

<b>Report to:</b>	QSMTM Q2
<b>Report by:</b>	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
<b>Meeting Date:</b>	03 November 2021
<b>Subject/ Title:</b> (and VC no)	Information Requests and Requests for Review Report 2021-22 VC159057
<b>Attached Papers</b> (title and VC no)	<ul style="list-style-type: none"> <li>• Summary table</li> <li>• Exemptions and exceptions applied</li> <li>• Outcomes of requests</li> </ul>

## Purpose of report

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1. This Committee Report (CR) is required under the Key Document C1 Governance Reporting Arrangements and its purpose is to inform the Senior Management Team (SMT) about requests for information and requests for review received and dealt with in Q2 of 2021-22.

## Recommendation and actions

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2. It is recommended that:
  - (i) the SMT notes the contents of this CR
  - (ii) the SMT notes that the information in this CR has been uploaded to the FOI and EIR Statistics Portal
  - (iii) the publication arrangements set out in paragraph 35 are agreed.

## Executive summary

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### Requests for information

3. As a Scottish public authority we have statutory obligations to respond to requests for information we receive. Requests and requests for reviews are forwarded, on receipt, to the most appropriate member of staff for a response. We maintain a record of all requests in our case management system.
4. Our target response timescales are set out in the Key Document C7 Performance and Quality Framework 2021-22.

### Subject Access Requests

5. Subject access request statistics are reported separately.

### Volumes of requests

6. Any requests categorised as joint Freedom of Information (Scotland) Act 2002 (FOISA) / Environmental Information (Scotland) Regulations 2004 (EIRs) have been included in both the FOISA and the EIRs numbers. The attached summary table analyses the statistics in the same way. This reflects the requirement on the FOI and EIR statistics portal when entering our statistics and, therefore, ensures consistency of reporting.

## Amendment to Q1 figures

7. 1 case was opened in Q2 with a back dated received date of 30 June 2021. The figures for Q1 have been updated to reflect this.

## Requests for information (RFI) and requests for review (RFR) received

8. In Q2, 18 requests were received as follows:

- 16 requests under FOISA
- 0 requests under EIRs
- 2 requests for review

9. RFIs & RFRs received in comparison to last year:

	2020-21	2021-22	% increase/decrease
Number received Q1	14	16	14%
Number received Q2	24	18	25%
Number received Q3	11	-	
Number received Q4	22	-	
Total	71		

## Requests for information analysis

10. RFIs dealt with under FOISA and EIRs by quarter:

	2020-21	2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total
Total received	62	15	16			31
Total closed	64	14	18			32

11. There was 1 open case from 2020-21 which was carried forward to 2021-22 and closed in Q1.
12. There were 2 cases open at the end of Q1 2021-22 which were closed in Q2.
13. No requests for information were open at the end of Q2
14. For requests received under FOISA and EIRs, the following categories were recorded:

	2020-21		2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total	
About our functions/services	33	53%	5	10			15	48%
Application related	8	13%	3	4			7	23%
Misdirected - sent to us in error, asking for information which is likely to be held by other authorities	19	31%	7	2			9	29%
Other	2	3%	0	0			0	0%
Total	62	100%	15	16			31	100%

15. For requests closed under FOISA and EIRs, the following outcomes were recorded:

	2020-21		2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total	
Information provided in full	7	11%	1	4			5	16%
Information partially supplied	14	22%	4	4			8	25%

Information not held	28	44%	8	7			15	47%
Information refused (exempt)	5	8%	0	3			3	9%
Clarification not provided	2	3%	0	0			0	0%
Request withdrawn	5	8%	0	0			0	0%
Excessive costs	1	1%	0	0			0	0%
Vexatious	0	0%	0	0			0	0%
Repeated request	0	0%	0	0			0	0%
Neither confirm nor deny	0	0%	0	0			0	0%
Request invalid	2	3%	1	0			1	3%
<b>Total</b>	<b>64</b>	<b>100%</b>	<b>14</b>	<b>18</b>			<b>32</b>	<b>100%</b>

16. The performance against our timescale target for responding to requests for information is set out in the table below:

Description	Target	2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total
Request response: 20 working days or fewer	100%	100%	100%			100%

### Requests for review analysis

17. Breakdown of requests for review dealt with under FOISA and EIRs by quarter:

	2020-21	2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total
Total received	9	1	2			3
Total closed	7	3	1			4

18. 2 requests for reviews from 2020-21 which were carried forward to 2021-22, which is why there is a higher number of cases closed than received in Q1 of 2021-22.
19. There was open request for review at 30 September 2021.
20. The performance against our timescale target for responding to requests for review is set out in the table below:

Description	Target	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	2020-21 Total
% of review response: 20 working days or fewer	100%	100%	100%			100%

### COVID-19 pandemic

21. Our priority as an organisation has been to continue to provide key services and guidance within available resource while safeguarding the health, safety and wellbeing of our members of staff.
22. Since temporarily closing our office premises on 23 March 2020 and putting in place business continuity arrangements, we have maintained operational output within the constraints imposed by limitations on access to our office premises and office systems. This has included responding to requests for information.

23. Our interim policy and Key Document “Covid-19: How the Commissioner will respond to FOI requests during the temporary office closure due to the impact of the Covid-19 pandemic” sets out how the Commissioner aims to comply with requests under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs) during the temporary closure of the office premises due to the Covid-19 pandemic.

## **Risk impact**

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24. We have policies and procedures in place providing detailed guidance on how to respond to requests for information and requests for review. They are reviewed to ensure that they are up to date and that requests are being appropriately handled and responded to.
25. Failure to respond to information requests and reviews within the statutory timescales would have an adverse impact on the Commissioner’s reputation.
26. This CR contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance.

## **Equalities impact**

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

## **Privacy impact**

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

## **Resources impact**

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29. Responding to information requests and reviews can be demanding on staff time due to the research that may be required to identify relevant information and the deadlines for response. However, responding to such requests, within the required timescales is an important function of the Commissioner.

## **Operational/ strategic plan impact**

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30. The guidance and procedures for handling and responding to requests for information and requests for reviews aim to ensure consistency of approach across the office and improve the efficiency of the process.

## **Records management impact (including any key documents actions)**

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31. The Key Document C2 Responding to Information Requests: Guidance and Procedures is under review and the HOCS is the Responsible Manager for this document.
32. The Head of Enforcement is reviewing the administration aspects of handling RFIs, including managing and responding to requests for information and requests for reviews. The HOCS is involved in this review and, in due course, will submit a report on any changes to the procedures and the Key Document to the SMT for approval.

## **Consultation and Communication**

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33. QSMTM minute and publication of CR.

34. A report on requests for information and requests for review is included in the Annual Report.

## Publication

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35. This CR and the related papers should be published as follows:

- (i) the CR and the exemptions and exceptions applied table should be published in full;
- (ii) the summary table should be published in full in our Guide to Information/Class 7;
- (iii) the outcome of requests table contains personal data and is withheld on the basis that section 38(1)(b) of FOISA would apply if a request were, at this stage, to be made for the information.