

Report to:	MSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	30 June 2021
Subject/ Title: (and VC no)	CR Annual Report 2019-20 Draft Performance Report VC153051
Attached Papers (title and VC no)	ARA 2019-20 Draft Performance Report VC149434 (only first section – Performance Report)

Purpose of report

1. To consider and finalise the draft Performance Report to be included in the Annual Report 2020-21.

Recommendation and actions

2. I recommend that
 - (i) the Senior Management Team (SMT) consider and approve the draft Performance Report (which will remain as a draft during the audit process) subject to any further comments made by the SMT at the meeting and during the audit process
 - (ii) the SMT agree the publication arrangements concerning this report, set out in paragraph 17.

Executive summary

3. The Scottish Information Commissioner (the Commissioner) must lay annually before the Scottish Parliament a general report on the exercise of the functions conferred on him under the Freedom of Information (Scotland) Act 2002.
4. Each report must be laid by 31 October in each reporting year.
5. The Performance Report forms part of the Annual Report and the Commissioner must comply with the Financial Reporting Memorandum (FReM) requirements issued by HM Treasury when preparing the draft Performance Report.
6. The draft Performance Report must be signed off by the SMT in advance of the annual audit carried out by the auditor and, ideally, this should include sign off of both the design and content of the report to minimise any subsequent changes required during the audit process.
7. The annual audit is due to commence on 12 July 2021 and the Advisory Audit Board meeting is due to take place in September 2021.

Risk impact

8. The Commissioner has a statutory duty to lay a report on performance each year.

9. The draft Performance Report will form part of the Annual Report and the preparation of this in accordance with the FReM and the laying of this mitigates against the risk of not complying with the statutory duty.

Equalities impact

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

Privacy impact

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

Resources impact

12. The preparation of the draft Performance Report is carried out within existing resources draft

Operational/ strategic plan impact

13. Each year the Commissioner publishes an operational plan setting out the organisation's planned activities, timetable for delivery and how each activity supports the Commissioner's vision and strategic aims. Targets and key performance indicators (KPIs) are also set.
14. The draft Performance Report reports on how the Commissioner's functions have been exercised and reports on target and KPI outcomes.

Records management impact (including any key documents actions)

15. In due course, the Performance Report (when finalised) will form part of the published Annual Report 2020-21.

Consultation and Communication

16. MSMTM minute.

Publication

17. I recommend that this committee report is published in full but that draft Performance Report is withheld on the basis that the exemption in sections 30(b)(i) and (ii) of the Freedom of Information (Scotland) Act 2002 would apply if a request were, at this stage, to be made for the information.