

Report to:	QSMTM Q3 2022-23
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	26 January 2023
Subject/ Title: (and VC no)	Scottish Information Commissioner's Publication Scheme Assurance Report 2022-23 VC179905
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 CR
 - (ii) the Commissioner notes the assurance provided in paragraph 19
 - (iii) this CR 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 provide services and guidance within available resource while safeguarding the health, safety and wellbeing of our members of staff.
12. The office premises re-opened on 3 May 2022 and we continue to publish 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. Following a tendering exercise, a new website for the Scottish Information Commissioner was procured in 2021 and the website was designed, developed and put in place in early April 2022. The website accessibility statement can be viewed here:

[Accessibility | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.scot.nhs.uk/itspublicknowledge/info)

15. As regards the documents and information in our GTI which have been published in a PDF format, it is noted that our PDFs do not meet accessibility standards - for example, the information in them is not structured in a way that would make them accessible to screen reader users.
16. There are over 5,000 PDFs on the website, covering a range of topics and types of information - many of which were created after 23 September 2018 and so are not exempt from the accessibility regulations. The issue has arisen as historically PDFs are the main tool which has been used to create and share our publications and information. Making the information in these documents more accessible would have benefits for some disabled people using the website.
17. It would take a significant amount of staff time and resource to make this change. Changing business processes which result in the creation of new PDF documents on the website immediately would also involve a large amount of work and change to records management processes.
18. We have taken the view that addressing this issue for documents produced after 2018 now would be a disproportionate burden within the meaning of the Regulations. However, we are working to establish how our processes can change in future and will make another assessment in due course. We will also ensure information is available by other means wherever possible.

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 objectives in the Operational Plan 2022-23 relating to the maintenance of a compliant publication scheme and guide to information and, also, assurance reporting have been achieved (that is, Functional area - Information and Records Management, Business as Usual activities 7 and 8).

Risk impact

20. This annual review and assurance report are 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 (8) 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 Q3 minute.

Publication

28. This CR should be published in full.