

Scottish Information Commissioner
Minutes of the Quarterly Senior Management Team Meeting
25 August 2022 – by MS Teams

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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Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS

Tel: 01334 464610

Fax: 01334 464611

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)
 Acting Head of Policy & Information – Claire Stephen (CMS)
 Finance and Administration Manager – Liz Brown (LB) (Minutes)

Apologies: Finance and Administration Manager - Kim Berry (KB)

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

<p>1.1 Review of minutes – 14/07/2022</p> <ul style="list-style-type: none"> • The minutes were approved and will be published with the relevant papers <p>1.2 Action points update</p> <ul style="list-style-type: none"> • No action points outstanding <p>1.3 Matters outstanding</p> <ul style="list-style-type: none"> • No matters outstanding 			Yes	Minutes published in full
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2. Finance Report

<ul style="list-style-type: none"> • The Committee Report (CR) and the Finance Summary provides the SMT with an update on the organisation spend against the agreed 2022-23 budget as at 30 June 2022 • The SMT noted the following: <ul style="list-style-type: none"> ○ The overspend which arose due to recruitment costs - there is no allocated/approved budget for recruitment costs and costs have been 			Yes	CR published in full Finance Summary – Variance Analysis available here
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<p>incurred relating to the current recruitment of staff. The overall expenditure for this financial year may also increase due to future recruitment. This expenditure will be monitored by the FAM and the HOCS</p> <ul style="list-style-type: none"> ○ The increase in energy costs HGS and the FAM have raised this matter with the SPCB ○ the CR ○ that there have been no incidences of fraud <ul style="list-style-type: none"> ● The SMT agreed the publication recommendations 				
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3. Health and Safety

<ul style="list-style-type: none"> ● The SMT noted: <ul style="list-style-type: none"> ○ the CR ○ that essential work still needs to be carried out in the office premises every week even if there are no staff working in the office premises ○ the assurance provided by the HOCS that the Commissioner is meeting his statutory obligations in respect of employee health and safety, wellbeing and related training (where required) ● The SMT agreed the publication recommendations 			No	Committee Report withheld Exemptions s30(b)(ii) and s39(1)
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4. Information Requests and Reviews

<ul style="list-style-type: none"> ● The SMT noted: <ul style="list-style-type: none"> ○ the CR ○ that the information in the CR has been uploaded to the FOI and EIR Statistics Platform ● The SMT agreed: <ul style="list-style-type: none"> ○ that the key document - How the Commissioner will respond to FOI requests during the temporary office closure due to the impact of the Covid-19 pandemic - should be discontinued ○ the relevant key document actions ○ the publication recommendations 	HGS	16/09/22	Partial	CR and exemptions/ exceptions table published in full Summary table published here (Class 7) Outcome of requests table not published – Exemption s38(1)(b)
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5. Subject Access Requests

<ul style="list-style-type: none"> ● The SMT noted: <ul style="list-style-type: none"> ○ the CR 			Partial	CR published in full
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<ul style="list-style-type: none"> ○ that the information regarding the number of subject access requests received has been uploaded to the FOI and EIR Statistics Platform ● The SMT agreed the publication recommendations 				<p>Summary table published here (Class 7)</p> <p>Outcome of requests table not published – Exemption s38(1)(b)</p>
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6. Investigations Performance

<ul style="list-style-type: none"> ● The SMT noted: <ul style="list-style-type: none"> ○ the CR ● MK noted that a lot of work has been carried out to streamline the Investigation procedures and training for the Enforcement team will take place in August to explain the changes ● The SMT agreed the publication recommendation 			Yes	CR published in full
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7. Operational Plan Monitoring Report

<ul style="list-style-type: none"> ● The SMT reviewed the Operational Plan 2022-23 Monitoring Report and agreed it could be published once two small updates are made ● LB will update the report 	LB	25/08/22	Yes	Report published in full – available here
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8. UK GDPR Report

<ul style="list-style-type: none"> ● The SMT noted: <ul style="list-style-type: none"> ○ the CR and the update for 2022-23 Q1 ○ that an amendment was required to paragraph2(ii) ● Subject to the above amendment, the SMT agreed the publication recommendation 			Yes	CR published in full
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9. Interventions Report

<ul style="list-style-type: none"> ● Deferred to the next MSMTM ● HGS will look at the timings of these reports in the Governance Reporting Arrangements and discuss any proposed changes with CMS 	HGS	16/09/2022	N/A	N/A
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10. Operational Risk Register 2022-23

<ul style="list-style-type: none"> ● The SMT reviewed the Operational Risk Register 2022-23 and updates were discussed and noted ● HGS will update the register 	HGS	23/09/2022	No	Operational Risk Register withheld – Exemptions
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				s30(b)(ii), s30(c) and s39(1)
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11. Strategic Risk Register 2022-23

<ul style="list-style-type: none"> The SMT reviewed the Strategic Risk Register 2022-23 and updates were discussed and noted DF will provide Q1 commentary and HGS will update the register 	DF/HGS	23/09/2022	No	Strategic Risk Register withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
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12. Learning & Development Plan

<ul style="list-style-type: none"> Deferred to a MSMTM 			N/A	N/A
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13. Performance & Development Framework

<ul style="list-style-type: none"> Deferred to a MSMTM 			N/A	N/A
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14. Draft Annual Report and Accounts (ARA)

<ul style="list-style-type: none"> Deferred to a MSMTM 			N/A	N/A
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15. Review of Key Document: vexatious and repeated requests

<ul style="list-style-type: none"> The SMT considered a CR circulated by email by MK on 12/08/22 relating to the review the following key document: <ul style="list-style-type: none"> C2 FOISA Guidance: Vexatious or repeated requests The SMT approved the revised document and agreed the publication recommendations via email on the 17/08/22 			Yes	CR published in full Key document withheld - Exemption s27(1)
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16. Review of Key Documents – guides to investigations

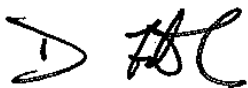
<ul style="list-style-type: none"> The SMT considered a CR circulated by email by MK on 12/08/22 relating to the review of the following key documents: <ul style="list-style-type: none"> C2 What Happens Next? A guide for applicants C2 Investigations: A guide for Scottish public authorities 			Partial	CR published in full Key documents withheld - Exemption s27(1)
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<ul style="list-style-type: none"> The SMT approved the revised documents and agreed the publication recommendations via email on the 22/08/22 				
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17. AOB

<ul style="list-style-type: none"> None 			N/A	N/A
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Signed off by:



Date: 13/09/2022