

Self-assessment Toolkit

Module 2: Searching for, locating and retrieving information

Standards and Criteria



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Glossary and Abbreviations

Term used	Explanation
The Commissioner	The Scottish Information Commissioner
EIRs	Environmental Information (Scotland) Regulations 2004
FOI	FOISA and the EIRs
FOISA	The Freedom of Information (Scotland) Act 2002
SIC	The Scottish Information Commissioner
Section 60 Code	Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004

Cross-referenced VC documents (for internal use)

VC No	VC name
76462	TOOLKIT Guide: Getting Started
76466	TOOLKIT Introduction to the FOI self-assessment toolkit
76472	TOOLKIT Guide: How to carry out an FOI self-assessment
76482	TOOLKIT TEMPLATE Summary of Findings
76486	TOOLKIT TEMPLATE Improvement Action Plan
76506	TOOLKIT Module 02: Assessment Questions and Evidence Grid

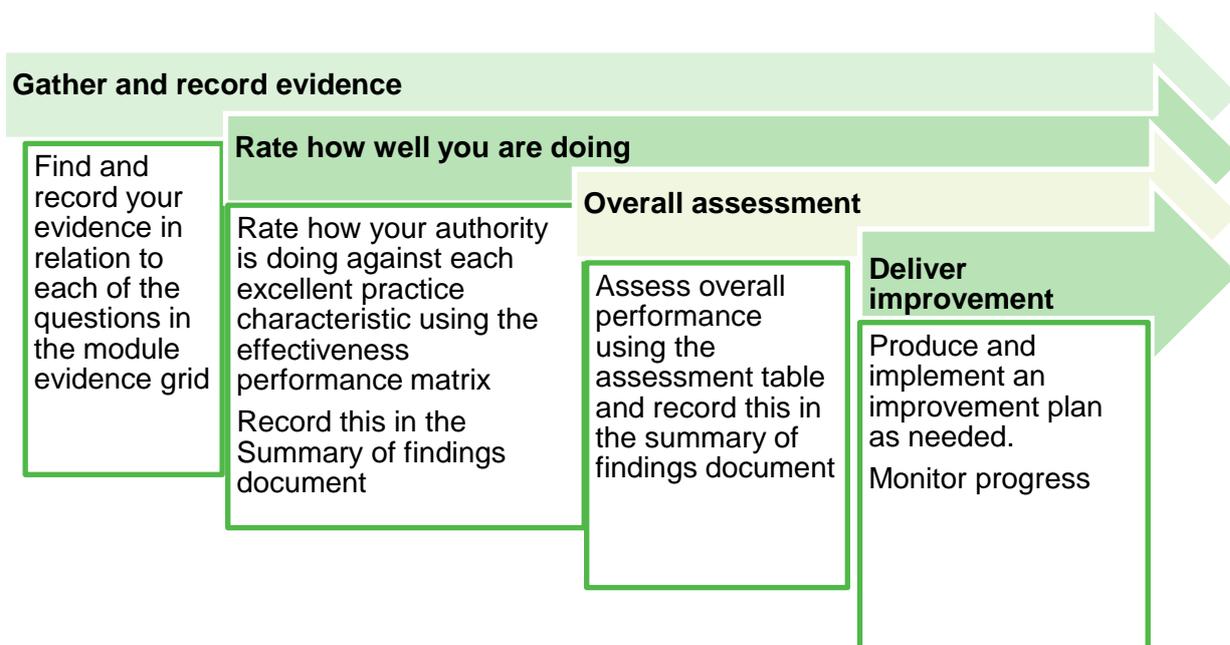
Introduction to module 2: Searching for, retrieving and locating information

