

2016

ANNUAL REPORT:  
information request handling



Scottish Government

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## **Foreword**

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*The Minister for Parliamentary Business reflects on the Scottish Government's performance in handling information requests and welcomes the selection by the international Open Government Partnership of Scotland as a 'pioneer' government along with the increased expectations and responsibilities this brings.*

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I am pleased to present the Scottish Government's 2016 Annual Report on the handling of information requests made to us under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs).

As in previous years the report contains a variety of information, providing a detailed picture of the Scottish Government's performance in handling information requests.

2016 continued to see high levels of information requests being made to the Scottish Government and its Agencies with more than 2000 requests being received for the 4<sup>th</sup> year in succession.

I am pleased to note that we continued to release information in response to the vast majority of information requests. In 85% of cases we released some or all of the information requested if it was held by us. I also note the significant reduction in the number of appeals made to the Scottish Information Commissioner in 2016 and that 84% of Commissioner decisions were either fully or partially in favour of the Scottish Government.

However, it is clearly disappointing that performance in responding to requests and reviews on time has fallen in 2016 rather than building on the improvements seen in 2015. The Scottish Government places great emphasis on operating as openly and

transparently as possible, and timely responses to information requests are an important part of this ambition.

Early in 2017, reflecting ongoing concerns about the less than satisfactory performance of the Scottish Government in issuing responses on time, the Scottish Information Commissioner began an independent assessment of the Government's performance against a set of targets which she recommended.

As from 1 April 2017, we agreed the target of responding to 85% of information requests and reviews within statutory timescales.

We also agreed that the targets are to be raised to 90% in 2018 and 95% in 2019, the 95% to be met within two years.

These targets are challenging but achievable – and will also require the Scottish Government to assess the extent that changes may be needed in request handling systems in order to permanently embed performance improvement across the organisation. Data, on a monthly basis, on how the Scottish Government is meeting these targets can be found on the Scottish Government's Freedom of Information 'reporting' webpage at <http://www.gov.scot/About/Information/FOI/Reporting>

Following Parliamentary approval, in September 2016, Scotland's Freedom of Information legislation was extended to private prison contractors, providers of secure accommodation for children, grant-aided and independent special schools and Scottish Health Innovations Ltd.

With a view to further extending coverage consultation also commenced in late 2016 on bringing Registered Social Landlords within scope of FOISA,

In April 2016 Scotland was selected by the Open Government Partnership (OGP) as one of 15 'pioneer' governments around the world to join a programme to bring new leadership and innovation into the OGP at all levels of government.

