

# **CODE OF PRACTICE ON ACCESS TO SCOTTISH EXECUTIVE INFORMATION REPORT ON THE CALENDAR YEAR 2001**

## **INTRODUCTION**

1. The Code of Practice on Access to Scottish Executive Information came into force on 1 July 1999. The Code applies to the Scottish Executive and to those other Scottish public authorities within the jurisdiction of the Scottish Commissioner. The Code informs and underpins Scottish Ministers policy of extending access to official information. This report provides statistical information (Part 1) and other details (Part 2) of information released during the calendar year 2001.

### **Number of requests**

2. Part I of this report detail the number of formal requests for information received under the Code during 2001. The total number of such requests is very small and it is not possible to derive any statistical conclusions from such a small number. The small total of formal requests however has to be looked at within the context of the vast amount of information that is either released in response to requests or proactively published. Examples of the overall level of correspondence dealt with by the Executive and other public authorities is given in Part 1 of this report. In Part II examples are given of the information which is published proactively. This again is only a small snap shot of the amount of information that is routinely published e.g on the Scottish Executive's web site. It should also be borne in mind that access by an individual to their own personal information processed by the Scottish Executive and other Scottish public authorities is available separately under the Data Protection Act 1998

### **Freedom of Information**

3. On 24 April 2002 the Scottish Parliament approved the Freedom of Information (Scotland) Bill. That legislation, when implemented, will provide a statutory right of access to information held by Scottish public authorities and will replace the Code. The Code however will continue to function until the statutory rights contained in the Bill are brought into force.

## **PART 1**

### **General**

*The number of formal Code requests that have been received represents only a very small proportion of the amount of correspondence that is disseminated each year by public authorities. Examples of the general level of correspondence handled in 2001 are given below: -*

- Scottish Environment Protection Agency (210,000 items)
- Scottish Legal Aid Board (2,000,000 items)
- Scottish Natural Heritage (86,000 items)
- Scottish Executive Development Department (4,300 items)
- Scottish Executive Rural Affairs Department (3,900 items)

### **Details of Formal Code Requests Received**

*The Code applies to, and informs the handling of all requests for information – whether or not applicants specifically state that their request is under the Code. It would however, be impracticable, for the purpose of monitoring the Code of Practice, to include all requests for any form of information. For monitoring purposes therefore only those requests which are defined as formal are included in this report. A request for information is defined as formal if (a) it specifically mentions the Code, or (b) a charge is made for the provision of the information, or (c) it is refused under one or more of the Code exemptions.*

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|---|----|
| ➤ Number of formal requests             | 17 |
| ➤ Information provided                  | 11 |
| ➤ Information withheld                  | 6  |
| ➤ Charges made                          | 9  |
| ➤ Requests dealt within 20 working days | 15 |

### **Sources of Requests**

- Individuals 9

- Charities 1
- Business 5
- MSPs 2

### **Appeals against non-disclosure of information**

*Under the Code applicants can appeal against the way that the public authority has handled their request for information. In the first instance the applicant should ask the public authority to review its decision. If the applicant is dissatisfied with the response from the public authority they can through a Member of the Scottish Parliament ask the Scottish Commissioner to investigate their complaint.*

- Internal Reviews 2
- Outcome of Internal Review Decision upheld – 2
- Cases investigated by Scottish Commissioner 0

### **Examples of information provided under the Code**

Rent Assessment Panel for Scotland – Copies of Rent Assessment Committee decisions (charges made).

Scottish Arts Council – Information held on an applicant for funding (charges made).

Special analyses of agricultural census data (charges made).

Scottish Legal Aid Board – Copies of applicant’s civil legal aid files.

### **Information withheld under the Code**

Scottish Natural Heritage – Information on location of priority species – 3 requests (exemption 4g of Part II of Code).

A90 Balmedie to Tippetty Route Accident Reduction Safety Review Report (exemption 2 of part II of Code).

Full copy of structural survey report carried out after completion of works on the A9 trunk road at Golspie (exemption 2 of Part II of Code).