1. This document sets out the standards and criteria against which you will assess your authority's FOI performance in discharging its duties to respond to information requests.
2. An authority must be able to locate and retrieve information, or confirm (having carried out thorough and proportionate searches for the information) that it does not hold any, before it can respond to an information request. The more efficient an authority is at doing this, the more efficient its information request handling is. Excellent authorities are those that carry out searches promptly, have good supporting records management policies and procedures and keep clear records of their searches.
3. We recommend you read our **Guidance on carrying out an FOI self-assessment**, available at www.itspublicknowledge.info/toolkit, for advice about how to carry out your assessment and apply the standards.
4. The purpose of self-assessment is to:
 - enable an authority to **capture** the organisation's strengths and good practice in the application of FOI law and codes of practice, then
 - **assess** the effectiveness of that practice, to then
 - identify where and how practice can **improve**.
5. Self-assessment focuses on the key questions:
 - (i) **What** are we doing?
 - (ii) **How** well we are doing it?
 - (iii) **What** are we going to do now?
6. The standards around which the module is written are based on achieving an "excellent" rating. But don't feel this is what you have to aim for right away. Improvement is a journey and you may want to take it in stages. The minimum requirement to meet statutory duties is "adequate". Also bear in mind this module relates to just one area of FOI practice, it may well be that your overall improvement plan is to achieve different rating for different areas of practice, depending on your organisation's wider strategic and business aims, or to bring all areas up to the minimum adequate standard.
7. This document is in sections:
 - (i) **Overview of process**: how to carry out an assessment.
 - (ii) **Outcomes and legal context**: what you could achieve through this self-assessment, and your authority's duties under FOI. To comply with FOI legislation, you must achieve at least an **adequate** rating overall.
 - (iii) **Characteristics of good practice**: these give you an overview of what excellent practice in giving advice and assistance looks like.
 - (iv) **What next**: improvement planning.

- (v) **Assessment ratings and criteria:** the standards against which you rate your authority's performance as **Excellent, Good, Adequate** or **Unsatisfactory**. (NB, this section is A3 to make it easier to read but should print out as A4 if sent to an A4 printer)

Overview of Process

8. Our **Guidance on carrying out an FOI self-assessment** and later sections of this document set out how to approach an assessment, but in summary:



Module 2: outcomes and legal context

Outcomes

9. Good FOI practice in giving searching for information contributes to:
- (i) Compliance with FOI law and the Section 60 and Section 61 Codes of Practice.
 - (ii) Increased public trust in Scottish public authorities based on developing your culture of openness and transparency.
 - (iii) Effective information governance.
 - (iv) Increased service user satisfaction and better relationships with service users through the giving of helpful, meaningful and timely advice and assistance about information held.
 - (v) Improved quality of the service you provide both in responding to requests and in communicating with service users.

Legal context

10. In order to carry out functions under Section 1(1) of FOISA and Regulation 5(1) of the EIRs, an authority must be able to identify what information it is being asked for, whether it holds it, and where it is held. Effective records management is a key enabler.
11. Under section 60 of FOISA, the Scottish Ministers publish a Code of Practice for Scottish public authorities. The Section 60 Code gives guidance to authorities on good practice to follow when responding to FOI requests.
12. Under section 61 of FOISA, the Scottish Ministers publish a Code of Practice for Scottish public authorities. The Section 61 Code gives guidance on the practice it is desirable to follow in connection with the keeping, management and destruction of records.
13. While compliance with the Codes of Practice is not statutory, failure to comply with a Code is treated by the Commissioner as a failure to meet FOI duties.
14. The Keeper of the Records of Scotland may issue guidance under sections 1(4) and 9 of the Public Records (Scotland) Act 2011.

The characteristics of excellent practice in searching for information

15. Excellent FOI practice in searching for, locating and retrieving information has six characteristics:
 1. Clear lines of accountability and escalation routes
 2. Record keeping complies with the Section 61 Code of Practice
 3. Procedures and systems ensure effective practice in searching for information
 4. Guidance and training ensures staff are confident and able to carry out their functions
 5. Staff resources to carry out searching etc. are adequate
 6. Effective arrangements for monitoring, reporting and reviewing.

ONE: Accountability and escalation

The authority has established clear lines of accountability for searching for, locating and retrieving information within set timescales.

This looks like:

- ✓ It is clear who is accountable for ensuring that thorough and proportionate searches are always carried out. Suitable escalation procedures are reflected in written procedures.
- ✓ Senior managers ensure that there is a strategic link between the organisation's FOI and records management functions.
- ✓ Senior managers are responsible for mitigating the risks associated with costs of reviews and appeals, by ensuring that searches for information are complete, reliable and robust.
- ✓ Lessons are learned when searches are found to be deficient at review or appeal. These lessons are used to make changes in procedures to improve practice.

TWO: Record keeping

Record keeping conforms to the Section 61 Code of Practice and other records management good practice and guidance.

This looks like:

- ✓ Records management policies and practices comply with the recommended good practice outlined in Part 1 of the Section 61 Code of Practice.
- ✓ Authorities subject to the Public Records (Scotland) Act 2011 have regard for the guidance issued by the Keeper of the Records of Scotland.
- ✓ Staff searching for information are able to identify when records were amended, updated or destroyed, when, by whom and why.
- ✓ Reference is made to retention and disposal schedules in FOI procedures, with appropriate arrangements to identify and retrieve information held off-site.
- ✓ Publication schemes are updated as records are updated.

