

Report to:	QSMTM Q4
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
Meeting Date:	27 April 2023
Subject/ Title: (and VC no)	Information Requests and Requests for Review Report 2022-23 VC184936
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 the Senior Management Team (SMT) about requests for information and requests for review received and dealt with in Q4 of 2022-23, the related cumulative statistics for 2022-23 and provide the related assurance.

Recommendation and actions

2. It is recommended that:
 - (i) the SMT notes the contents of this CR
 - (ii) the SMT notes that the information in this CR has been submitted to the FOI and EIR statistics platform
 - (iii) the publication arrangements set out in paragraph 33 are agreed.

Executive summary

Requests for information

3. As a Scottish public authority, we have statutory obligations to respond to requests for information we receive. Requests and requests 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 2022-23.

Subject Access Requests

5. Subject access request statistics are reported separately.

Volumes of requests

6. Any requests categorised as joint Freedom of Information (Scotland) Act 2002 (FOISA) / Environmental Information (Scotland) Regulations 2004 (EIRs) have been included in both the FOISA and the EIRs 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 (RFI) and requests for review (RFR) received

7. In Q4, 13 requests were received as follows:

- 13 requests under FOISA
- 0 requests under EIRs
- 0 requests for review

8. RFIs & RFRs received in comparison to last year:

	2021-22	2022-23	% increase/decrease
Number received Q1	16	21	31%
Number received Q2	18	6	67%
Number received Q3	26	9	65%
Number received Q4	21	13	38%
Total	81	49	40%

Requests for information analysis

9. RFIs dealt with under FOISA and EIRs by quarter:

	2021-22	2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total
Total received	72	21	6	9	13	49
Total closed	72	19	9	9	12	49

10. There was a 32% decrease in RFI's received in 2022/23 compared to 2021/22.

11. There was 1 open case from 2021-22 which was carried forward and closed in Q1 2022-23.

12. There was 1 open case at the end of 2022-23.

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

	2021-22		2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total	
About our functions/services	37	51%	6	1	3	2	12	24%
Application related	17	24%	3	2	3	3	11	23%
Misdirected - sent to us in error, asking for information which is likely to be held by other authorities	17	24%	12	3	2	8	25	51%
Other	1	1%	0	0	1	0	1	2%
Total	72	100%	21	6	9	13	49	100%

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

	2021-22		2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total	
Information provided in full	13	18%	1	1	1	1	4	8%
Information partially supplied	19	26%	4	2	1	1	8	16%
Information not held	28	39%	13	5	4	8	30	61%
Information refused (exempt)	5	7%	1	0	1	1	3	6%
Clarification not provided	0	0%	0	0	1	0	1	2%

Request withdrawn	3	4%	0	1	1	0	2	4%
Excessive costs	0	0%	0	0	0	0	0	0%
Vexatious	2	3%	0	0	0	1	1	2%
Repeated request	0	0%	0	0	0	0	0	0%
Neither confirm nor deny	0	0%	0	0	0	0	0	0%
Request invalid	2	3%	0	0	0	0	0	0%
Total	72	100%	19	9	9	12	49	100%

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

Description	Target	2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total
Request response: 20 working days or fewer	100%	100%	100%	100%	100%	100%

Requests for review analysis

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

	2021-22	2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total
Total received	9	0	0	0	0	0
Total closed	11	0	0	0	0	0

17. There were no requests for review carried forward from 2021-22.

18. And there were no requests for review received in 2022-23.

COVID-19 pandemic

19. Our priority as an organisation is to continue to provide services and guidance while safeguarding the health, safety and wellbeing of our members of staff.

20. Our office premises re-opened in May 2022 and hybrid working is in place. We continue to maintain operational output which includes responding to requests for information and requests for review.

Assurance from the Head of Enforcement (HOE)

21. The HOE has provided assurance to the HOCS that our responses to information requests as outlined above comply with relevant legislation and related guidance.

Risk impact

22. We have policies and procedures in place providing detailed guidance on how to respond to requests for information and requests for review. They are reviewed to ensure that they are up to date and that requests are being appropriately handled and responded to.

23. Failure to respond to information requests and reviews within the statutory timescales would have an adverse impact on the Commissioner's reputation.

24. This CR contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance.

Equalities impact

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

Privacy impact

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

Resources impact

27. 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

28. 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)

29. The Key Document C2 Responding to Information Requests: Guidance and Procedures is under review and the HOCS is the Responsible Manager for this document.
30. The Head of Enforcement is reviewing the administration aspects of handling RFIs, including managing and responding to requests for information and requests for reviews. The HOCS is involved in this review and, in due course, will submit a report to the SMT, for approval, on any recommended changes to the procedures.

Consultation and Communication

31. QSMTM Q4 minute and publication of the CR.
32. A report on requests for information and requests for review will be included in the Annual Report 2022-23.

Publication

33. 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;
 - the summary table should be published in full in our Guide to Information/Class 7;
 - the outcome of requests table contains personal data and is 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.