

SCOTTISH FREEDOM OF INFORMATION IMPLEMENTATION GROUP

SEVENTEENTH MEETING

TUESDAY, 27 SEPTEMBER 2005, DISCOVERY POINT, DUNDEE

Present:

Tim Ellis, Scottish Executive (Chair)
Kevin Dunion, Scottish Information Commissioner
Jane Brown, National Archives of Scotland
Carol Ewart, Campaign for FOI in Scotland
Alastair Graham, Grampian Police
Alison Mackinnon, Scottish Environmental Protection Agency
Averil MacLachlan, Scottish Enterprise
Denise Mattison, Historic Scotland
Carol McDivitt, Crown Office
Diane McGiffen, Audit Scotland
Andrew McIntyre, Crown Office
Kenny Meechan, SOLAR (in place of Jim Clifford)
Sarah O'Neill, Scottish Consumer Council
Karen Williams, Association of Chief Police Officers in Scotland
Andrew Mackie, Scottish Executive
Katherine Byrne, Scottish Executive FOI Unit
Joanna Dingwall, Scottish Executive FOI Unit

Hector MacQueen, Advisory Panel on Public Sector Information – invited speaker for item 6.

Two members of the public also attended.

Secretariat

Chris Bergin, Scottish Executive FOI Unit
Jane Mackenzie, Scottish Executive FOI Unit

1. Welcome and Apologies for absence

Tim Ellis welcomed group members to the meeting.

Apologies had been received from Sam Ghibaldan, Geoff Huggins, Dianne Millen, Andy Smith, Deirdre Watt (all Scottish Executive), Chris Bartter (UNISON), George Brechin (NHS Fife), Paul Holleran (National Union of Journalists), Margaret Macleod (Universities Scotland), Derek Manson-Smith (Campaign for FOI in Scotland), Gordon Smith (CBI), Garrick Smyth (COSLA), Claire Turnbull (Scottish Parliament).

Welcome to new attendees: Jane Brown (who has replaced Peter Anderson as NAS representative), Carol McDivitt (attending from COPFS along with Andrew McIntyre).

2. Minutes of previous meeting and matters arising

The group was informed that some amendments to the minutes of the last meeting had been received from OSIC concerning the OSIC update (under item 4) - additional text and a correction; the Campaign for FOI in Scotland had proposed a minor textual amendment regarding the reference to their training course (under item 7). The revised minutes had been published on the Executive's website.

Item 3 of the meeting on 14 June:

Jane MacKenzie provided the group with the definition of Scottish Executive "member", based on an extract from Section 44 of the Scotland Act.

3. Scottish Executive Update

Jane Mackenzie provided an update from the Executive. The main points were as follows:

- Ministers were still focused on ensuring that FOI(S)A was being successfully implemented by the bodies already covered by the Act.
- A minor review of some aspects of the Act was being considered. Further clarification on future actions might be forthcoming following a Conference taking place on 3rd October at which the Minister would be speaking. The Group would be informed of any developments arising as soon as possible.
- It was acknowledged that the first nine months of the operation of the Act had been a learning curve for everybody involved in implementation process.
- EIRs – Andrew Mackie briefly updated the group on the status of the guidance. The guidance document had been updated and published on the website. Revised areas include the definition of environmental information and the distinctions between FOI and EIRs. Andrew also noted that a draft Code of Practice had been provided to the Commissioner for consideration.
- The number of FOI requests received by the Executive had recently decreased but the general complexity of requests had increased. Further information was provided in the Scottish Executive report provided under Item 5.

Action Point: After the Conference FOI Unit to circulate a note to group members covering the main points made by the Minister.

4. OSIC update

The Scottish Information Commissioner provided a summary paper on the workload and activities of his Office (copy provided in Annex to the Minutes). He also highlighted some key points:

