
To: Audit, Risk and Scrutiny Board

On: 23 November 2020

Report by: Director of Finance & Resources

Heading: Scottish Information Commissioner – Annual Report and Accounts
2019-20: Freedom of information in a changing environment

1. Summary

- 1.1 The purpose of this Report is to advise the Board on the Scottish Information Commissioner's Annual Report 2019/20. The Report is available on the Commissioner's website at <https://www.itspublicknowledge.info/home/SICReports/AnnualReports.aspx>
-

2. Recommendations

- 2.1 It is recommended that the Board:
- Note the contents of the SIC annual report.
 - Note the information on the numbers of FOI requests, reviews and appeals involving the Council in paragraph 3.4 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 2019/20 looks to at the role of FOI in a changing environment. The Commissioner advised that as the report covers up until the end of March 2020, much of the impact of the Covid-19 pandemic will be more apparent in next year's report.

3.3 Key highlights include:

- OSIC received 494 appeals this year, compared to 560 last year. 75% of appeals came from members of the public, and 23% of valid appeals were about an authority's failure to respond. 17% of new appeals related to the EIRs.
- Only 0.6% of requests received by Scottish Public Authorities resulted in appeals to OSIC.
- OSIC carried out 251 interventions. Most were at Level 1, and 79 (34%) of Level 1 interventions were about compliance with timescales.
- In 67% of decisions the Commissioner found wholly or partly in favour of the requester.

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 79,300 FOI requests in Scotland in 2019/20, a decrease of 6% over last year's totals.
- Renfrewshire Council received 1691 FOI requests in 2019/20, a decrease of 10% from last year's total of 1729. This placed the Council 7th out of the 32 Local Authorities for number received, up from 8th in 2018/19.
- The Council received 17 requirements for Review in 2019/20 compared to 41 the previous financial year. There were no particular trends emerging from those reviews highlighting reasons for larger number in 2018/19.

- Across Scotland, 2.3% of requests resulted in a requirement for review. 1% of requests received by the Council resulted in a requirement for review.
- 3.5 In the 2019/20 period covered by the report 226 (46%) appeals received by the Commissioner involved Local Government Authorities.
- 3.6 Although the Commissioner's Report detailed in the Report to Audit, Risk and Scrutiny Board on 20 January 2020 covered only 2018/19 statistics, Board were advised that there was, at that point, one further valid appeal application for the year 2019, which was decided in favour of the Council. There have been no further appeals for 2019/20.
- 3.7 The low level of requirements for review compared to the high volume of requests processed by the Council, together with no appeals to OSIC during 2019/20 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 because it is for noting only.
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** – none
12. **Cosla Policy Position** – none
13. **Climate Risk** - none

Author: Andy Connor
 Records Manager
 0141 618 5187
 Andrew.connor@renfrewshire.gov.uk