

Report to:	QSMTM Q3 2021-22
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	3 February 2022
Subject/ Title: (and VC no)	Scottish Information Commissioner's Publication Scheme Assurance Report 2021-22 VC164273
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of this Committee Report (CR) is to provide assurance that the Scottish Information Commissioner (the Commissioner) is publishing and making accessible as much information as possible, as required by law, in line with the Commissioner's policy and as required by the governance reporting arrangements.

Recommendation and actions

2. I recommend
 - (i) the Senior Management Team (SMT) notes the report
 - (ii) the Commissioner notes the assurance provided in paragraph 19
 - (iii) this report is published in accordance with paragraph 28

Executive summary

3. The Commissioner has adopted the Model Publication Scheme (MPS) (which was updated and re-published in April 2021) in its entirety and the Key Document C5 Publication Scheme Handbook sets out:
 - the Commissioner's policy on compliance with the publication duties in the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs)
 - the procedures for publication and maintenance of the Guide to information (GTI).
4. The HOCS has lead responsibility for the publication and maintenance of the Commissioner's Publication Scheme and the GTI and ensuring that the Commissioner's GTI complies with updates of the MPS.
5. The Commissioner's GTI
 - Is published on the Commissioner's website in the About Us section
 - allows anyone to see what information is available (and what is not available) in relation to each class
 - states what charges may be applied
 - explains how to find the information easily

- provides contact details for enquiries and to get help with accessing the information
 - explains how to request information that has not been published
 - is regularly and routinely updated
6. There were no further updates required to be made to the Commissioner's GTI following the update of the MPS in April 2021.
 7. Key Documents are reviewed, as far as possible, in line with the approved review dates and the SMT consider the list of reviews that are outstanding, due and not completed every 2 months.
 8. In the GTI, Class 3 (How we take decisions and what we have decided), we publish agenda, Committee Reports (and related papers) and minutes of the SMT meetings where we do not need to withhold information on the basis of the relevant exemptions either in the Freedom of Information (Scotland) Act 2002 or in the Environmental Information (Scotland) Regulations 2004.
 9. The Committee Report (CR) template includes a publication section and a recommendation on publication is being used for all committee reports. This means that decisions about whether to publish information related to matters considered at meetings of the SMT are taken at the point of making the decision and not after the decision.

Governance Reporting Arrangements

10. The Key Document C1 Governance Reporting Arrangements (GRA) requires the HOCS to provide assurance that the Commissioner is publishing and making accessible as much information as possible, in line with the Commissioner's published good practice.

COVID-19 pandemic

11. 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.
12. Since closing our office premises on 23 March 2020 and putting in place our business continuity arrangements, we have worked to maintain operational output and this has included publishing as much information as possible in line with the Commissioner's policy, GTI and governance reporting arrangements.

Website accessibility

13. The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 ('the Regulations') set out requirements regarding website accessibility and these Regulations build on existing obligations under the Equality Act 2010, which state that all UK service providers must consider "reasonable adjustments" for disabled people. This can include making reasonable adjustments in respect of users of a website who may have impaired vision, motor difficulties, cognitive impairments or learning disabilities and deafness or impaired hearing. The Regulations provide that all public sector bodies must publish an Accessibility Statement that explains how accessible their website is.
14. Whilst some improvements have been made to the Commissioner's website, some parts of it are not fully accessible and this is explained in the Accessibility Statement.

15. There are over 5,000 PDFs on the website, covering a range of topics and types of information and many of which are published under the GTI - historically PDFs are the main tool which has been used to create and share our published documents and information. Making the information in these documents more accessible is likely to have benefits for some disabled people using the website. However, our published documents and information can be made available by other means, wherever possible.
16. As regards the documents and information in our GTI which have been published in a PDF format, it is noted that:
 - the website layout is not responsive, for example, to high zoom, larger spacing or mobile device screens, and, therefore, some content can be lost or can become obscured
 - documents and information in a PDF format may not be accessible to screen reader users - any document or information published in a PDF created after 23 September 2018 is not exempt from the Regulations
 - the website can be difficult to navigate using a keyboard as there is no visual focus indicator
 - some older content including decisions can be difficult to navigate for screen reader users due to incorrect heading structures
17. The Accessibility Statement (updated in December 2021) explains that addressing the issue of documents and information produced in a PDF format after 2018 would be a disproportionate burden within the meaning of the Regulations. Changing business processes relating to the publication of documents and information in a PDF format on the website would involve a significant amount of work and process change requirements. Any changes that are made would also need to be considered in the light of our records management processes. Work on establishing how our processes can change in future is taking place and, in due course, we will make another assessment when this is complete but this is not likely to be before March 2022. We will continue to ensure published documents and information are available by other means wherever possible.

Website project

18. The Commissioner has procured a website services agency to deliver a minimum viable Phase 1 New Website to launch by end March 2022. One of the aims of the project is to enable publication of the Publication Scheme and the Guide to Information on the new website. I will be working closely with the HOPI to ensure that this happens.

Assurance

19. I am able to provide the following assurance:
 - we are publishing and making accessible as much information as possible in line with our published policies and procedures
 - the GTI has been reviewed to ensure that the information we are publishing is up to date and that we are publishing as much information as possible
 - the GRA requirements regarding assurance are met by way of this CR
 - the related objective in the Operational Plan 2021-22 to “Maintain a compliant publication scheme and guide to information” has been achieved.

Risk impact

20. This annual review and assurance report is one of the controls in place to ensure that the impact of the operational risk relating to the failure to monitor and review our publication scheme is mitigated.

Equalities impact

21. There is no direct equalities impact arising from this review.

Privacy impact

22. There is no privacy impact arising from this review.

Resources impact

23. There is no resource impact arising from this review.
24. However, it should be noted that there has been an impact on work of the CST as a result of resource required to publish the agenda, CRs (and related papers) and minutes of the SMT referred to in paragraph (5) above. This impact will continue to be monitored.

Operational/ strategic plan impact

25. None arising from this report.

Records management impact (including any key documents actions)

26. None arising from this report.

Consultation and Communication

27. QSMTM minute.

Publication

28. This report should be published in full.