

Report to:	Monthly Senior Management Team (SMT) Meeting
Report by:	Erin Gray Head of Policy and Information (HOPI)
Meeting Date:	16 December 2021
Subject/ Title: (and VC no)	Update – Phase 1 new website development and build (VC 161170)
Attached Papers (title and VC no)	

Purpose of report

1. To update the Senior Management Team (SMT) on progress with phase 1 new website development and build, as agreed at monthly SMT meeting on 7 October 2021.

Recommendation and actions

2. I recommend that:
 - (i) the SMT note the content of this committee report
 - (ii) this Committee Report is published in line with the publication section below

Executive summary - background

3. The Scottish Information Commissioner's ('the Commissioner') current website ('the website') (www.itspublicknowledge.info) is used to comply with a range of requirements (statutory and regulatory), including those set out in the Freedom of Information (Scotland) Act 2002, which the Commissioner is responsible for enforcing. It also provides information enabling public authorities to meet the duties placed on them by FOI law, and sets out detail for people seeking to make an FOI request, or appeal to the Commissioner.
4. In 2020, the SMT agreed, in principle, (subject to relevant decision-making processes, securing appropriate resources and the website audit) to develop a new website, since it is not possible to meet a number of requirements set by The Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018 (the Accessibility Regulations) using the current website platform, and as the third party contractor that hosted the website had advised the platform it used would be decommissioned in the coming years.
5. For 2021-22, the Scottish Parliamentary Corporate Body (SPCB) approved a budget of £70,000 for a new website.
6. In June 2021 the supplier of the current website advised that they would cease to provide hosting and maintenance services for the Commissioner's website by 30 November 2021. The contractor subsequently agreed to extend this deadline to February 2022.
7. In October 2021 the SMT agreed that:
 - (i) development and build of a Phase 1 website using the Digital Scotland Design System should begin as soon as possible with an external supplier
 - (ii) the Phase 1 website should be launched by the end of February 2022 at the latest

- (iii) additional support/expertise for the Phase 1 website project should be procured, if possible, including business analyst support and procurement support
- (iv) relevant preparatory work should begin to support the development of a new website
- (v) An update report on progress should be submitted to the SMT in December 2021.

Update on activity since October 2021

8. Since the SMT decision in October 2021, the following developments have taken place or begun:
- (i) A further extension has been agreed with the supplier of the current website, meaning that hosting and maintenance services will be available until end March 2022;
 - (ii) Procurement is underway to secure a new contractor to develop and build a phase 1 new website to launch by the end of March 2022, with appointment/contract award expected by 20 December 2021 (subject to the relevant procurement processes);
 - (iii) Preparatory work has begun as set out in the October report, including:
 - (a) Existing content on website has been reviewed to determine priority levels and requirements;
 - (b) Four members of staff have attended training on content writing and content design for websites;
 - (c) Work to refine and expand user stories and website requirements has been progressed;
 - (d) Potential new domain names have been secured on behalf of the Commissioner by the Scottish Government's Digital Team, so they are available if a decision is made to change domain for the new website;
 - (e) Discussion held with National Records of Scotland Digital Archives Team to advise on best practice in relation to use of archive snapshot of old websites to integrate with new websites, and display historical content.
9. In addition, work is underway to develop a replacement for the Commissioner's statistics portal, using a survey tool, which will be live from January 2022.
10. Between January and April 2022:
- (i) If appointed, the Contractor will progress development and build of the Phase 1 website
 - (ii) A decision will be made regarding whether a new domain name will be used for the new website
 - (iii) The possibility of interim business analyst/project management support will be explored, and secured if possible.
11. A project timeline map has been prepared and will be further developed following the appointment of a website contractor.

Risk impact

12. The Commissioner is the regulator of freedom of information in Scotland and has functions and duties to fulfil; the Commissioner's website is a key tool in delivery of these functions and duties. By putting in place a new website by February 2022, the risk of non-compliance with a range of legislative and regulatory requirements (including in relation to the Freedom of Information (Scotland) Act 2002) is potentially mitigated.
13. However, there will be a number of other risks relating to the proposed Phase 1 project which are likely to have an impact and which need to be considered and mitigated including: not having sufficient budget resource, not having sufficient in-house skills and expertise to be able to deliver the Phase 1 website project within the timescales required, the effect on other planned projects for 2021-22 and the effect on the work of other teams within the organisation. These risks can be mitigated by: ensuring that relevant external skills and expertise are procured to enable the Phase 1 website to be put in place (in line with the budget that is in place), tight budgetary control is in place, effect project planning, taking account of the impact on other teams and the review/monitoring of the current projects planned in the Operational Plan 2021-22.