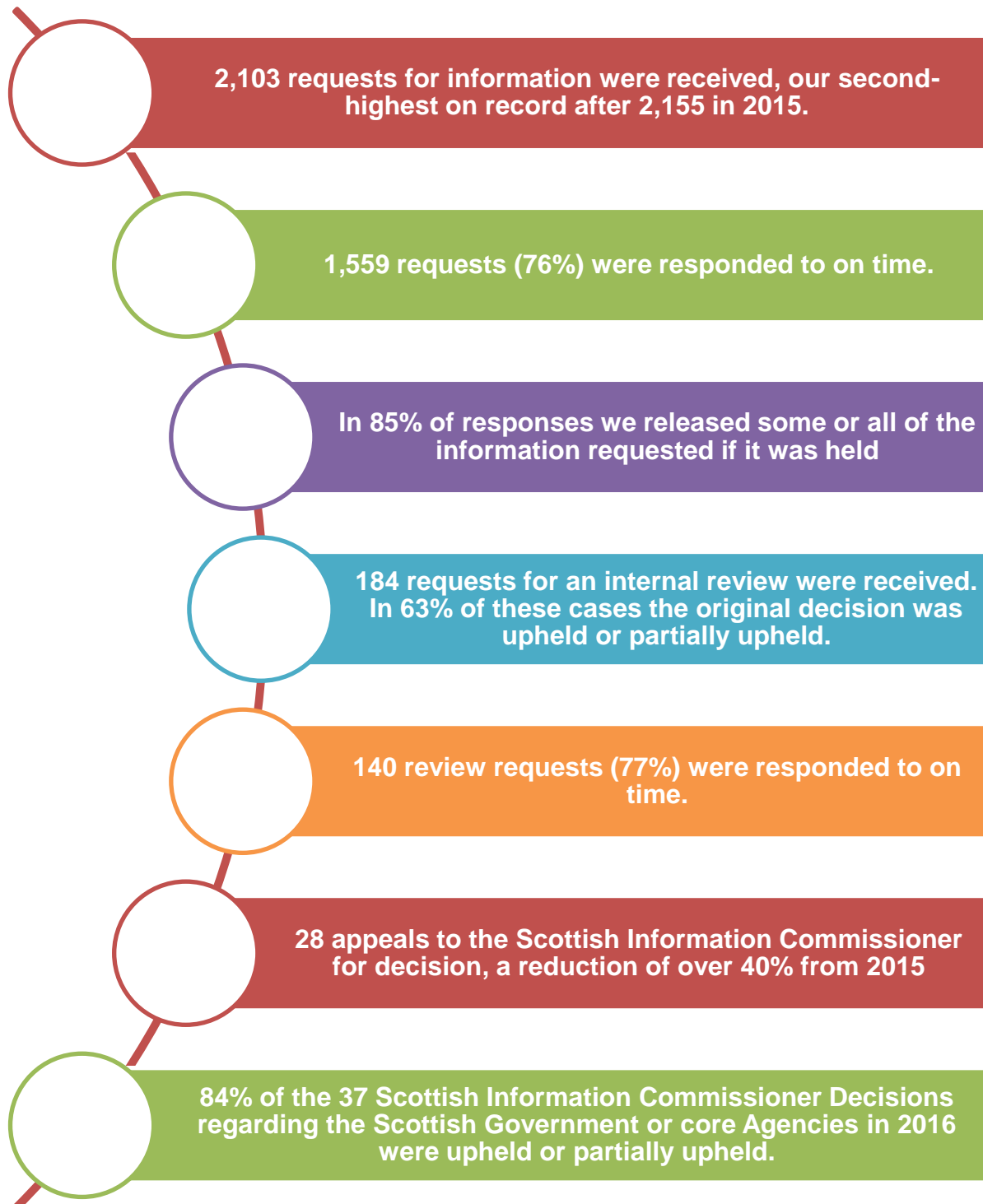
Following this welcome recognition I was privileged to represent the Scottish Government in Paris in December to attend the Open Government Partnership Global Summit. While at the summit I launched Scotland's National Action Plan – developed jointly between the Scottish Government and Scottish Civic Society.

The Plan contains a wide range of ambitious commitments designed to enhance and increase openness and transparency in Scotland. These commitments include increased financial transparency – explaining how public finances work; empowering communities to influence budget priorities and increasing citizen participation in local democracy.

This report acknowledges that the Scottish Government must improve in terms of responding to information requests on time. However, it also demonstrates the Scottish Government's fundamental commitment – as set out in our National Action Plan - to establishing a culture of transparency within both Government and wider civic society.

**Joe FitzPatrick**

## Key Statistics – 2016 at a Glance



## **Part 1**

### **Our approach to sharing information**

The Scottish Government is committed to Freedom of Information as an essential part of open, democratic government and responsive public services – see our [FOI Policy Statement](#) for more information. Furthermore, we proactively publish as much information as possible via our [website](#) and by other means without it having to be requested.

### **Obtaining information from the Scottish Government**

You can find out more about the [Freedom of Information \(Scotland\) Act 2002](#), including how to request information from the Scottish Government from the FOI section of our [website](#).

## Part 2

### Information Requests

The Scottish Government received 2,103 requests for information in 2016. 1,704 requests were handled under FOISA, 388 were handled under the EIRs and 11 requests were handled under both FOISA and the EIRs as they requested both environmental and non-environmental information.

Requests are answered by the business area responsible for the subject matter of the request. Details about the functions of the Scottish Government are available on our [website](#).

