

Report to:	QSMTM Q2 2023-24
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
Meeting Date:	09 November 2023
Subject/ Title: (and VC no)	Information Requests and Requests for Review Report Q2 2023-24 VC196948
Attached Papers (title and VC no)	<ul style="list-style-type: none"> • Summary table • Exemptions and exceptions applied • Outcomes of requests

Purpose of report

1. This Committee Report (CR) is required under the Key Document C1 Governance Reporting Arrangements and its purpose is to inform and provide the Senior Management Team (SMT) with an analysis of the numbers of requests for information and requests for review received and dealt with in 2023-24 Q2.

Recommendation and actions

2. It is recommended that the SMT:
 - (i) notes the contents of this CR
 - (ii) notes that the information in this CR has been uploaded to the FOI and EIR statistics platform
 - (iii) agrees the publication arrangements set out in paragraph 29.

Executive summary

Requests for information

3. As a Scottish public authority, we have statutory obligations to respond to requests we receive for information. Requests and request 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 2023-24.

Subject Access Requests

5. Subject access request statistics are reported separately.

Volumes of requests

6. Any requests categorised as joint FOISA/EIRs have been included in both the FOISA and the EIR numbers. The attached summary table analyses the statistics in the same way. This reflects the requirement on the FOI and EIR statistics platform when entering our statistics and, therefore, ensures consistency of reporting.

Requests for Information and Requests for Review received

7. In Q2, 37 requests were received as follows:

- 34 requests under FOISA
- 1 request under EIRs
- 2 requests for review

8. The numbers of RFIs and RFRs received to date in 2023-24 in comparison to 2022-23 are set out in the table below:

	2022-23	2023-24	% increase/decrease
Number received Q1	21	24	14%
Number received Q2	6	37	517%
Number received Q3	9	-	-
Number received Q4	13	-	-
Total	49	61	

Requests for information analysis

9. The number of requests dealt with under FOISA and EIRs in each quarter are set out in the table below:

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	49	21	35			56
Total closed	49	18	34			52

10. The following should be noted:

- 1 open case from 2022-23 was carried forward and closed in Q1 2023-24
- There were 5 open cases at the end of Q2 2023-24
- There was an increase in requests for information in Q2 2023-24, as compared to the previous year. However, the number of RFIs received in Q2 2022-23 was lower than would be normally expected.
- 10 requests were made by 3 requesters.

11. For requests received under FOISA and EIRs, the following categories were recorded:

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	
About our functions/services	12	24%	3	10			13	23%
Application related	11	23%	4	7			11	20%
Misdirected - sent to us in error, asking for information which is likely to be held by other authorities	25	51%	11	13			24	43%
Other	1	2%	3	5			8	14%
Total	49	100%	21	35			56	100%

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

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	
Information provided in full	4	8%	1	6			7	13%
Information partially supplied	8	16%	2	4			6	12%
Information not held	30	61%	15	18			33	63%
Information refused (exempt)	3	6%	0	2			2	4%
Clarification not provided	1	2%	0	0			0	0%
Request withdrawn	2	4%	0	0			0	0%
Excessive costs	0	0%	0	1			1	2%
Vexatious	1	2%	0	1			1	2%
Repeated request	0	0%	0	2			2	4%
Neither confirm nor deny	0	0%	0	0			0	0%
Request invalid	0	0%	0	0			0	0%
Total	49	100%	18	34			52	100%

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

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Request response: 20 working days or fewer	100%	100%	100%			100%

Requests for review analysis

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

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	0	3	2			5
Total closed	0	3	1			4

15. There were no requests for review carried forward from 2022-23.

16. One request for review received in Q2 of 2023-24 was open at the end of Q2.

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

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Review response: 20 working days or fewer	100%	100%	100%			100%

Risk impact

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

Equalities impact

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

Privacy impact

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

Resources impact

23. 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

24. 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)

25. The Key Document - C2 Responding to Information Requests: Internal guidance and procedures for staff - has been reviewed and was approved by SMT on the 24 August 2023.
26. Changes in the procedures were explained to staff at our all staff meeting on 29 August 2023.

Consultation and Communication

27. QSMTM Q2 minute and publication of CR.
28. A report on requests for information and requests for review is included in the Annual Report.

Publication

29. This CR and the related papers should be published as follows:
 - the CR and the exemptions and exceptions applied table should be published in full with the QSMTM papers

- the summary table should be published in full in our Guide to Information/Class 7
- the outcome of requests table contains personal data should be 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.