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**To:** Audit, Risk and Scrutiny Board

**On:** 22 January 2024

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**Report by:** Director of Finance & Resources

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**Heading:** Scottish Information Commissioner – Annual Report

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**1. Summary**

- 1.1 The purpose of this Report is to advise the Board on the Scottish Information Commissioner’s Annual Report 2022/23, FOI: Building a resilient future. The full report can be found here:-  
[2022-23AnnualReportandAccounts.pdf \(itspublicknowledge.info\)](#)

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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 2022/23 refers to the increase in requests following the pandemic and concludes that one key impact for his own office is the challenge of a high caseload carried forward from 2021-22 coinciding with a reduction in staff resource.

3.3 Key highlights include:

- OSIC received 527 appeals this year.
- 72% of appeals came from members of the public and 79 new appeals related to the EIRs, compared with 98 the previous year.
- 23% of appeals related to an authority's failure to respond.
- Only 0.6% of requests received by Scottish Public Authorities resulted in appeals to OSIC.
- OSIC carried out 229 interventions to support improvements in public authority FOI practice. While most were relatively straightforward 'non-compliance' notifications, they also carried out 21 interventions at level one and above – a 54% decrease on 2021-22 interventions.
- In 71% of decisions the Commissioner found wholly or partly in favour of the requester. An increase on 55% in 2021-22.

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 83,918 FOI requests in Scotland in 2022/23, an increase from 73,983 last year.
- Renfrewshire Council received 1,495 FOI requests in 2022/23, an increase of 19% from last year's total of 1258. This placed the Council 4<sup>th</sup> out of the 32 Local Authorities for number received, compared to 5<sup>th</sup> in 2021/22.
- The Council received 16 requirements for review in 2022/23 compared to 25 the previous financial year. There were no particular trends emerging from those reviews highlighting reasons for the larger number last year.
- Across Scotland, 2,421 of requests resulted in a requirement for review.

- 1% of requests received by the Council resulted in a requirement for review and 0.07% of requests resulted in appeal to the Commissioner.

- 3.5 There has been only one valid appeal involving the Council for 2022/23. A decision from the Commissioner on this appeal is still awaited. The outcome of both will be reported in next year's Board report. The decisions for the two valid appeals (from a single applicant) received in 2021/22 were issued by the Commissioner in March 2023. Both were decided in favour of the Council.
- 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 2022/23 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** – the Council continues to ensure compliance with its statutory responsibilities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations
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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