
To: Audit, Risk and Scrutiny Board

On: 23 January 2023

Report by: Director of Finance & Resources

Heading: Scottish Information Commissioner – Annual Report

1. Summary

- 1.1 The purpose of this Report is to advise the Board on the Scottish Information Commissioner's Annual Report 2021/22 Managing Challenges and Improving for the Future. The Report is available on the Commissioner's website at [Scottish Information Commissioner - Section 46 Annual Report 2021-22.pdf \(itspublicknowledge.info\)](https://itspublicknowledge.info/Scottish%20Information%20Commissioner%20-%20Section%2046%20Annual%20Report%2021-22.pdf)
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2. Recommendations

- 2.1 It is recommended that the Board note:
- the contents of the Annual Report.
 - the information on the numbers of FOI requests, reviews and appeals involving the Council in paragraph 3 of the report.
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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. Very few exemptions are absolute. Most 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 2021/22 refers to the lasting impact of COVID and concludes that one key impact for his own office is a significant increase in the number of appeals.

3.3 Key highlights include:

- OSIC received 626 appeals this year, the highest since 2005-06 and a 29% increase from the previous year. Appeal subjects reflected a wide range of issues of personal and public interest: from discharges from hospitals to care homes to a review of the Curriculum for Excellence; from planning for future Covid-19 waves to neighbourhood noise complaints 72 % of appeals came from members of the public and 98 new appeals related to the EIRs, the highest ever number, compared with 69 the previous year.
- 18% of appeals related to an authority's failure to respond.
- Only 0.8% of requests received by Scottish Public Authorities resulted in appeals to OSIC.
- OSIC carried out 257 interventions to support improvements in public authority FOI practice. While most were relatively straightforward 'non-compliance' notifications, they also carried out 46 interventions at level one and above – a 48% increase on 2020-21 interventions.
- In 55 % of decisions the Commissioner found wholly or partly in favour of the requester.

3.4 Since 2014 the Commissioner has maintained a '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 FOI requests and requirements for review 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 73,983 FOI requests in Scotland in 2021/22, an increase from 69,519 last year.

- Renfrewshire Council received 1,258 FOI requests in 2021/22, an increase of 16% from last year's total of 1,084. This placed the Council 6th out of the 32 Local Authorities for number received, up from 10th in 2020/21.
- The Council received 25 requirements for review in 2021/22 compared to 14 the previous financial year. There were no particular trends emerging from those reviews highlighting reasons for the larger number.
- Across Scotland, 3% of requests resulted in a requirement for review.
- 2% of requests received by the Council resulted in a requirement for review and 0.2% of requests resulted in appeal to the Commissioner.

3.5 There has been only one valid appeal involving the Council for 2021/22. A decision from the Commissioner on this appeal is still awaited. A decision for the one valid appeal received in 2020/21 is also still awaited. The outcome of both will be reported in next year's Board report.

3.6 The low level of requirements for review compared to the high volume of requests processed by the Council, together with the small number of appeals to OSIC during 2021/22 indicates that the Council continues to manage its responsibilities well.

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. Continued FOISA compliance ensures that people's information rights are respected.

- 8. **Health & Safety** – none
 - 9. **Procurement** – none
 - 10. **Risk** – none
 - 11. **Privacy Impact** – none
 - 12. **Cosla Policy Position** – none
 - 13. **Climate Risk** - none
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