THREE: Procedures and systems

Procedures and systems ensure that searches consistently result in complete, reliable, thorough and proportionate findings.

This looks like:

- ✓ Policies and procedures for handling FOI requests drive and support the provision of thorough and proportionate searches to ensure that:
 - the scope of the request is identified early to ensure appropriate searches are carried out and clarification is sought from the requester when necessary
 - the appropriate business areas and information experts who need to be involved in searches are identified and made aware at the earliest opportunity
 - clear internal deadlines are set by co-ordinating officers for staff to complete searches and report back; and
 - the co-ordinating officer can provide appropriate advice and assistance to requesters where the cost of compliance has been identified as an issue.
- ✓ All searches conducted (both electronic and paper based) are recorded. The record should include as a minimum, what systems and records were searched, by whom, what search terms and phrases were used (for electronic records) and a summary of the results.
- ✓ The quality of searches and how they are recorded is consistent. For example, use of a standard form to record searches.
- ✓ Procedures and systems take into account the good practice detailed in the Section 60 Code.
- ✓ FOI procedures and systems are routinely monitored, reviewed and updated in light of lessons learned.

FOUR: Guidance and training

Staff are trained to be effective and confident in clarifying requests and, searching for, locating and retrieving information and have access to guidance according to their needs.

This looks like:

- ✓ Staff receive training, appropriate to their individual needs. For example:
 - knowing how to clarify requests is essential for staff who have to decide whether a request is valid and / or for staff who are responsible for commissioning searches from colleagues. (They have to know what the request is to know what to look for.)
 - knowing how to carry out detailed and appropriate searches of systems is critical for staff who carry them out. They may not be routinely engaged in handling FOI requests but are asked to carry out searches as required for FOI.
- ✓ Training arrangements ensure that staff responsible for preparing and signing-off responses can be confident that thorough and proportionate searches have been carried out.
- ✓ Staff updates include reminders on the importance of carrying out robust searches, the tools and guidance that are available and how to seek advice.
- ✓ Lessons learned from reviews and appeals are shared with staff.

FIVE: Staff resources

Sufficient resources including staff time are in place to ensure that thorough, proportionate and timely searches are carried out.

This looks like:

- ✓ Senior staff monitor and review the level of staff resources required to ensure that robust searches are always carried out.
- ✓ There are arrangements to ensure that there is always cover for staff absences, planned or unplanned.
- ✓ Staff not routinely engaged in FOI activities, but who have been asked to conduct searches for information, are given sufficient time in light of other duties to carry them out.

The authority has effective tracking and reporting arrangements to ensure issues about searching for information are identified and lessons are learned about practice.

This looks like:

- ✓ Regular monitoring identifies issues that could impact on the quality and timeliness of searches.
- ✓ It is clear who is responsible for taking action and the action that they will take when searches are inadequate or delayed.
- ✓ When such action is taken, the case and its outcome are reported to senior managers to ensure that lessons are learned.
- ✓ Lessons learned should identify whether inadequate searches have been the reason for, or a contributing factor, leading to a review and/or appeal to the Commissioner. Changes to practices and procedures should be made to reduce the risk of the situation occurring again.

Ratings and evaluation criteria

Rating

16. Performance is rated as: **Excellent**, **Good**, **Adequate** or **Unsatisfactory**.
17. In order to comply with the legislation, you must achieve at least an **Adequate** overall rating.

Assessment table

Overall rating	
Excellent	<ol style="list-style-type: none"> 1. Excellent in at least 3 characteristics, 2 of which must be procedures and systems, and staff resources 2. No adequate or unsatisfactory ratings
Good	<ol style="list-style-type: none"> 1. Good or excellent in at least 4 characteristics, 2 of which must be procedures and systems, and staff resources 2. No unsatisfactory ratings
Adequate	<ol style="list-style-type: none"> 1. Adequate, good or excellent in at least 4 characteristics, 2 of which must be procedures and systems, and staff resources
Unsatisfactory	<ol style="list-style-type: none"> 1. Unsatisfactory in either procedures and systems, or staff resources, irrespective of other ratings <p>Or</p> <ol style="list-style-type: none"> 2. Unsatisfactory in any 4 characteristics

18. Remember, when you apply these standards, you should be proportionate in your approach. It is the adequacy of your FOI approach and arrangements, and the outcomes they deliver that is important, not how sophisticated or detailed they are. For example, where the criteria call for something to be done “routinely”, for some organisations annually is routinely enough, while for others it may be monthly.

