

SFOI (2003)(Min 2nd Meeting)

**SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP
SEVENTH MEETING: FRIDAY 14 FEBRUARY 2003**

Those Present

Michael Lugton (Chair)

Members

Lindsey Anderson, Crown Office
Dr Peter Anderson, National Archives of Scotland
David Bell, SE: 21st Century Government Unit
Dr Ann Bisset, SE: Health Department
David Caldwell, Universities Scotland
Jim Clifford, SOLAR
Patrick Connor, Historic Scotland
Hugh Dignon, SE: Justice Division
Tim Ellis, SE: FOI Unit
Bill Friel, SE: Corporate Learning Services
Frank Jensen, COSLA
Averil MacLachlan, Scottish Enterprise
Fergus Millan, SE: Education Department
Bob Sargent, SEPA
Huw Williams, Scottish Parliamentary Corporate Body
Karen Williams, ACPOS

Attendees

Kevin Dunion
Inspector Alastair Graham, Grampian Police
John Barber, Historic Scotland

Secretariat

John McNairney, FOI Unit
Donald McBryde, FOI Unit
Gail Fraser, FOI Unit

Item 1: Apologies for absence

Michael Lugton reported apologies for absence from Geoff Huggins (Development Department), George Brechin (Fife Primary Care NHS Trust), Charlie Knox (Health Department – replaced by Dr Anne Bisset), David Mallon (Environment and Rural Affairs Department), Graham Atherton (COSLA – replaced by Jim Clifford, SOLAR), Clive Martlew (Corporate Learning Services – replaced by Bill Friel) and Murdo MacLennan (Western Isles Health Board).

Mr Lugton welcomed Kevin Dunion who is to be the Scottish Information Commissioner, starting 24 February. A welcome was also extended to John Barber (Head of Corporate Planning, Historic Scotland).

Item 2: Minutes of Previous Meeting (4 October 2002) and matters arising

Michael Lugton reported that the minutes of the meeting of 4 October had been published on the Scottish Executive's website. On matters arising from the last meeting Mr Lugton said that consideration of the two Codes of Practice, training and completion of the overview to the Act would be taken under items 3-6 on the agenda.

Mr Lugton informed the meeting that the Secretariat was in touch with Audit Scotland about their future representation on the Group.

Item 3: Recent Developments

- **Scottish Information Commissioner**

The Group agreed that Kevin Dunion would be invited to attend Group meetings as an observer and participate in discussions. Mr Dunion introduced himself and said that he was working towards having an office established by late May/early June.

- **Overview**

John McNairney reported that since the last meeting the overview to the Act had been finalised and distributed to most bodies listed in schedule 1 of the Act, with the exception of certain parts of the Health sector. The FOI Unit was currently engaged with the Health Department to arrange for the effective dissemination of this document throughout the sector. When distributing the overview, an FOI contact was requested from each organisation and, so far, approximately a third had responded.

- **Lord Chancellor's Annual Report**

John McNairney informed the meeting that the Lord Chancellor's Department published the 2nd Annual Report on Implementation of the Freedom of Information Act 2000 in November 2002. Progress made towards the date of full implementation in January 2005 was recorded in the report. Both Codes of Practice under the UK Act have now been issued and the first round of publication schemes has been completed.

The report is available on the LCD website and individual publication schemes can be viewed on Departmental websites.

- **Awareness raising**

John McNairney reported that new material had been added to the Executive's FOI website and that staff from the Unit had given a number of presentations on FOI matters and would continue to do so. The Group was asked to consider the best means of raising awareness, generally and in relation to their specific sectors, and to provide Mr McNairney with comments. The Secretariat would provide the Group with a paper on awareness raising to be considered at the June meeting.

ACTION: All Group members

ACTION: Secretariat

Kevin Dunion commented that he was interested in benchmarking the level of FOI awareness within the public sector and was considering using external consultants to conduct the task. Michael Lugton offered Secretariat support when making initial contact with organisations to reassure them the approach was legitimate and appropriately targeted.

Item 4: Report by Records Management Sub-Group including draft S.61 Code of Practice and draft Model Action Plan (Paper SFOI(2003)1)

Michael Lugton congratulated the Chairman, Peter Anderson, and members of the record management sub-group on their work in producing the report. Dr Anderson reported that the sub-group had met twice since the last meeting of the Group in October 2002. These were lively discussions and the sub-group provided many comments which fed into the latest drafts of the s61 Code of Practice and Model Action Plan. The Group agreed all of the recommendations made in section 7 of the Records Management Sub-Group Report. As a result, the generic Model Action Plan is to be submitted for approval to the Scottish Information Commissioner for him to make available to all Scottish public authorities. Following on from this, appropriate representative groups are to develop sector specific Model Action Plans, which will also be subject to approval by the Scottish Information Commissioner.

ACTION: Secretariat

The Group also agreed to make the revised Code of Practice and draft Model Action Plan available to bodies affected by the FOI regime without prejudice to the formal process of approving the code.

ACTION: Secretariat

The Group questioned what constituted a record and whether it would be helpful to include a definition in the Code of Practice. Peter Anderson offered to consider this issue further.

ACTION: Peter Anderson

Item 5: S.60 Code of Practice on Functions under the Act (Oral update by John McNairney)

John McNairney reported that the sub-group had met twice and featured involvement from the Scottish Consumer Council and Citizens Advice Scotland. It was intended that the sub-group would next meet in March to develop further the working draft of the s60 Code of Practice. The Executive had engaged with equality groups to ensure their views on drafting the code were taken into consideration. The Disability Rights Commission had agreed to draft a summary of the Disability Discrimination Act 1995 which could be included in the code as an annex. A finalised draft of the code would be circulated to all members in advance of the next meeting.

ACTION: Secretariat

The Group asked the Secretariat to consider whether there will be a need to provide guidance which would supplement the two Codes of Practice and to report back.

ACTION: Secretariat

Item 6: Training (Oral update by Bill Friel)

Bill Friel reported that a need for training had been identified on three levels: general awareness at strategic level for Chief Executives, and training for practitioners. To ensure consistency, it had been agreed to design materials which could be used across the public sector and adapted where necessary. These materials would then be tried and tested within the Executive.

Mr Friel reported that eight tenders for the design and preparation of the training package had been received. The evaluation panel met to discuss these and agreed that four of the tenders would be invited to give presentations to the panel in March. Mr Lugton offered the support of the Secretariat to provide an update to authorities on this matter in due course.

ACTION: Secretariat

Item 7: Structure and drafting of 2nd Annual Report (SFOI(2003)1)

Michael Lugton invited the Group to note the proposed arrangements for the preparation of the 2nd annual report outlined in Annex A of paper SFOI(2003)1. A draft would be circulated for comment in due course.

ACTION: Secretariat

Item 8: Work Programme

The Group agreed the proposed work programme for the current year and members were invited to suggest other items for future inclusion to the Secretariat.

ACTION: All Group Members

Item 9: Date of next meeting

The next meeting is scheduled for Friday 13 June. This meeting will be held in **St. Andrew's House**, Conference Rooms C, D and E, at 10.30am.

Item 10: Any other business

There was no other business for the Group to consider.

Secretariat
March 2003