

**Scottish Information Commissioner**  
**Minutes of the Monthly Senior Management Team Meeting**  
**12 July 2023 – by video conference**

**NOTE TO READER:**

The Scottish Information Commissioner publishes the minutes of Senior Management Team (SMT) meetings and the papers considered at the monthly and quarterly meetings, unless he considers, at the time of publication, that the minutes and/or papers are exempt from disclosure under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004 (FOI law). Where minutes or documents are not published, the minutes will make it clear why not.

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Fax: 01334 464611

[enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Present: Scottish Information Commissioner - Daren Fitzhenry (DF) (Chair)  
 Head of Corporate Services - Helen Gardner-Swift (HGS)  
 Head of Enforcement - Margaret Keyse (MK)  
 Head of Policy and Information – Claire Stephen (CMS)  
 Finance and Administration Manager - Kim Berry (KB) (Minutes)

Apologies: Finance and Administration Manager – Liz Brown (LB)

Details	Action By	Target Completion Date	Publish Yes / No	Comments
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**1. Minutes, action points update and matters outstanding**

<p><b>1.1 Review of minutes – MSMTM, 02/06/23</b></p> <ul style="list-style-type: none"> <li>The minutes were approved and will be published with the relevant papers</li> </ul> <p><b>1.2 Action points update</b></p> <ul style="list-style-type: none"> <li>No action points outstanding</li> </ul> <p><b>1.3 Matters outstanding</b></p> <ul style="list-style-type: none"> <li>Item 10 – MK to review the EIRs guidance on 10(4)(b)</li> </ul>			Yes	
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**2. Key Documents**

<ul style="list-style-type: none"> <li>Updates were provided by each Head of Department on the progress being made with the reviews</li> <li>It was agreed that the following changes should be made to the Key Document Register:</li> </ul>			Partial	Report published with the exception of comments column – Exemptions s30(b)(ii) and
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<ul style="list-style-type: none"> <li>○ Critical Incident Arrangements (line 44) – to be discontinued</li> <li>○ Performance and Quality Framework 2022-23 (lines 86 &amp; 87) – duplicate entry on key document list to be removed</li> <li>○ Who is covered by FOI legislation in Scotland? (line 80) – is now obsolete and to be discontinued</li> <li>○ FOI Guides in foreign languages (lines 65 to 75) – documents do not contain a DCS and the following changes to be made in the Key Document Register for all the FOI guides: <ul style="list-style-type: none"> <li>▪ change review date to April 2025</li> <li>▪ change review frequency to 3 years</li> </ul> </li> <li>○ Lines 45, 50, 52 and 53 – dates on the key document list do not agree to document dates – dates to be checked and Key Document Register updated</li> <li>○ Enforcement Policy (line 56) – change review date to March 2025</li> <li>○ Visual Identity <ul style="list-style-type: none"> <li>▪ Consider the two documents on the list</li> <li>▪ update CMS on current position.</li> <li>▪ next review date should be October 2026.</li> </ul> </li> <li>○ VI Formatting Quick Guide – to be discontinued</li> <li>● The SMT agreed that the report is published with the exception of the column containing comments</li> </ul>	KB	28/07/23		s38(1)(b)
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### 3. Operational Plan 2023-24 Monitoring Report

<ul style="list-style-type: none"> <li>● The SMT reviewed the Operational Plan 2023-24 Monitoring Report and agreed it could be published</li> </ul>			Yes	Report published in full – available <a href="#">here</a>
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### 4. Operational Risk Register 2023-24

<ul style="list-style-type: none"> <li>● The SMT reviewed the Operational Risk Register 2023-24 (ORR) and updates were discussed and noted</li> <li>● HGS will update the ORR following the meeting</li> </ul>	HGS	09/08/23	No	ORR withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
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## 5. Governance Reporting – assurance report

<ul style="list-style-type: none"> <li>• The SMT noted the following: <ul style="list-style-type: none"> <li>○ the CR</li> <li>○ of the 42 reporting measures set out in the Governance Reporting Arrangements (GRA), 40 were achieved in full, one was partially met and one was no longer required</li> <li>○ the assurance provided by the HOCS that, taking account of the number of measures that have been met and the reasons for the one reporting measure that has been partially met or the one reporting measure that is no longer required, the GRA have been complied with in 2022-23</li> </ul> </li> <li>• The SMT: <ul style="list-style-type: none"> <li>○ approved the GRA 2023-24</li> <li>○ agreed the publication recommendations for the CR and the GRA 2023-24 as set out in paragraph 18</li> </ul> </li> </ul>			Partial	<p>CR published in full</p> <p>GRA 2023-24 withheld – Exemption s27</p>
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## 6. Medium Term Financial Plan (MTFP)

<ul style="list-style-type: none"> <li>• The SMT: <ul style="list-style-type: none"> <li>○ discussed the CR and noted two minor amendments to paragraph 14 and 24</li> <li>○ noted the reasons for not recommending the implementation of a MTFP</li> <li>○ agreed that a MTFP should not be put in place</li> </ul> </li> <li>• The SMT agreed the publication of the CR as set out in paragraph 36</li> </ul>			Yes	<p>CR published in full</p>
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## 7. Draft Annual Report and Accounts 2022-23 – Performance Report

<ul style="list-style-type: none"> <li>• The SMT reviewed the Draft Annual Report and Accounts 2022-23 (ARA) – Performance Report and: <ul style="list-style-type: none"> <li>○ discussed and agreed all outstanding comments</li> <li>○ KB to check financial performance figures on page 9 and carbon footprint figures and graph on pages 47 and 48</li> <li>○ the title for performance report to be agreed by DF by email following further discussions with Policy and Information Team</li> </ul> </li> <li>• The SMT approved the Performance Report subject to a title being agreed</li> </ul>	<p>KB</p> <p>CMS/PandI</p>	<p>12/07/23</p> <p>13/07/23</p>	Partial	<p>CR published in full</p> <p>ARA Performance Report withheld – Exemption 30(b)(i) and (ii)</p>
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<ul style="list-style-type: none"> <li>The SMT agreed the publication arrangements as set out in paragraph 20</li> </ul>				
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**8. AOB**

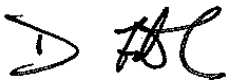
<ul style="list-style-type: none"> <li>None</li> </ul>				
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**Additional decision making (DF and CMS)**

Head of Enforcement – Recruitment

<p>On 26 July 2023, the SMT considered a CR relating to the recruitment of a Head of Enforcement.</p> <p>The SMT approved:</p> <ul style="list-style-type: none"> <li>the business case for a full-time, permanent HOE</li> <li>that the HOCS/CST should prepare a recruitment action as soon as is practicable.</li> </ul> <p>The SMT agreed that the CR is not published as set out in paragraph 19.</p>			No	<p>CR withheld</p> <p>Exemption 30(b)(ii) and 38(1)(b)</p>
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**Signed off by:**



**Date:** 24/08/23