- OSIC had experienced a high volume of appeals. The OSIC workforce has been augmented with the recruitment of three new members of staff.
- In 17% of appeals cases, the public authority had failed to acknowledge the FOI request – a regrettably high figure for an elementary part of the procedure.
- Appeals of substance and technical breaches – the vast majority of appeals received by OSIC have related to appeals of substance. However, technical breaches have been common (e.g. authorities not citing specific exemptions or an individual’s rights).
- One of the challenges faced by Authorities was balancing the requirements of communicating with the public in a clear and understandable way (i.e. by avoiding overly-legalistic letters) and avoiding technical breaches of the Act. It was acknowledged that the use of simpler language requires a level of skill, but is none-the-less essential from an accessibility standpoint.
- Guidance on section 30 and section 38 guidance was being drafted and would be published on the OSIC website.
- OSIC is currently dealing with proportionally three times as many appeals as their English counterpart. OSIC is exploring whether research could be undertaken to establish why this might be the case.
- The Commissioner confirmed that he would note, on the OSIC website, when appeals have been made to the Court of Session concerning his decisions. He cited the example of the Irish Commissioner’s website which published information on the Court’s decision and the reasoning that underpinned the decision.
- Responding to a question about EIRs, the Commissioner cited two or three cases where OSIC had sought clarification from a public authority on why a particular case had not been dealt with under EIRs or FOI(S)A.
- Advertising – The OSIC television advertisement had led to an increase in the public’s recognition of their rights under FOI(S)A. The advert had recently been re-run with the addition of a freephone number and information on an action pack available to the public. It was hoped that the advert would lead to improved applications for information and also fewer invalid appeals.

5. Experience to date of “live running” with FOI(S)A

The Chair thanked members for providing written updates of their respective sector’s experience of FOI and said that the Unit was awaiting updates from some sectors/bodies. He invited members to provide a brief oral summary.

[The written updates provided are provided in the Annex to these Minutes).

The following points were noted:

- The Scottish Executive will be publishing a report on FOI requests monitoring for January-June 2005 similar to the reports published by the Department for Constitutional Affairs for UK departments.
- Information gathering – it was acknowledged that as well as providing information, FOI highlighted the gaps in processes, and triggered thinking about proactive development of and publishing of information. Reviews of the publication schemes would also highlight additional classes of information that had hitherto not been included.
- It was acknowledged that there is no hard and fast rule on what constitutes an “FOI request” – this makes monitoring and in particular comparisons between different organisations quite difficult. .

Specific Issues Raised by Group

- Awareness of FOI : the need for continuing to raise awareness of FOI across all sectors was highlighted.

Action Point: OSIC and the FOI Unit to discuss ways of improving FOI awareness across all sectors.

- It was acknowledged that a mechanism for gathering and sharing good practice by local authorities in relation to FOI (possibly through COSLA) would be particularly useful.
- Advertising future SFOIIG Meetings: The meetings of the group were currently advertised through the OSIC newsletter and on the Executive website. However the group agreed that other avenues (e.g. public libraries or through local newspapers) could be explored.

Action Point: FOI Unit to explore additional ways of advertising future SFOIIG meetings.

- Right to Know Day: the following day (28 September) had been designated international "Right to Know Day" by the FOI Advocates Network (web link: <http://www.foiadvocates.net/rkd.htm>).
- In response to a question about funding, it was reaffirmed that Ministers had no plans to make additional resources available to local authorities for the implementation of FOI.

6. PSI regulations and their application in the context of Freedom of Information

The Chair introduced Hector MacQueen from the Advisory Panel on Public Sector Information (APPSI) and invited him to discuss the PSI regulations and their application in

the context of Freedom of Information. Hector explained the background to the PSI regulations and made the following points:

- The EU regulations apply to the UK and all member states. The regulations provide a framework setting out the conditions governing the reuse of public information held by member states. One of the key aims is to create a level playing field for economic activity using PSI.
- The regulations apply to all public sector bodies and is entirely compatible with FOI. Freedom of Information concerns access to information, while PSI covers the re-use of information. Material which is exempt under FOI is also exempt under the PSI regulations.
- ‘Reuse’ means the reproduction of information in a way that was not originally intended when created (and includes copying, adapting, downloading, adding value etc).
- The Office of Public Sector Information (OPSI) is responsible for promoting awareness of PSI regulations, supported by the Advisory Panel.
- In principal, public bodies should not seek to make a profit out of the re-use of their information. There are some government bodies whose information can be reused on commercial terms (e.g. the MET Office).
- Copyright – there is no copyright in information and ideas only in the expression of ideas and information.
- Public sector bodies are responsible for copyright and licensing arrangements, asset lists and fair trading.
- The Fair Trader Scheme enshrines key principles which were important from the standpoint of compliance (transparency of policies and procedures; fairness, openness; compliance with review procedures and a complaints policy).
- For further information on PSI regulations: www.opsi.gov.uk

7. Any other business

None.

8. Date of next meeting and notify agenda items

The next meeting take place on 15 December in Edinburgh.