Internal Scottish Executive report on planning application (exemption 2 of Part II of Code)

## **PART II**

### **Other Code Provisions: Information volunteered by Public Authorities**

*The Code of Practice on Access to Scottish Executive Information commits public authorities to volunteer information, as well as answering requests. This part of the report provides examples of the proactive release of information or other open government developments.*

### **Facts and Analysis with Major Policy Announcements**

#### Scottish Executive

- Index of adults unsuitable to work with children: detailed proposals for index published in free publication “Protecting Children: The next steps towards securing their safety” published on 4 June 2001.
- The annual report of the Interception of Communications Commissioner for 2000 was laid before the Scottish Parliament on 31 October 2001(SE/2001/273). The Commissioner is required to make a report to the Prime Minister and Scottish Ministers each year reporting on the discharge of his functions under the Regulation of Investigatory Powers Act 2000.
- Parliament was advised of the publication of the Scottish Drug Enforcement Agency’s targets for 2001/02 by means of an answer to a written question (SIW-16690). Copies of the targets were simultaneously laid in the Parliament’s reference centre.
- Land Reform (Scotland) Bill: press briefing pack issued at launch of consultation exercise at the beginning of 2001 and also when the Bill was published in November 2001.
- Social Justice Annual Report (November 2001): Separate technical document published providing more detailed data, definitions of indicators and background information.
- National Planning Policy Guidelines 4 (Land for Mineral Working) and 16 (Opencast Coal and Related Minerals) published May 2001: Accompanied by a press release and a summary and digest of responses.
- Consultation paper on improving public involvement in planning (November 2001): publication of consultation document accompanied by an easy read guide (available in other languages) and a questionnaire to make it easier for the public to respond.
- National Guidelines for Local Economic Forums published in March 2001.
- Consultation paper “Measuring Progress” on Performance Monitoring Targets for the Enterprise Networks published August 2001. Responses to consultation paper published in November 2001.

- CalMac and State Aids: Following a consultation exercise the Executive's proposals to bring the Clyde and Western Isles ferry services into compliance with EC rules was announced by way of a detailed written Parliamentary answer. The proposals were circulated widely, including to all of those who had responded to the consultation exercise, along with a copy of a paper summarising responses to the consultation exercise.

#### Scottish Environmental Protection Agency

- All press releases and background material available via SEPA website.
- Dounreay Particles Advisory Group report published (March 2001).
- National Waste Strategy: Waste Areas plans – publications and consultation exercise (May 2001).

#### Scottish Arts Council

- The Council throughout the year made background material relating to various funding and policy announcements available.

### **Reasons with Administrative Decisions**

#### Scottish Executive

- SMART: Scotland, SPUR and SPUR plus are discretionary industrial Research and Development grant schemes. A letter is sent out to every applicant who fails to obtain funding, explaining the reasons for the Department's decision.
- After a public consultation exercise, and usually when any related planning guidance is published and/or planning legislation implemented, an overview of the responses received is issued. This overview contains the Executive's responses to the points raised.

### **Publication of Internal Guidelines**

#### Scottish Executive

- Information on the selection process and operational procedures on the SMART: Scotland, SPUR and SPUR plus schemes are contained in guidance notes for applicants which are available to the public both in printed form and on the Scottish Executive's website.

#### Scottish Screen

- Information on operation of National Lottery funding is available.

### Scottish Environmental Protection Agency

- Guidance on regulatory, charging and policy schemes available on website.

### National Museums for Scotland

- The National Museums for Scotland's policy on acquisition and policy is available on its website.

## **Other Open Government Developments during 2001**

### Scottish Executive

- Commitment to making all published Regulatory Impact Assessments available via the Improving Regulation in Scotland website.
- Guidelines issued to Scottish Enterprise and Highlands and Islands Enterprise on the membership and establishment of Careers Scotland Local Advisory Boards. These guidelines were published within the document "Careers Scotland – The Way Forward".
- The Land Reform section of the SE website provides a discussion forum to allow individuals to make their views known.
- The Agenda, minutes and papers for meetings of the Scottish Freedom of Information Implementation Group are published on the SE website.

### Scottish Arts Council

- The Council holds its Council meetings in public.

**SCOTTISH EXECUTIVE**  
**Freedom of Information Unit**  
**May 2002**