### Requests Received by Business Area

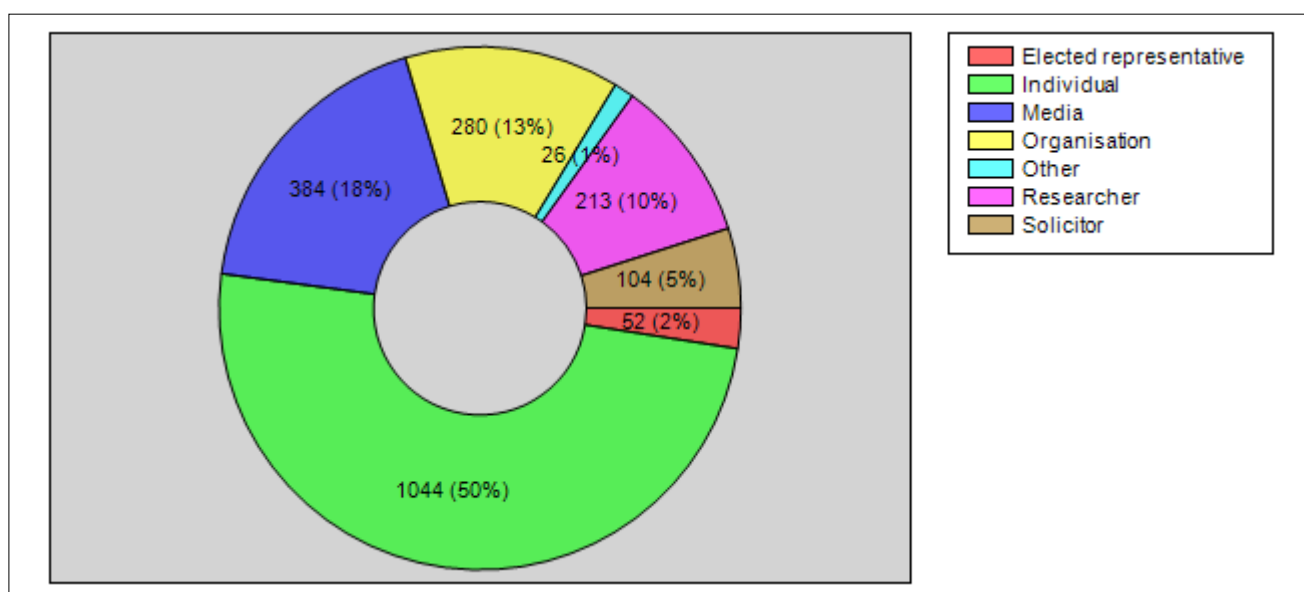
| Requests                               | Total |
|--|-------|
| Director-General Communities           | 159   |
| Director-General Economy               | 899   |
| Director-General Finance               | 119   |
| Director-General Health & Social Care  | 154   |
| Director-General Learning & Justice    | 429   |
| Director-General Strategy & Operations | 343   |
| Total                                  | 2,103 |

The number of requests received averaged 180 per month with actual figures ranging from 133 requests in March to 241 requests in October.



## Composition of Applicants

Half of all requests received in 2016 were from members of the public.



## Performance

The majority (76%) of requests for information received by us were processed on time in 2016, i.e. within 20 working days of receipt of the request. Of the 2,103 requests received in 2016, 1,559 were answered on time, 482 were late and 62 were withdrawn.

| Requests                               | On Time     | %         | Late       | %         | Total       |
|--|-------------|-----------|------------|-----------|-------------|
| Director-General Communities           | 122         | 81        | 29         | 19        | 151         |
| Director-General Economy               | 672         | 77        | 205        | 23        | 876         |
| Director-General Finance               | 95          | 81        | 22         | 19        | 117         |
| Director-General Health & Social Care  | 118         | 79        | 32         | 21        | 150         |
| Director-General Learning & Justice    | 310         | 75        | 106        | 25        | 416         |
| Director-General Strategy & Operations | 242         | 73        | 89         | 27        | 331         |
| <b>Total</b>                           | <b>1559</b> | <b>76</b> | <b>482</b> | <b>24</b> | <b>2041</b> |

We aim to answer all requests for information as fully and as quickly as we can. However, in spite of best efforts, some requests did not get answered within the time limit, for example, because they were complex or involved large amounts of information.

### **Information Released and Reasons for not Providing Information**

During 2016 the Scottish Government released information in full or in part in response to 85% of requests where information was held.

It is not always appropriate for us to release information. Information can be withheld from an applicant on the basis of one or more of the exemptions or exceptions laid down in FOISA or the EIRs. In such cases, we will fully explain to an applicant why we are unable to provide the information, for example, for reasons of confidentiality or because it is personal data.

In the majority of cases where we were unable to provide some or all information in response to a request received in 2016, this was because:

- We did not have the requested information (553 requests), or
- The information was personal data of a third party (181 requests)

## Part 3

### Internal Reviews

Where an applicant is dissatisfied with the way in which the Scottish Government has dealt with a request for information they may ask us to carry out an internal review. Of the requests received, only 9% resulted in an internal review being requested.

