

# Biodiversity Duty Report

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**2018 - 2020**

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Scottish Information  
Commissioner

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## Section 1 – Introduction

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1. Under the Nature Conservation (Scotland) Act 2004 (NCS Act), public bodies in Scotland have a duty to further the conservation of biodiversity. This biodiversity duty is about taking care of nature all around us, not just in specific protected sites and for particular species.
2. As outlined in the Wildlife and Natural Environment (Scotland) Act 2011 (commonly known as the WANE Act), every public body in Scotland is required to produce a publicly available report, on compliance with the Biodiversity Duty. This must be completed once every three years.
3. As an organisation, we strive, where we can, to minimise impact on the environment and to make sustainable choices.
4. As with most public bodies, 2020 has been a year of change and adaptation so activities over this period reflect the different ways of working.
5. The Scottish Information Commissioner (the Commissioner) is the independent public official responsible for promoting and enforcing Scotland's freedom of information (FOI) law, i.e. the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (the EIRs).
6. The Commissioner is appointed by Her Majesty the Queen, on the nomination of the Scottish Parliament, and serves for a fixed term of six years. The Scottish Parliament meets the Commissioner's salary and provides funding for the Commissioner's office.
7. The Commissioner is supported by a small team and the office premises are based in St Andrews, Fife
8. Our main functions are:
  - investigating FOI appeals
  - promoting the public's right to know
  - promoting good FOI practice to public authorities
  - intervening when public authority practice is not compliant with FOI law.
9. The Commissioner and the Senior Management Team (SMT) are committed to improving efficiency in how we function as an organisation and in how the office is managed. This commitment extends to furthering the conservation of biodiversity in identifying and taking action where possible. The biodiversity duty is about connecting people with the environment and managing biodiversity in the wider environment all around us.
10. We published our first report on our website in 2018 which covered activities carried out in 2015 – 2017.
11. This report covers activities carried out in 2018 - 2020.

## Section 2 – Actions to protect biodiversity and connect people with nature

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12. The main functions of the Commissioner's office in 2018, 2019 and the beginning of 2020 were carried out from a single location in St Andrews. Since the onset of the COVID-19 pandemic, the resulting impact and the restrictions this brought to non-essential offices, all staff have been working remotely.
13. Office based activities include:
  - staff growing tomatoes in our small back garden
  - wild flowers taken from staff members gardens and planted in our small side garden, attracting bees and butterflies
  - other wild flower seeds planted
  - herb garden maintained and additional herbs planted. These are cut and used by staff and also attract bees and butterflies
  - bird feeder purchased which is visited and used by a number of small garden birds
  - energy use monitored carefully and radiators controlled by thermostats
  - staff who live locally cycle or walk to work when possible
  - 2 members of staff car share (not whilst COVID-19 restrictions in place)
  - sharing news of local recycling initiatives, for example - a project in St Andrews using recycled Christmas trees to stave off coastal erosion.
14. We also:
  - reduced our carbon footprint in 2019-20. This resulted mainly from travel changes - there have been fewer long-haul flights, a 7.8% decrease in miles travelled by car and an 11.7% decrease in miles travelled by train. We envisage that travel restrictions brought about by COVID-19 during 2020 will reduce our carbon footprint again. The relevant statistics will be produced in 2021 and will be incorporated into our Annual Report 202-21
  - encouraged staff to use public transport (before COVID-19 restrictions)
  - used telephone conferencing in addition to face to face meetings
  - selected the most environmentally friendly products for cleaning where possible
  - continued to recycle as much as possible, including recycling used toner cartridges and all packaging and recycling food waste, cardboard, tins and glass
  - donated 11 office chairs, that were replaced, to a charity
  - wiped data from pcs that are no longer in use and then the hard drives are shredded and all components recycled where possible
  - ensured our office paper is responsibly sourced and printers are set to print double sided

- continued to operate a switch off policy for all electronic equipment which encourages staff to switch off monitors and other electrical equipment when not in use
  - ensured our staff coffee fund purchases fair trade tea and coffee.
15. Since the need for remote working in March 2020, there have been a few additional positive environmental outcomes:
- reduced commuting resulting in petrol/diesel consumption and emissions being reduced
  - printing has almost been reduced to zero with the result that paper use has reduced. This also means less paper needs to be recycled
  - heating maintained at off / low over the summer and autumn period
  - staff have started feeding the birds in their own gardens
  - new ways of working have been established which help to reduce our carbon footprint
  - remote meeting software – this has reduced the need for essential person to person meetings. It is likely that this way of working will continue to be used as much as possible after the COVID-19 restrictions are lifted
  - meeting papers are distributed electronically rather than printed (one team had already implemented this way of working before March 2020)
  - casework is dealt with and managed electronically, printing of case papers has significantly reduced and paper copies are only used/provided where essential.

### **Section 3 – Mainstreaming biodiversity**

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16. We have sought to incorporate biodiversity measures into its wider policies, plans or strategies that we have in place.
17. Our strategic plan states that:
- “We will lead by example in the open and transparent delivery of our statutory functions and will be an efficiently run and effectively governed public sector body, keeping pace with recognised standards and requirements.”
18. Our Environmental Policy, which is under review has an aim which is directly linked to operating in a manner that supports and encourages biodiversity and sets out a list of objectives to help us fulfil this aim.
- “Our aim is continually to improve our environmental performance and to protect the environment by reducing pollution and resource consumption and to operate in a manner that supports and encourages the natural diversity of plant and animal life.”
19. The Environmental Policy also sets out a list of objectives to help us fulfil the above aim which state that we will:
- minimise carbon dioxide and other greenhouse gas emissions which result from energy use, through in-house energy efficiency and the use of renewable energy where possible
  - reduce the consumption of resources, in particular office consumables and packaging