Group members were invited to email the FOI Unit with suggested items for the agenda and also suggestions for future meeting venues.

SE FOI Unit
October 2005

**ANNEX TO MINUTES OF SCOTTISH FREEDOM OF INFORMATION
IMPLEMENTATION GROUP SEVENTEENTH MEETING**

ITEM 4 . OSIC Update

1. Report from SCOTTISH INFORMATION COMMISSIONER

ITEM 5: SECTOR UPDATES

- 2. SCOTTISH EXECUTIVE**
- 3. SCOTTISH ENVIRONMENTAL SECTOR/SEPA**
- 4. HISTORIC SCOTLAND**
- 5. NATIONAL ARCHIVES SCOTLAND**
- 6. POLICE SERVICE**
- 7. CROWN OFFICE**
- 8. SCOTTISH ENTERPRISE NETWORK**
- 9. SCOTTISH PARLIAMENT UPDATE**

No reports were received from HE, Local Government or the Health Service

1.

SCOTTISH INFORMATION COMMISSIONER UPDATE

Applications for Decision

	Jan	Feb	Mar	April	May	June	July	Aug	Totals
EIRs	0	1	10	4	1	11	6	0	37
FOISA	3	15	50	90	49	50	37	45	339
Total applications	3	16	60	94	50	61	43	49	376

Further statistical information about the applications to the Commissioner are attached as an appendix to this update:

- Volume of applications by month
- Applications by sector
- Office caseload and disposal
- Complaints by type

The majority of complaints concern the handling of requests by Scottish local authorities (53%) and Scottish Ministers, The Parliament (22%). The level of complaints about mute or deemed refusals is currently running at 19% of the total volume of applications.

Office Caseload

By the end of August the Office had processed 135 of the 376 applications received. 17% of these were deemed invalid or were withdrawn at the first stage. The current office investigation caseload is 247 open cases. The volume of applications is greater than estimated on the basis of a study commissioned by the Information Commissioner from the Constitution Unit of University College London last year. This study suggested that the Scottish Information Commissioner might expect to receive between 300 and 400 applications in the first full year of operation of freedom of information legislation. We now anticipate that the volume of appeals this year is likely to exceed 500.

We are pleased to welcome 4 new appointees to the Office in the next month:

Euan McCulloch, Deputy Head of Investigations

Jill Anderson and Colin MacFadyen, Freedom of Information Officers (FOIOs)

Ruaraidh Wishart, FOIO with special responsibility for records management.

The arrival of the new staff will certainly help the existing 7 FOIOs and Head of Investigations, but in recognition of the increased workload for his organisation, the Commissioner has submitted a proposal to the Scottish Parliament Finance Committee for additional staff next financial year.

Investigations and Decisions

The Commissioner has to date issued 26 decisions and these are available on his website within one week of issue. Many of the decisions establish important case precedent, including personal data, commercial interests, legal advice, the position of MSPs in relation to the Act, planning matters and information about employees of Scottish public authorities. A decision

has been issued today concerning roads registers which were available by inspection-only in some local authority publication schemes. The investigation showed that given the ease with which copies of the register might have been made available through councils' schemes, it is clear that it should not have been included within the schemes for inspection only. A further key decision on the issue of surgeons' mortality rates will be issued this month. We have been advised that one applicant intends to appeal a decision to the Court of Session.

Current appeals are available to view on our website. The list was updated last week and we have plans to ensure that it is more regularly updated. The Commissioner's investigation procedures are also available to view in his online publication scheme www.scotinfo.org.uk and include a new "technical breach procedure" introduced last month to improve case times for cases which do not require full investigation e.g., mute or deemed refusals. By the end of August the Commissioner had issued 11 Information Notices to authorities in the course of investigations.

Enquiries

The table below shows that the level of enquiries to the Office has fallen considerably over the summer.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Total
No of enquiries	321	386	383	212	189	200	118	113	1922

Approximately 7% of enquiries relate to matters outside the Commissioner's jurisdiction, in particular access to personal information about the enquirer and access to medical records. There has been a particularly marked decrease in the volume of enquiries from employees of public authorities seeking advice about the legislation.