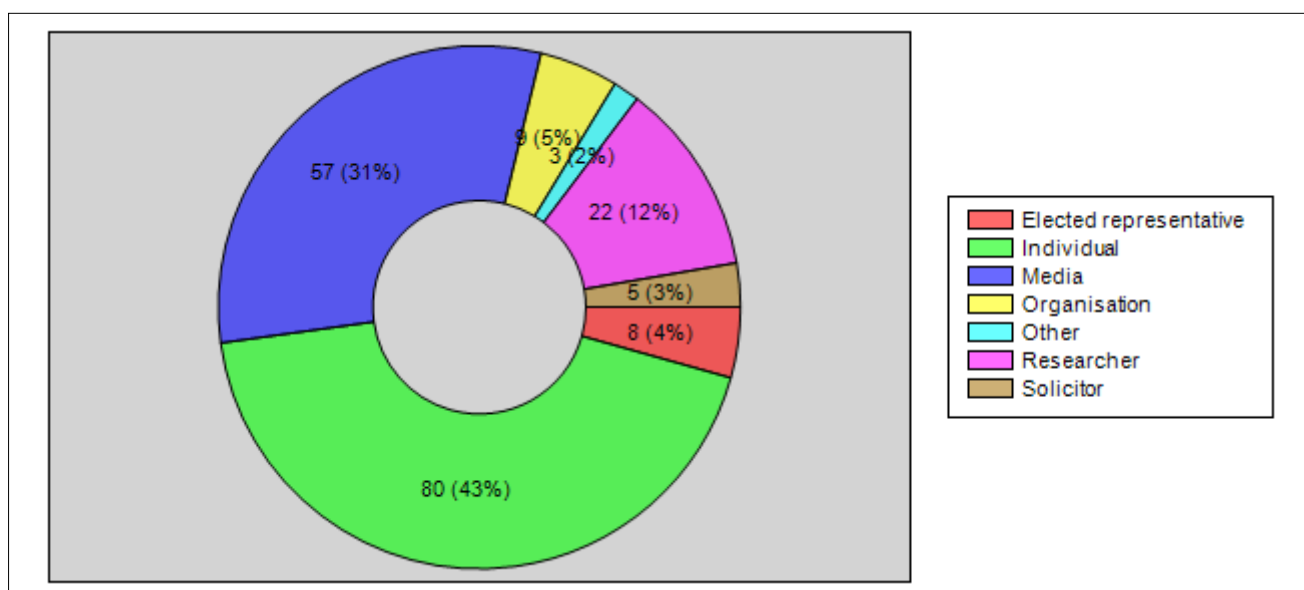
In total, 184 reviews were received by the Scottish Government in 2016. 158 review requests under FOISA, 24 under the EIRs and 2 under both FOISA and the EIRs.

### Internal Reviews Received by Business Area

| Reviews                                | Total |
|--|-------|
| Director-General Communities           | 12    |
| Director-General Economy               | 75    |
| Director-General Finance               | 15    |
| Director-General Health & Social Care  | 10    |
| Director-General Learning & Justice    | 41    |
| Director-General Strategy & Operations | 31    |
| Total                                  | 184   |

### Composition of Applicants

The following graph breaks down the source of requests for an internal review.



