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Improving Public Authority FOI Practice

Our strategic approach: 2020-2024

1. The Scottish Information Commissioner's Strategic Plan 2020-2024 ('the Strategic Plan') sets out a vision that:

   "The impact of freedom of information (FOI) is increased, being recognised and valued as the key enabler of openness and transparency of public functions in Scotland, enhancing people's right to access the information that matters to them".

2. To realise this vision, the Strategic Plan sets out that the Commissioner's office work toward the following strategic objectives:

   1. increase knowledge and understanding of FOI rights

   2. enable and support high standards of FOI policy and practice

   3. develop Scottish public sector culture and practice where the proactive disclosure of information is routine and valued

   4. influence and support the development and strengthening of Scottish FOI law and practice

   5. contribute to Scotland being respected as a world-leader in openness and transparency

   6. be recognised as an organisation of independent and trusted experts that is run efficiently, governed effectively and is open and transparent.

3. The Commissioner has an annual operational plan 'the operational plan', which sets out activity to be delivered relating to the above strategic objectives. The operational plan is laid out as a programme of actions listed under types of operational activity, with cross references to which strategic aim(s) it supports. The actions listed are business as usual (BAU) and one-off projects. This is a working document which forms the basis of on-going monitoring and assessment and may be updated within the financial year to which it relates. BAU will be managed and monitored in line with set targets, performance indicators, established reporting structures and approved policy. Projects will be managed according to general project management principles and practice. Achievement and output against the individual line items are regularly monitored and, also, assessed and reported in line with the organisational targets, indicators and measures.

4. This 'Improving Authority Practice – Our strategic approach: 2020-24' document further explores the approach the Commissioner's office will take in planning and delivering activity

in relation to improving authority practice, and how impact in these areas will be measured, across the lifespan of the Strategic Plan.

Our approach to improving authority practice

5. In relation to the second strategic objective, to "*enable and support high standards of FOI policy and practice"*, the Strategic Plan sets out that:

    "We will do this through a combination of proactive as well as reactive regulation, advice, assistance, training and appropriate collaboration with Scottish public authorities to help them develop and maintain improvements in FOI policy and practice. We will also use our enforcement powers where appropriate both in individual applications and in our proactive interventions".

6. In relation to the third strategic objective, to "*develop Scottish public sector culture and practice where the proactive disclosure of information is routine and valued"*, the Strategic Plan sets out that:

    "Through our training, engagement, collaboration and regulation work, we will help develop public authority FOI practice and culture, with an increased focus on proactive publication of information, allowing public authorities to both recognise and then capitalise on the benefits of FOI, and the transparency and openness it enables. Through our direct engagement as regulators, and our wider work with initiatives such as the OGP[1], we will show the benefits to authorities of viewing their FOI outputs as a core function, rather than an additional burden. In doing so, we will highlight openness and transparency as core values in the National Performance Framework[2], and show how, by enabling them, FOI permeates through and actively contributes to the public authorities' meeting of the National Outcomes"[3].

7. Across 2020 – 2024 our operational planning and delivery in relation to the above areas will focus on the following themes and priorities:

    (i)   **Promoting** the value of FOI to Scottish public authorities, highlighting the organisational and societal benefits of good FOI practice, and the risks associated with poor practice.

    (ii) **Monitoring and assessing** the FOI practice and performance of Scottish public authorities to inform our own activity, priorities and actions.

    (iii) **Supporting** public authorities to develop and improve FOI practice and performance, either proactively through the provision of training, resources, guidance and events, or reactively through specific, targeted regulatory activity.

    (iv) **Enabling** public authorities to initiate their own FOI improvement by creating and facilitating opportunities which support this, including peer-to-peer networking.

    (v)   **Collaborating** with stakeholders and partner organisations in appropriate initiatives which support improvements in FOI practice and performance.

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[1] Open Government Partnership
[2] https://nationalperformance.gov.scot/
[3] https://nationalperformance.gov.scot/national-outcomes

(vi)   **Engaging** actively and openly with public authority stakeholders through a range of appropriate channels, exploring innovative routes to enhance engagement, where appropriate.

Our methods

8.   Our methods in delivering this work will include:

(i)   Creating opportunities to lead and shape the FOI narrative in Scotland, communicating the value of FOI, the societal benefits which arise from it, and the role that openness, transparency and accountability play in strengthening public trust in institutions.

(ii)   Encouraging authorities to view FOI as an essential core function, recognising the relationship between FOI and other key organisational priorities; including good governance, stakeholder relations, customer service, co-production, open government and public trust.

(iii)   Reinforcing that effective proactive publication is a fundamental element of good FOI practice, and highlighting the benefits that the timely, accessible publication of information in the public interest can bring.

(iv)   Developing and delivering targeted and appropriate messaging for staff across organisations, with a particular focus on those with day-to-day responsibility for FOI compliance and senior managers responsible for organisational culture and practice.

(v)   Highlighting examples of public authority good practice in FOI, and creating opportunities for relevant experiences to be promoted, shared and learned from.

(vi)   Encouraging and supporting peer-to-peer networking to facilitate the sharing of best practice and stimulate opportunities for peer support.

(vii)   Collecting, monitoring and assessing data on Scottish public authority FOI practice and performance from a range of relevant sources, including quarterly statistical returns and ad-hoc surveys.

(viii) Undertaking informed, proportionate and targeted regulatory activity, through both the investigation of individual applications and the use of interventions to improve specific elements of practice and performance.

(ix)   Developing and improving the Commissioner's guidance, training and resources, to ensure they are accessible, engaging, user-friendly, fit-for-purpose and informed by best practice.

(x)   Maintaining and developing communication channels to enable support to be promoted through a range of accessible routes.

(xi)   Engaging positively and collaboratively with opportunities to improve FOI law, policy and guidance, providing informed, targeted and evidenced-based opinion and advice.

(xii)   Collaborating with partners, including sectoral / representative organisations, to share experience, build networks and co-produce solutions, maximising the impact and effectiveness of our activity.

How we will measure activity and impact in this area

9. The impact we seek to make from our activity to improve authority practice includes:

   (i) Improved compliance with FOI timescales

   (ii) Fewer technical breaches of FOI law

   (iii) Enhanced proactive publication by authorities, which is informed by the needs of service-users

   (iv) An FOI practitioner community which is confident, empowered and knows where to go for advice and support.

10. We will measure progress in relation to activity and impact through:

    (i) Data from quarterly statistical returns, and the Commissioner's interventions and appeals

    (ii) Periodic ad-hoc survey and monitoring activity, including surveys of FOI practitioner attitudes and experiences and monitoring of compliance with the FOI duty to publish

    (iii) Engagement and interaction with the Commissioner's online resources, communications and guidance, participation in events and forums;

    (iv) Periodic evaluations of resources, events and forums

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