



Scottish Information  
Commissioner

Our Ref: 202300814

**Ms Jane Grant**  
Chief Executive  
**Greater Glasgow and Clyde**  
By email: [Jane.Grant@ggc.scot.nhs.uk](mailto:Jane.Grant@ggc.scot.nhs.uk)

17 June 2024

Dear Ms Grant,

### **FOI Intervention –timescales (responding and reviews)**

As you know NHS Greater Glasgow and Clyde (NHSGGC) has been subject of a Level 1 intervention by my office since June 2023.

I am writing to advise that I am now having to escalate this to a Level 3 intervention to ensure NHSGGC compliance with the Freedom of Information (Scotland) Act 2002 (FOISA) and the associated Codes of Practice.

As part of my duty to promote and enforce FOI law, my office carries out interventions in cases where it appears a Scottish public authority has failed to fulfil its statutory obligations or to follow good practice in the discharge of those functions (including the good practice set out in the Section 60 and 61 Codes). You can find more details in our Intervention Procedures, which are available via [www.foi.scot/Interventions](http://www.foi.scot/Interventions).

As you will know, the primary aim in undertaking interventions is not to penalise authorities for poor practice, but to support them in improving performance by identifying and resolving issues of concern.

This intervention will now take place at Level 3. Level 3 interventions aim to remedy serious systemic practice failures. Level 3 interventions require a detailed action plan to be put in place to address the failures/practice concerns identified and achieve a required outcome.

This escalation is as a consequence of the poor performance and non-compliance that has continued despite the earlier Level 1 intervention. The authority should be responding to at least 85% of FOI requests on time but is falling woefully short of that target and also below the performance of other Scottish public authorities in your sector.

This performance is indicative of a serious, systemic failure that requires board level attention, resourcing and prioritisation. Every response outside of the statutory timescale is a breach of Freedom of Information legislation and denies the requester's statutory right to receive requested information promptly.

This intervention will therefore consider

- whether any “legacy cases” or “backlogs” exist and to what extent they are being tackled,
- whether there are pinch points which still exist in your authority’s handling of FOI/EIR requests and reviews which need to be addressed urgently,
- the adequacy of the escalation processes to ensure prompt responses within 20 working days,
- what preventative measures have been put in place to date to ensure there is sufficient resilience in this function.

The aim of this intervention is to support NHSGGC to improve its practice in these areas by identifying and resolving or overcoming any internal issues that are impacting performance and compliance.

### **Action required**

As a first step to achieving this outcome, please provide the following information in writing **no later than Friday 5<sup>th</sup> July 2024**:

- *NHSGGC overarching FOI Policy Statement*
- *your existing action plan to tackle the performance issues identified*
- *a full breakdown of your “backlog”. List all requests with dates received and dates on which any contact has been made with the requesters to keep them updated.*
- *detail of the current staff resources that are (i) currently assigned to FOI/EIRs handling as of the date of this letter, including FTE equivalent, in which departments they sit, and reporting structures and (ii) details of any additional staff resource which are due to be put in place within the next 2 months.*
- *FOI handling procedures and any related staff guidance.*
- *evidence of a) any internal monitoring and reporting of FOI performance, in particular the details of your escalation policies or mechanisms. Please also evidence how FOI/EIR requests have been escalated to senior management within the last 3 months (eg copies of internal emails, any “traffic” light escalations systems in your FOI tracking system etc).*

After we have received and reviewed this information, we will be in touch to agree the next steps in our intervention, which will be taken forward with your authority’s lead officer.

Our interventions with Public Authorities have delivered significant and positive changes for organisations. Similarly, my office will work positively and supportively with your team to identify measures which can bring improvement in this important area.

Please be aware that I plan to publish this letter on my website on **Friday 22nd June 2024**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hamilton', with a stylized flourish at the end.

**David Hamilton**  
**Scottish Information Commissioner**