

<b>Report to:</b>	QSMTM
<b>Report by:</b>	Claire Stephen, Acting Head of Policy and Information
<b>Meeting Date:</b>	27 April 2023
<b>Subject/ Title:</b> (and VC no)	2022-23 Publication Scheme (Public Authorities) Performance Report VC185741
<b>Attached Papers</b> (title and VC no)	None

## Purpose of report

1. To provide the publication schemes (public authorities) performance report 2022-23 as required by the Governance Reporting Framework, and to provide assurance that management of publication scheme adoptions is meeting the key performance indicators set out in the Performance and Quality Framework.

## Recommendation and actions

2. I recommend that:
  - (i) The Senior Management Team (SMT) note the contents of this report.
  - (ii) This committee report is published in full, as set out in the publication section below.

## Executive summary

3. The key performance indicators for publication schemes for new bodies 2022-23 are:

Publication Schemes	Annually	Publication Scheme notifications for new bodies completed: (i) 80% within one month of due date* (ii) 100% notified or enforcement commenced within 3 months of due date
---------------------	----------	--

\*Set at the point of publication scheme file creation, related to commencement date or the date on which we become aware of the authority (usually within three months of either of these points)

4. Where a large tranche of new bodies are coming under the scope, e.g. RSLs, the due date will be defined by the commencement date. In other cases where we alerted to, or discover the creation of a new body (usually post 'commencement' or founding), the 'due date' will be defined on a case-by-case basis taking all circumstances into account.

## 2022-23 Publication Scheme Notifications

5. Two authorities notified the Commissioner of their adoption of a publication scheme in 2022-23:

Authority Name	Authority type	Commencement date	Due date	Notification date
Consumer Scotland	Schedule 1, Part 2, para 7ZA	01/09/2022	30/06/2022	29/06/2022
The Promise Scotland	Section 6	24/03/2021*	09/10/2022	24/10/2022

- The Promise Scotland is a wholly owned limited company. Original advised by the Scottish Government that they were not covered by FOI, subsequent advice corrected this position, this is the basis of the delay between commencement and MPS adoption.

Table 1: KPIs for new bodies 2022-2023

			Target	Actual
Number of bodies: 2				
<b>KPI 1: notified by date due</b>		1	80%	50%
<b>KPI 2: completed within 3 months, comprising:</b>		2	100%	100%
a) notified by due date (KPI 1 above)	1			
b) notification within three months of date due (without enforcement), or	1			
c) enforcement commenced within three months of date due	0			
<b>completed later than 3 months after due date</b>		0		
not completed		0		
<b>enforcement action ongoing</b>		0		

## Risk impact

---

6. The risks associated with failure to adequately monitor public authority compliance are sufficiently adequately captured in the current documentation.

## Equalities impact

---

7. Equalities impacts arise from adoption of the Model Publication Scheme as it requires authorities to make published information available in a range of formats to ensure equitable access.
8. There are, however, no identified equalities impacts arising from the notification process.

## Privacy impact

---

9. There are no privacy impacts arising from publication scheme adoptions beyond the retention of public authority contact information in publication scheme case files.

### **Resources impact**

---

10. Management of publication scheme notifications by new bodies created by primary legislation is a business as usual activity for which resources are allocated as part of routine operational planning.

### **Operational/ strategic plan impact**

---

11. Management of publication scheme notifications is a 'business as usual' item in the Commissioner's annual operational plan. It has not raised any unanticipated impact for current or future operational and strategic plans.

### **Records management impact (including any key documents actions)**

---

12. No new impacts identified.

### **Consultation and Communication**

---

13. None required – this report will be published on the Commissioner's website.

### **Publication**

---

14. I recommend that this committee report is published in full.