style="list-style-type: none"> ○ the draft Data Protection Policy and Handbook was approved in its draft following consideration of a CR on 29/11/20, subject to finalisation of outstanding matters ○ outstanding matters almost finalised ○ final approval will be sought from SMT by email 			N/A	
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17. Review of the temporary closure of the office premises due to the COVID-19 pandemic

<ul style="list-style-type: none"> ● The SMT noted the contents of the CR and agreed the following recommendations and actions: <ul style="list-style-type: none"> ○ taking into consideration the matters set out in in the report, the office premises should remain temporarily closed due to the COVID-19 pandemic until 31 May 2021. ○ whilst the office premises are temporarily closed due to the COVID-19 pandemic the temporary remote working arrangements that are in place continue ○ the SMT monitor and take account of relevant guidance issued by the Scottish government and review the temporary closure of the office premises due to the COVID-19 pandemic by 14 May 2021 or earlier, if appropriate. 			Yes	CR published in full
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<ul style="list-style-type: none"> ○ the HOCS and the Finance and Administration Manager (FAM) continue with the preparatory work on the physical distancing and hygiene measures that are likely to be required and submit recommendations to the SMT prior to the re-opening of the office premises ○ our stakeholders and the public are notified, as appropriate, of the continued temporary closure of the office premises due to the COVID-19 pandemic <ul style="list-style-type: none"> ● The SMT agreed the publication arrangements. ● HGS will update all staff by email 	HGS	08/02/21		
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18. Website cookies – deferred to MSMTM on 24/02/21 or approval by email as appropriate

19. Intervention Procedures – key document review

<ul style="list-style-type: none"> ● The SMT noted the CR and <ul style="list-style-type: none"> ○ approved the updated Intervention Procedures key document following the planned review ○ MK/EMG will arrange for an update to be provided at the next All Staff Meeting ○ agreed the key document actions ● The SMT agreed the publication arrangements. 	MK/EMG	23/02/21	Partial	CR published in full Intervention Procedures withheld – Exemption s27(1)
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20. Website Accessibility Statements – key document review

<ul style="list-style-type: none"> ● The SMT noted the CR and <ul style="list-style-type: none"> ○ approved the updates to the Accessibility Statement – Commissioner’s Website and Accessibility Statement - Statistics Portal key documents ○ agreed the key document actions ● The SMT agreed the publication arrangements. 			Partial	CR published in full Accessibility Statements withheld – Exemption s27(1)
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21. Policy on Speaking Engagements - key document review

<ul style="list-style-type: none"> ● The SMT noted the CR and <ul style="list-style-type: none"> ○ approved of the updated policy following a planned review of the key document ○ agreed the key document actions ● The SMT publication arrangements. 			Partial	CR published in full Policy withheld – Exemption s27(1)
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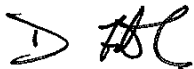
22. MoU between The Keeper of the Records of Scotland and SIC – key document review

<ul style="list-style-type: none"> • The SMT noted the CR and: <ul style="list-style-type: none"> ○ subject to minor amendments in the CR and in the draft MOU, the SMT approved the draft MoU in principle as the basis of negotiation with The Keeper of the Records of Scotland ○ it was noted that the Responsible manager for the Key Document is EMG and not DF • The SMT agreed the publication arrangements. 			Partial	CR published in full MoU withheld – Exemption s30(b)(ii)
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23. AOB

<ul style="list-style-type: none"> • No AOB 				
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Signed off by:



Date: 24 February 2021