Equalities impact

14. A pre-EQIA checklist has been completed for phase 1 of the project – a second will be completed for phase 2 (as well as any required EQIA) when the design/planning for that phase begins.
15. No negative impacts have been identified for any groups/people with protected characteristics for the launch of Phase 1 of a new website. It has been noted however that there will be beneficial impacts for some disabled people (since the new website will be built to ensure it is compliant with requirements of the Accessibility Regulations).
16. Full detail relating to decision making and the Commissioner's considerations regarding disproportionate burden in relation to the Commissioner's current website were included when the current accessibility statements were approved in September 2020.
17. It is noted that not all people in Scotland can or wish to use the internet, and as a result the Commissioner provides information in alternative formats including via the enquiries service, wherever possible.

Privacy impact

18. A pre-DPIA checklist has been completed in relation to phase 1 of this project – a second will be completed (as well as any required full DPIA) for phase 2 when the design/planning for that phase begins. This has identified four types of personal data which will be processed:
19. Data type 1: Names and email addresses of staff acting as website administrators. These will not be available publicly – only accessible by the Commissioner's staff and website contractor.
20. Data type 2: Names, job titles, diaries, biography details, signatures and registers of interests of the SMT and the Commissioner, names and job titles of staff and some limited instances of names of external speakers at events, on relevant pages of the website. These will be available publicly to people browsing the relevant website pages.

21. Data type 3: Photos of staff and the Commissioner, used to illustrate a limited number of pages on the website. These will be available publicly to people browsing the relevant website pages.
22. Data type 4: Website analytics. Only available to the Commissioner's staff and Google Analytics, and will be anonymised using AnonymizeIP functionality so that IP addresses are not captured in full.
23. The Pre-DPIA indicates that the data privacy risk to these data types will be low, both in severity and likelihood, and will be mitigated by ensuring safe procedures about data storage in operation, and robust selection of website contractor, and ensuring AnonymizeIP functionality is in place so individuals cannot be identified at any stage by website analytics. Therefore, a full DPIA is not required to be completed for the Phase 1 website project.

Resources impact

24. This project has been allocated a total £70,000 budget to be used in 2021-22, and this budget needs to cover all related costs, including external support costs, legal advice, procurements support costs.
25. Initially, it had been anticipated that this would be the total cost for a replacement website, however the Scottish Government Digital Publishing Team has advised that it is likely that this budget for this year will only cover Phase 1 of the website, given the need to include to buy in external business analyst support and other anticipated costs. The required short timescales for the Phase 1 project is also expected to be a factor in the budget costs. Specific monitoring of the budget for the Phase 1 website will be put in place to help ensure that the Phase 1 project will be provided within the allocated budgetary resource.
26. The budget submission for 2022-23 has included a request for funding of up to £70,000 for Phase 2 of the website project.

Operational/ strategic plan impact

27. The development, build and launch of a replacement website will be required in order to ensure delivery of the Strategic Plan 2020-24, as it is an essential communication tool for all areas of the Commissioner's work, as well as being essential to meet a number of legal requirements.
28. The Commissioner's Operational Plan 2021-22 includes projects regarding development of a new website, however it was not envisaged that launch of initial phase of a new website would be required in this financial year. As a result, it is likely that a number of other areas of operational activity will be reduced or carried forward to the new financial year in order to allow for the additional work required. The extent of this impact will be discussed and communicated with the SMT via relevant operational plan monitoring processes as required.

Records management impact (including any key documents actions)

29. None identified.

Consultation and Communication

30. This Committee Report was prepared in consultation with the Head of Corporate Services and will be published on the Commissioner's website.
31. An external communications plan regarding the launch of a new website will be prepared as part of the Phase 1 website project, to ensure all relevant stakeholders are kept informed.

Publication

32. I recommend that this committee report is published in full.