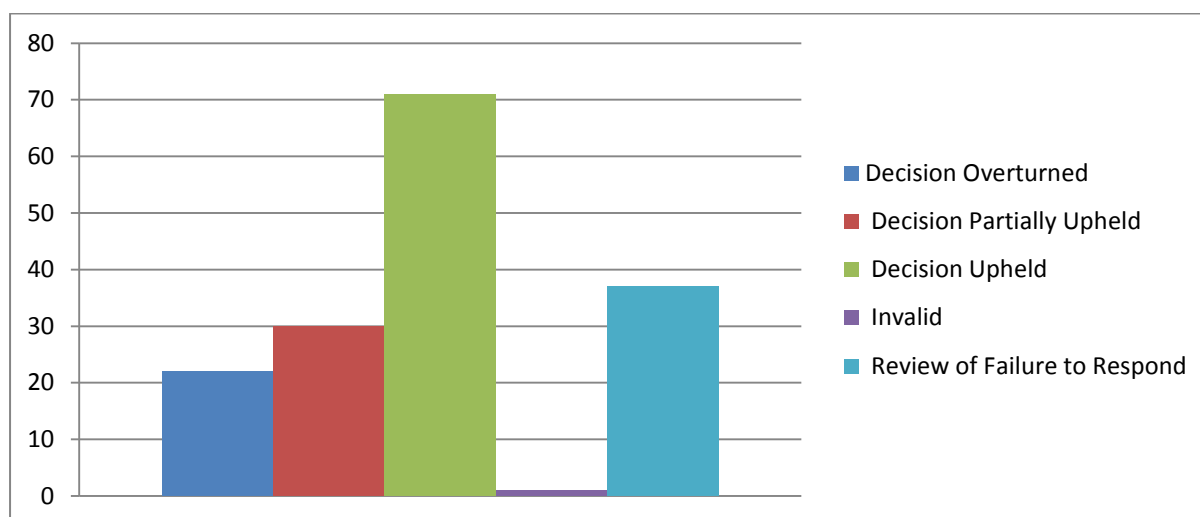
## Performance

In 2014, the Scottish Government completed an assessment of its review processes, in consultation with the Scottish Information Commissioner.

Following this assessment and the implementation of improvement measures in relation to both the timeliness and quality of our review responses, 77% of all requests for review received in 2016 were responded to on time. Of the 184 reviews received in 2016, 140 were answered on time, 43 were late and 1 was withdrawn.

| Reviews                                | On Time | Late |
|--|---------|------|
| Director-General Communities           | 11      | 1    |
| Director-General Economy               | 52      | 23   |
| Director-General Finance               | 13      | 2    |
| Director-General Health & Social Care  | 9       | 1    |
| Director-General Learning & Justice    | 31      | 10   |
| Director-General Strategy & Operations | 24      | 6    |
| Total                                  | 140     | 43   |

## Outcome of Internal Review



Following a fair and thorough review of the initial decision, carried out by someone who was not involved in handling the original request, the request decision was upheld or partially upheld in 63% of cases.

## **Part 4**

### **Appeals to the Scottish Information Commissioner**

If an applicant is unhappy with the outcome of our internal review, an appeal can be made to the Scottish Information Commissioner for a decision on whether we have appropriately dealt with the request and requirement for review.

In 2016, 28 appeals were made to the Scottish Information Commissioner in relation to our handling of information requests. This represents a significant decrease of over 40% when compared to the number of applicants who appealed in 2015.

More information on appeals to, and decisions of, the Commissioner is available on [her website](#).

### **Decisions**

37 Decisions were made by the Scottish Information Commissioner during 2016 in relation to requests made to the Scottish Government. 84% (31) were wholly or partially in our favour. 3 decisions relating to appeals about the substance of a response were fully in favour of the applicant. The remaining 3 cases related to decisions made by the Commissioner about our technical or procedural handling of requests or reviews.

## Part 5

### Costs of responding to information requests

In 2012, the Scottish Government undertook a costing exercise to provide an estimate of the amount of time/money it takes officials to respond to requests. The [report on the findings](#) of this exercise was published in 2012.

Based on these figures, the estimated cost of responding to information requests, reviews and appeals during 2016 is shown in the table below.

| Stage    | Cost     |
|----------|----------|
| Requests | £454,248 |
| Reviews  | £77,096  |
| Appeals  | £37,632  |
| Total    | £568,976 |

## **Scottish Government Directorate-Generals, Agencies and other bodies included in this Report**

Directorate-General Communities

Directorate-General Health and Social Care

Directorate-General Strategy and External Affairs

*includes*

- *National Records of Scotland*

Directorate-General Finance

*includes*

- *Scottish Public Pensions Agency*

Directorate-General Enterprise, Environment and Innovation

*includes*

- *Transport Scotland*
- *Accountant in Bankruptcy*

Directorate-General Learning and Justice

*includes*

- *Education Scotland*
- *Student Awards Agency for Scotland*
- *HM Inspectorate of Constabulary*
- *HM Inspectorate of Prisons*
- *HM Fire Service Inspectorate*

**Not included in this Report:**

The Scottish Government has offices spread across the length and breadth of the country. However, not all of these offices are included within its integrated IT network. As such those bodies listed below do not have access to our Information Request Tracker which monitors handling and therefore are not included in this Report.

Registers of Scotland

Office of the Scottish Charity Regulator

Scottish Prison Service

Details of information request handling for the above bodies can be obtained by contacting them directly.