
To: Audit, Risk and Scrutiny Board

On: 21 January 2019

Report by: Director of Finance & Resources

Heading: Scottish Information Commissioner – Annual Report 2017/18

1. Summary

- 1.1 The purpose of this Report is to advise the Board on the Scottish Information Commissioner's Annual Report, "2017/18 Annual Report – Opening the door to meaningful participation". The Report is available on the Commissioner's website at <http://www.itspublicknowledge.info/home/SICReports/AnnualReports.aspx>

2. Recommendations

- 2.1 It is recommended that the Board notes the terms of the report.

3. Background

- 3.1 The Freedom of Information (Scotland) Act 2002 ("FOISA") came into force on 1 January 2005 and created a general right to obtain information from any designated Scottish public authority subject to limited exemptions. Most of the exemptions are only available if the request fails the "public interest" test. In other words, information must still be released if it is of greater benefit to the public to release the information than withhold it.

- 3.2 The Annual Report for 2017/18 explores the performance of the Office of the Scottish Information Commissioner (“OSIC”) across the Scotland.
- 3.3 Key highlights include:
- 507 appeals were received by OSIC in 2017/18. A 19% increase on 2106/17
 - In 65% of decisions the Commissioner found wholly or partly in favour of the requester
 - Only 25% of secondary school pupils are aware of their FOI rights compared to 85% of the general population.
- 3.4 Since 2014 the Commissioner has maintained ‘Statistics Portal’. Public authorities, including Renfrewshire Council, upload data on FOI and EIR (Environmental Information Regulations) requests to this portal. Data uploaded includes, the number of requests and review requests received, which exemptions and exceptions have been applied and whether statutory timescales have been met. This information is collated and published quarterly.
- In total there have been 77,528 FOI requests in Scotland in 2017/18, an increase of 4.3% over last year’s totals.
 - Renfrewshire Council received 1503 FOI requests in 2017/18, an increase of 5.7% over last year’s total of 1418.
 - The Council received 24 requirements for Review in 2017/18 compared to 29 the previous financial year.
 - Across Scotland, 2.1% of requests resulted in a requirement for review. 1.6% of requests received by the Council resulted in a requirement for review.
- 3.5 There were a total of 502 Appeals to the Commissioner in 2017/18, and the largest proportion (37%) of appeals related to requests made to local government.
- 3.6 In the 2017/18 period covered by the Report, Renfrewshire Council had three valid applications to the Commissioner, which are summarised below, for ease of reference:-

- 21 June 2017 - issue resolved with applicant and case closed without requirement for decision.
- 21 June 2017 (Decision No: 096/2017) - the Commissioner upheld the Council's decision that it did not hold information in regards to the following of procedures during a 1996 redevelopment as it was not involved in the acquisition.
- 7 March 2018 (Decision No: 031/2018) - the Commissioner upheld the Council's decision. The Commissioner concluded that the Council was correct to withhold information about a tender organised by Scotland Excel. Disclosure would cause substantial prejudice to the commercial interests of Scotland Excel and the tenderers.

- 3.7 Although the Commissioner's Report covers only 2017/18 and statistics for 2018/19 will be reported to Board next year, we can advise there has, to date, been only a single valid appeal application for the year 2018. This was received in July and the applicant withdrew the appeal before it went to the decision stage.
- 3.8 The low level of requirements for review compared to the high volume of requests processed by the Council, together with only 3 appeals to OSIC during 2017/18 indicates that the Council continues to manage its responsibilities well.
- 3.9 The Commissioner's Advisory Group of public sector practitioners was initially established to assist the Commissioner with the creation of self-assessment toolkits. The remit has now been extended to cover a wider range of FOI issues. The group meets quarterly to share experience with the Commissioner and to discuss current FOI topics. The Council is represented on the Group by Allison Black, Managing Solicitor (DPO).

Implications of the Report

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community Planning** – none
4. **Legal** – none
5. **Property/Assets** – none.
6. **Information Technology** – none.

7. **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only.
 8. **Health & Safety** – none.
 9. **Procurement** – none.
 10. **Risk** – none.
 11. **Privacy Impact** – none.
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