What next?

Work plan

19. Reflect on your evaluation and develop an appropriate work plan using the **Improvement Action Plan**. This may be a plan to improve your rating or a maintenance plan to ensure you maintain current standards. Our **Guidance on carrying out a self-assessment** gives you more details about this.

Help and advice

20. Contact our Policy and Information Team for further advice and guidance on using the Self-assessment toolkit on 01334 464610 or via enquiries@itpublicknowledge.info.

Effectiveness performance matrix

Please note for printing, this page is A3 size but it should print as A4 if sent to an A4 printer

	Excellent	Good	Adequate	Unsatisfactory
Accountability and escalation arrangements	<ul style="list-style-type: none"> • Arrangements in place, documented, understood and applied universally • Problems and issues with searches identified routinely • Corrective measures taken (or records show there are none) 	<ul style="list-style-type: none"> • Arrangements in place, documented, understood and generally applied • Problems and issues with searches routinely identified • Corrective measures taken (or records show there are none) 	<ul style="list-style-type: none"> • Arrangements in place but not clearly articulated or documented. Their application is variable, often based on custom and practice rather than policy and procedure • Problems and issues with searches generally identified and corrective measures taken 	<ul style="list-style-type: none"> • No arrangements in place • Problems and issues with searches rarely identified, or addressed
Record keeping	<ul style="list-style-type: none"> • Complies fully with Section 61 Code • Links between FOI and records management universally understood 	<ul style="list-style-type: none"> • Complies fully with Section 61 Code • Links between FOI and records management generally understood 	<ul style="list-style-type: none"> • Complies partially with Section 61 Code • Understanding of links between FOI and records management limited 	<ul style="list-style-type: none"> • Significant number of areas fail to comply with Section 61 Code • Little or no understanding of links between FOI and records management
Procedures and systems	<ul style="list-style-type: none"> • Full searches always completed at request stage • Clear understanding of requests • Major strengths, no weaknesses • Full audit trail of all searches • SIC investigations never result in further information being found • Regular review of policies and procedures 	<ul style="list-style-type: none"> • Full searches usually completed at request, generally picked up at review • Clear understanding of requests • Major strengths, few weaknesses • Full audit trail of most searches • SIC investigations sometimes result in further information being found • Regular review and update of policies and procedures 	<ul style="list-style-type: none"> • Full searches generally completed at request stage, often picked up at review • Basic understanding of requests • Major strengths, some weaknesses • Audit trail of searches usually kept but not always complete or sufficient • SIC investigations often result in further information being found • Ad hoc review of policies and procedures 	<ul style="list-style-type: none"> • SIC investigations frequently identify information not found at or by review • Few strengths • Audit trail of searches rarely or never kept • SIC investigations routinely result in further information being found • Little or no review and update of policies and procedures
Guidance and training	<ul style="list-style-type: none"> • All staff appropriately trained • Access to appropriate guidance • Regular updates and refresher training 	<ul style="list-style-type: none"> • Majority of staff appropriately trained • Only FOI staff receive (generally) regular updates and refresher training • Access to appropriate guidance • Updates as required to all staff 	<ul style="list-style-type: none"> • Only FOI staff appropriately trained • Training for other staff patchy • Access to some guidance • Updates and refresher training provided, but infrequent or ad hoc 	<ul style="list-style-type: none"> • Little or no training delivered • Limited or no guidance available • Little or no refresher training • Updates rarely or never issued
Staff resources	<ul style="list-style-type: none"> • Always available at any stage enabling adequate searches to be carried out 	<ul style="list-style-type: none"> • Generally available at request, always available at review enabling adequate searches to be carried out 	<ul style="list-style-type: none"> • Generally available at request and review resulting in adequate searches but some occasions where resources are insufficient 	<ul style="list-style-type: none"> • Consistently insufficient and so below level required to enable adequate searches
Monitoring, reporting and reviewing	<ul style="list-style-type: none"> • Regular monitoring and review of searching arrangements and performance, with reports to senior level • Good or poor practice routinely identified leading to change 	<ul style="list-style-type: none"> • Regular monitoring and review of searching arrangements and performance • Good or poor practice generally identified leading to change 	<ul style="list-style-type: none"> • Ad hoc monitoring and review of searching arrangements and performance • Good or poor practice identified but not routinely, sometimes leading to change 	<ul style="list-style-type: none"> • No routine monitoring and review of searching arrangements and performance • Good or poor practice rarely identified or acted upon

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