

Report to:	QSMTM Q4 2023-24
Report by:	Liz Brown, Finance and Administration Manager (FAM)
Meeting Date:	30 April 2024
Subject/ Title: (and VC no)	Information Requests and Requests for Review Report Q4 2023-24 VC205837
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 2023-24, the related cumulative statistics for 2023-24 and provide the related assurance.

Recommendation and actions

2. It is recommended that the SMT:
 - (i) notes the contents of this CR
 - (ii) notes that the information in this CR has been uploaded to the FOI and EIR statistics platform
 - (iii) agrees the publication arrangements set out in paragraph 31.

Executive summary

Requests for information

3. As a Scottish public authority, we have statutory obligations to respond to requests we receive for information. Requests and request 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 2023-24.

Subject Access Requests

5. Subject access request statistics are reported separately.

Volumes of requests

6. Any requests categorised as joint FOISA/EIRs have been included in both the FOISA and the EIR 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 and Requests for Review received

7. In Q4, 40 requests were received as follows:

- 40 requests under FOISA
- 0 request under EIRs
- 0 requests for review

8. The numbers of RFIs and RFRs received to date in 2023-24 in comparison to 2022-23 are set out in the table below:

	2022-23	2023-24	% increase/decrease
Number received Q1	21	24	14%
Number received Q2	6	37	517%
Number received Q3	9	23	155%
Number received Q4	13	40	207%
Total	49	124	153%

Requests for information analysis

9. The number of requests dealt with under FOISA and EIRs in each quarter are set out in the table below:

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	49	21	35	21	40	117
Total closed	49	18	35	22	38	113

10. The following should be noted:

- 1 open case from 2022-23 was carried forward and closed in Q1 2023-24.
- There were 5 open cases at the end of 2023-24.
- There was an increase in requests for information in 2023-24, as compared to the previous year. However, the number of RFIs received in 2022-23 was lower than would be normally expected.

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

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	
About our functions/services	12	24%	3	10	6	20	39	33%
Application related	11	23%	4	7	5	3	19	16%
Misdirected - sent to us in error, asking for information which is likely to be held by other authorities	25	51%	11	13	8	16	48	41%
Other	1	2%	3	5	2	1	11	10%
Total	49	100%	21	35	21	40	117	100%

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

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	
Information provided in full	4	8%	1	6	9	10	26	23%
Information partially supplied	8	16%	2	4	0	9	15	13%
Information not held	30	61%	15	18	11	16	60	53%
Information refused (exempt)	3	6%	0	2	1	2	5	4%
Clarification not provided	1	2%	0	0	1	0	1	1%
Request withdrawn	2	4%	0	1	0	0	1	1%
Excessive costs	0	0%	0	1	0	0	1	1%
Vexatious	1	2%	0	1	0	1	2	2%
Repeated request	0	0%	0	2	0	0	2	2%
Neither confirm nor deny	0	0%	0	0	0	0	0	0%
Request invalid	0	0%	0	0	0	0	0	0%
Total	49	100%	18	35	22	38	113	100%

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

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Request response: 20 working days or fewer	100%	100%	100%	95%	100%	99%

14. One request for information took 25 working days to respond to in Q3. In line with the procedures in place at that time, the designated officer (DO) and the Head of Enforcement (HOE) were notified that the open case was reaching 15 working days. In order to further mitigate the risk of the statutory response deadline being missed in future, the procedures have now been revised to include additional notifications being sent to a DO's line manager and the Deputy Heads of Enforcement.

Requests for review analysis

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

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	0	3	2	2	0	7
Total closed	0	3	1	3	0	7

16. There were no requests for review carried forward from 2022-23.

17. 6 requests for review upheld the original decision in full and 1 was invalid.

18. There were no request for reviews open at the end of Q4.

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

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Review response: 20 working days or fewer	100%	100%	100%	100%	N/A	100%

Assurance from the Head of Policy and Information (HOPI)

20. In the HOE's absence, the HOPI has provided assurance to the Commissioner that our responses to information requests as outlined above comply with relevant legislation and related guidance.

Risk impact

21. We have policies and procedures in place providing detailed guidance on how to respond to requests for information and requests for review. They are regularly reviewed to ensure that they are up to date and that requests are being appropriately handled and responded to.
22. Failure to respond to information requests and reviews within the statutory timescales would have an adverse impact on the Commissioner's reputation.
23. This CR contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance.

Equalities impact

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

Privacy impact

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

Resources impact

26. 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

27. 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)

28. None

Consultation and Communication

29. QSMTM Q4 minute and publication of CR.
30. A report on requests for information and requests for review is included in the Annual Report.

Publication

31. 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 with the QSMTM papers
- the summary table should be published in full in our Guide to Information/Class 7
- the outcome of requests table contains personal data should be 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.