Report to:	Monthly Senior Management Team (SMT) Meeting
Report by:	Erin Gray Head of Policy and Information (HOPI)
Meeting Date:	7 October 2021
Subject/ Title: (and VC no)	Website development and build (VC 156873)
Attached Papers (title and VC no)	Business case (VC 156720)

Purpose of report

1. To recommend that the Senior Management Team (SMT) agree to develop, build and launch a new website for the Scottish Information Commissioner (the Commissioner) by the end of February 2022 at the latest.

Recommendation and actions

2. I recommend that:

    (i)   the SMT note the content of this committee report and attached paper

    (ii)   development and build of a Phase 1 website using the Digital Scotland Design System is begun as soon as possible with an external supplier

    (iii)   the Phase 1 website is launched of by the end of February 2022 at the latest

    (iv)   additional support/expertise for the Phase 1 website project is procured, if possible, including business analyst support and procurement support (as set out in paragraph 15)

    (v)   relevant preparatory work is begun to support the development of a new website (as set out in paragraph 15)

    (vi)   this Committee Report and attached papers are published in line with the publication section below

    (vii)   a progress/update Committee Report relating to the Phase 1 website project is submitted to the SMT in December 2021

Executive summary - background

3. The Scottish Information Commissioner's ('the Commissioner') current website ('the website') consists of a main website (www.itspublicknowledge.info) providing information in a range of forms, and a statistics portal site, which is used to collect and publish quarterly statistical data from Scottish public authorities on their FOI performance. Until August 2021 the website also included an online 'appeal portal' service which supported individuals to make an appeal to the Commissioner regarding a request for information they have made to an authority.

4. The website 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.

5. The current website is hosted and maintained by a third-party contractor, using their own content management system and platform.

6. 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.

7. For 2021-22, the Scottish Parliamentary Corporate Body (SPCB) approved a budget of £70,000 for a new website.

8. Since this time, a number of matters have arisen which highlight the need for a new website to be developed and launched in early 2022, as set out below.

Why a new website is required

Accessibility regulations

9. During work conducted in 2020 regarding the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, the Commissioner's team determined that a number of accessibility issues existed with the current website which constituted a disproportionate burden to address via the current website platform, as they were not supported or possible without significant development of new functionality and capabilities. As set out in the Commissioner's accessibility statement for the website, these included a lack of responsive page layout, issues with pop-up messages and headings and tables.

10. In determining that these issues constituted a disproportionate burden to address via the current website, the Commissioner stated that the aim would be to begin work towards the development of a new website during the financial year 2021-22 (subject to funding being secured, the relevant governance and decision-making procedures, procurement and project timescales), and that it was expected that a new site would enable most of the issues identified to be addressed.

11. It is noted that given the tight timescales, not all issues may be addressed by the time of launch of the website in February 2022 – such as the accessibility of PDF files.

Current website service ceasing to be hosted and maintained

12. In June 2020 the Commissioner's team was informed by the third-party contractor which hosts and maintains the website that the platform and content management system it was built on (a proprietary system developed and owned by the contractor) was being decommissioned in the next 2-3 years.

13. In June 2021 the contractor then advised that they would cease to provide hosting and maintenance services for the Commissioner's website by 30 November 2021. The contractor has subsequently agreed to extend this deadline to February 2022.

14. As a result, the current website will be unavailable after 28 February 2022.

Advice received from Scottish Government's Digital Publishing Team

15. In June 2021 the Commissioner applied to the Scottish Government's Digital Transformation Team for support to develop a new website. This application was passed to the Digital Publishing Team, who responded in August/September 2021. They were unable to support the build directly, but they did recommend that the Commissioner:

    (i)   Source an external supplier to develop a new website

    (ii)   build the new website using the Digital Scotland Design System (in order to save time and costs which would ordinarily be required to create a design framework for a new website, and to support compliance with accessibility and other standards), using a supplier with experience of this system and, also to enable the Phase 1/Phase 2 website to be moved onto a Scottish government website platform in the future if desired

    (iii) seek to secure additional business analyst and content design expertise for the project (and content design resource on an ongoing basis thereafter)

    (iv)   expand and refine existing user stories to ensure all requirements for the new website are captured, in order to identify the best supplier and ensure speedy delivery of build

    (v)   Take a phased approach to the project, with phase 1 including work to launch a 'minimum viable product' website by February 2022 at the latest, and phase 2 including wider/interactive functionality which may not otherwise be possible by that time

    (vi)   Seek to secure additional funds to resource phase 2 of the build, beyond those already committed, and recommend an additional £70,000 if possible

    (vii) Prepare for ongoing maintenance, security and content design costs to maintain the website beyond launch

    (viii) Explore use of new domain name which is search engine optimisation-friendly and more accurately describes the nature of the website, as well as using a .scot domain (while noting the implications this may have for the organisation beyond the website project alone)

Risk impact

16. 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.

17. 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 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

18. 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.

19. 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.

20. 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.

21. 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

22. 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:

(i) Data type 1: Names and email addresses of staff acting as website administrators. These will not available publicly – only accessible by the Commissioner's staff and website contractor.

(ii) 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.

(iii) 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.

(iv) 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.

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. All members of staff will be updated by email concerning the Phase 1 website project if the proposed recommendations are approved. .

32. 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

33.   I recommend that this committee report and the attached paper (see table at the start of this report) are <u>published in full.</u>