

SFOI (2003) (Min 4th Meeting)

SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP
TENTH MEETING: FRIDAY 12 December 2003

Those Present

Michael Lugton (Chair)

Members

Jim Clifford, COSLA
Tim Ellis, SE: FOI Unit
Inspector Alastair Graham, Grampian Police
Averil Maclachlan, Scottish Enterprise
Alison Mackinnon, SEPA
Bill Magee, Audit Scotland
Denise Mattison, Historic Scotland
Margaret Macleod, Universities Scotland
Laura Mitchell, National Archives of Scotland
Andy Smith, SE: Department of Health
Deirdre Watt, SE: Education Department
Huw Williams, Scottish Parliament
Karen Williams, ACPOS

Attendees

Kevin Dunion, Scottish Information Commissioner
Margaret Keyse, Office of the Scottish Information Commissioner
Sarah Hutchison, Office of the Scottish Information Commissioner

Secretariat

John McNairney, FOI Unit
Mike Neale, FOI Unit

Item 1: Apologies for absence

Michael Lugton welcomed new members Denise Mattison of Historic Scotland and Deirdre Watt, SE: Education Department. He also welcomed Andy Smith of SE: Health Department.

Michael Lugton reported apologies for absence from Lindsey Anderson, Crown Office; Peter Anderson, NAS; David Bell SE: 21st Century Government; George Brechin: NHS Fife; Geoff Huggins (SE: Development Department); Clive Martlew and Bill Friel (Corporate Learning Services); Hugh Dignon (SE: Justice Department); David Mallon (SE: ERAD) and Sam Ghibaldan (Special Adviser to the Deputy First Minister).

Item 2: Minutes of Previous Meeting (13 June 2003) and matters arising

Michael Lugton reported that the minutes of the meeting of 23 September 2003 had been published on the Scottish Executive's website.

Matters arising included consultation on the S60 Code of Practice, awareness raising, and the review of the Group's remit and membership. The first two matters were covered under item 3 of the agenda, Recent Developments, and the third under item 6.

Item 3: Recent Developments – Oral Update

- Section 61 Code of Practice

Tim Ellis reported that the finalised Code of Practice had been laid before the Scottish Parliament. The generic Model Action Plans were now in the public domain and were available on the National Archive's web site.

- Section 60 Code of Practice (paper SFOI(2003)7)

On the draft section 60 Code of Practice Tim Ellis explained that the consultation was now complete. Over 120 responses had been received, most of which were generally favourable. There were some areas which respondents felt could be improved and these are listed in paragraph 3.4 of the summary of responses attached to paper SFOI (2003) 7. In taking the Code forward Tim Ellis said that a revised version would be put to the section 60 sub – group for comment and then to Ministers for approval. The intention was that it would be finalized by the end of the 1st quarter of 2004.

- Awareness raising

John McNairney reported that the FOI Unit had written to FOI contacts seeking views on arrangements for awareness raising. There had been 62 responses with a range of views including an interest in sectoral seminars. There were a number of practical difficulties in the Unit facilitating detailed seminars for sectors although these might be more feasible as networks develop. In the short term more general seminars would be more practical. A general discussion by the Group on this point followed and it was

agreed that general seminars held after the issue of the Masons training would be helpful. The SIC provided an outline of the initiatives which his office would be undertaking during 2004 on promotion of the Act and awareness raising.

Item 4: Training – Oral Update

In his update John McNairney reminded the Group that the contract for the development of learning materials was for a leaflet, template, workbook and a Train the Trainers pack. The leaflet was more or less completed and the work book is currently subject to refinements through a series of workshops. The Train the Trainers Pack will be near completion by the end of January when it will be ready for testing through a series of workshops. It was likely that the leaflet and workbook would be made available to public authorities by the end of January and the Training the Trainer material would follow in February. The Group discussed the timing of training and agreed that given the variety of Scottish public authorities training programmes would best be determined by individual authorities.

Item 5: Implementation of FOI in Health Sector – Oral Update

Andy Smith reported that good progress was being made towards ensuring the readiness of the Health sector for implementation of FOI. He had contacted each of the non ministerial office holders relating to health and was confident that they would meet the necessary deadline for preparation of their publication scheme. For the bodies in Part 1V of Schedule 1 to the Act work was being carried out on updating the Schedule and a framework publication scheme had been issued for NHS boards : in addition good progress was being achieved with regard to the preparation of model publication schemes for GPs etc. A workshop had recently been held for NHS bodies and further ones might be held in March. Andy Smith thanked the SIC and his staff for their assistance on this matter.

Michael Lugton widened the discussion to include the readiness of other sectors including Local Government and the bodies listed in Part 7 of Schedule 1 of the Act to meet the requirements of the Act. He suggested that the FOI Unit could organise a meeting with COSLA in the New Year to discuss the position of local authorities and that the Unit would also consider how best the bodies listed in part 7 of Schedule 1 to the Act could be assisted. The Group agreed that it would be helpful if the FOI Unit could take on these actions.

Action

The FOI Unit to organise a meeting with COSLA in the New Year to discuss the readiness of Local Authorities to implement the requirements of the FOI legislation.

Action

The FOI Unit to consider and bring forward proposals to the Group on how best to engage with the public bodies listed in Part 7 of Schedule 1 to the Act.

Item 6: Review of Remit and membership of Group (Paper SFOI(2003)8)

Tim Ellis introduced this paper and said that the views of the Group were sought on the 4 questions outlined in paragraph 7 of Paper SFOI (2003) 8 namely:-

- Should the Group's membership be restructured with additional members from user groups, and is there a case for a reduction in the Scottish Executive representation?
- Should the restructured Group be responsible for producing best practice guidance for the public sector or should this be the responsibility of specific sectors, the Scottish Information Commissioner, or the Scottish Executive?
- Should the work of the Group be carried out partly through virtual networks and sub – groups with co-opted members? If so, how should this be set up and facilitated?
- Should meetings of the Group be held in public?

In discussion the Group agreed that the Group membership should be widened to include user groups as suggested in the paper and that meetings should be held in public. The Departmental representation on the Group should continue. With regard to its remit it was agreed that in order to encourage ownership of FOI amongst public authorities the preparation of best practice guidance should be the responsibility for specific sectors. The SFOIIG could however provide a forum for the exchange of approaches and experiences and also for the cross fertilisation of ideas. Michael Lugton said that the discussion had been very helpful and that the FOI Unit would put forward proposals to the Minister. The FOI Unit would also consider the logistics of holding public meetings of the Group the first of which would be the one after the next meeting.

Action

The FOI Unit to put proposals for the change in membership and remit of the Group to the Minister.

Action

The FOI Unit to consider the arrangements for holding meetings of the Group in public.

Item 7: Suggested date and agenda for Next Meeting

Mr Lugton said that the next meeting of the Group was due to be held in March and that the FOI Unit would canvass members for suitable dates. The SIC asked that the Agenda should include the results of the SIC survey of the readiness of public authorities for FOI which is currently underway.

Action

The FOI Unit to canvass members on the most suitable date in March 2004 for the next meeting of the Group.

Any Other Business

Alastair Graham asked what the current state of play was on the preparation of the Fees regulations. John McNairney said that there had been a meeting of the Fees sub group and the initial thoughts were that the scheme should be as simple as possible. A further meeting of the sub group would be held in early January following which draft fees regulations and guidance would be prepared for consultation. The intention is that the fees regulation will be laid before the Scottish Parliament before its summer recess.

Secretariat

December 2003