- minimise waste production by identifying ways to reduce, reuse and recycle materials
- purchase in an environmentally responsible manner
- reduce the impact of travel and transport to and from her office, by encouraging the use of more sustainable transport and reducing the need to travel where appropriate
- support and encourage a natural diversity of plant and animal life within its grounds and premises
- reduce its impact on local, national and global plant and animal life
- seek to positively influence those who use and visit the building through communication and by demonstrating good environmental practice
- identify and comply with legal and other requirements that relate to the environment
- promote best practice
- develop and implement management systems that will allow us to continually monitor and improve our performance with respect to the stated aims of this policy

20. When working with others:

- when procuring contracts for services and supplies, we always make reference to the importance we place on sustainability
- we try to use local suppliers where possible in order to actively lower our carbon footprint
- we consider suppliers' accreditations:
- our stationery supplier is ISO 9001: 2015 and ISO 14001: 2015 accredited and we minimise deliveries by carefully monitoring stock and buying in bulk where appropriate.
- our PC recycling company is ISO 9001:2015, ISO 14001:2015 & ISO 27001:2013 accredited

21. The Commissioner is a member of the Advisory Board for a research project at the University of Dundee on access to environmental information and the link between this right and the other pillars of the Aarhus Convention although the Board has not met since the start of the COVID-19 pandemic.

22. We have published and promoted detailed guidance about the EIRs, which include specific provisions about publication of information about biodiversity

23. We have promoted the importance of applying the EIRs when responding to environmental information throughout our enforcement work, particularly stressing the relationship between access to information and the Aarhus Convention. The outcome of a request may be quite different for the applicant, depending on whether the FOISA or EIRs route is followed (see seminal decision 182/2006).<sup>1</sup>

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<sup>1</sup> [Mr Bruce Sandison and the Fisheries Research Services www.itspublicknowledge.info / Decisions](http://www.itspublicknowledge.info/Decisions)

## **Section 4 – Nature-Based Solutions, Climate Change and Biodiversity**

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24. We are a small organisation and are limited in what we can do to integrate biodiversity into nature-based solutions. We look for ways to simultaneously benefit the environment and improve staff health and wellbeing, such as encouraging the greater use of green spaces near to the office and promotion of our Health Living Initiative
25. We have actively encouraged wildlife into the office garden by introducing a bird feeder and having a variety of different plants to encourage bees to visit and pollinate the local area
26. Since the office premises have been temporarily closed in 2020-2021 due to the COVID-19 pandemic there has also been less footfall and vehicle engines disturbing wildlife in the office grounds
27. All papers are destroyed securely by our shredding contractor and the contractor we use ensures that 100% of the paper which is shredded is recycled - this processed material is then turned into various different materials such as office paper, tissue paper and toilet paper.
28. Ecological cleaning products are used throughout the office and, where possible, purchased in bulk
29. Re-usable spray bottles have been purchased to reduce plastic waste and we use a local supplier to help reduce our carbon footprint.

## **Section 5 – Workforce Development**

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30. All staff have been encouraged to use public transport for work travel.
31. All staff have been made aware of our policies on recycling and the use of re-cycled products.
32. Using flexible working arrangements, a member of staff has been able to complete a horticulture course at Elmwood College which included a number of modules relating to biodiversity conservation including botany, plant nutrition plant production from seed, protected crop production, pot plants, plant husbandry and vegetative propagation.
33. A table and chairs were purchased and placed in the garden beside the kitchen garden and staff are encouraged to use the herbs which are grown in the garden at home which helps to cut down on shop packaged herbs and to reduce waste and carbon emissions. These actions help to highlight the importance of biodiversity and provides practical examples of the benefits of growing vegetables and herbs.
34. Prior to the temporary closure of our office premises due to the impact of the COVID-19 pandemic, there was a lunchtime walking club which organised walks to visit the local footpaths surrounding the town which took in greenspaces, water ways and passed former mills, the participants looked out for wildlife, including red squirrels and the resident ducks. These outdoor activities help to promote biodiversity conversations and, in turn, biodiversity conservation.
35. Whilst the office premises have been temporarily closed, staff have been provided with wellbeing guidance and this has included guidance on how to stay connected with people and nature. For example, being active outside and listening to nature.

## Section 6 – Research and Monitoring

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36. In the last three years:

- we have continued to monitor our carbon footprint with the aim of reducing it year on year
- we have continued to report on sustainability

## Section 7 – Biodiversity highlights and challenges

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37. Our key achievements may not be substantial when compared to a larger organisation but we have:

- taken actions to improve biodiversity as much as possible and these actions have increased since the Biodiversity Report 2015-17
- sought to meet our strategic aim of being an efficiently run and effectively governed public sector body, keeping pace with recognised standards and requirements
- increased our biodiversity actions

38. We have some challenges to being able to do more for biodiversity which include:

- the size of the organisation, resource pressures and space pressures
- seeking to prevent the loss of habitats and species

39. Our highlights are:

- we do not own a large area of land but the work we have done in our small garden at the side and back of the office premises has encouraged more wildlife into this area and has also provided a greener, more peaceful and relaxing place for staff to sit when not working
- we have continued to reduce emissions and have been under the threshold for the past 6 years - our 19-20 statement on sustainable growth can be found [here](#)
- remote working in 2020 has also made us think more about, and implement, alternative solutions to the way we work – especially in connection with travel, paper files and printing and this work will continue when we are able to re-open the office premises
- staff are always willing to be involved in new initiatives

40. We will continue to improve biodiversity through the processes we follow and develop and the actions we take over the next three years.



## Document control sheet

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