Information Requests

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Total
Published information	21	4	45	36	22	12	10	7	157
FOI/ EIR requests	6	2	8	6	2	2	5	3	34

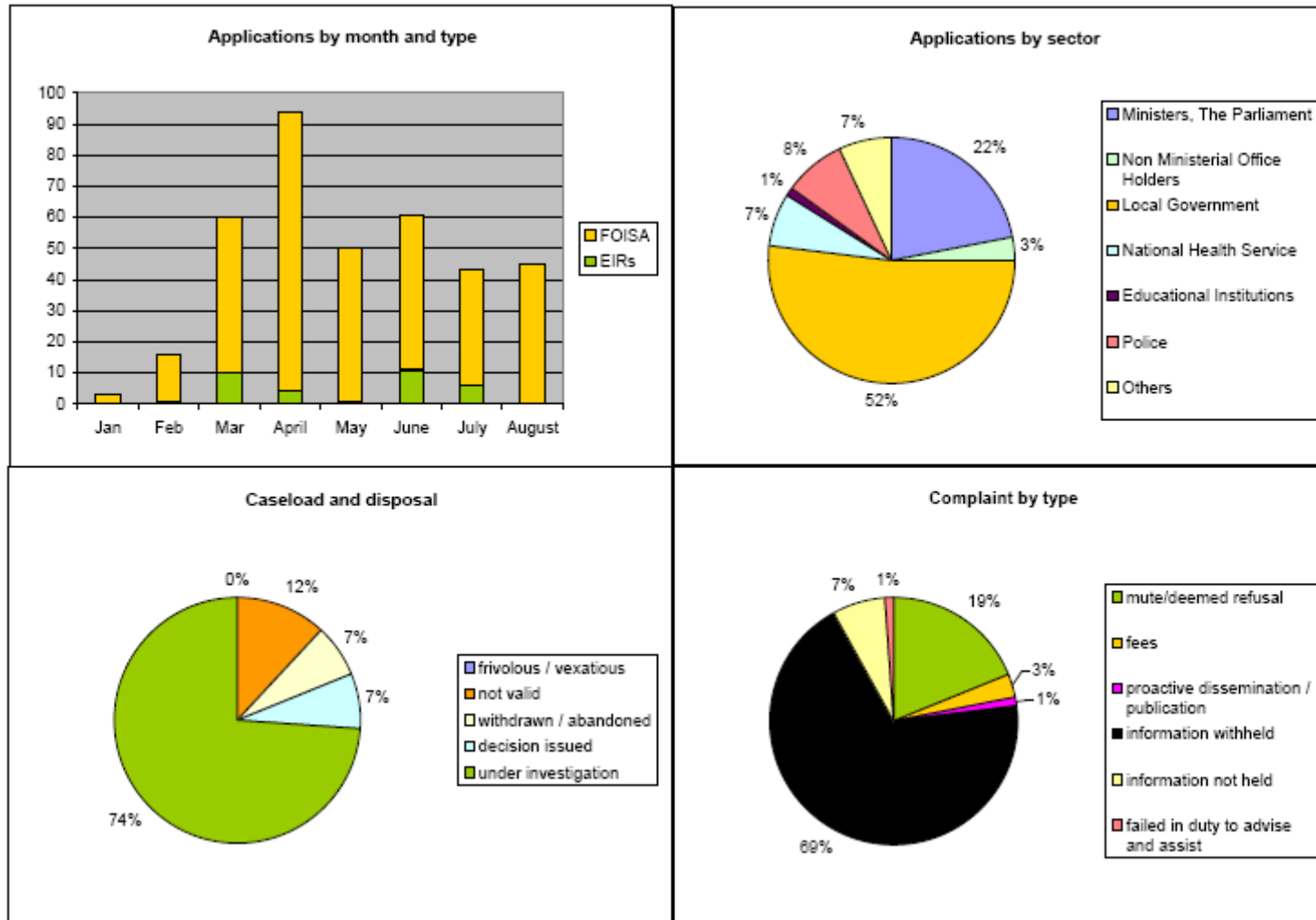
The Office continues to receive information requests on a regular basis. To date no fees notices have been issued, nor has the organisation been asked to review its decision. We have, however, issued 10 notices that information is not held in response to requests. We are increasingly receiving requests from applicants for information which is part of the ongoing investigation into their complaint.

Promotional Activity

The second period of TV advertising began on 5 September and will conclude in the second week of October. The advertisement has been amended to include a telephone number in response to feedback about the use of our web address only in the last campaign. Callers can request a free information pack which includes guidance about making a request, request for review or an appeal.

APPENDIX

SCOTTISH INFORMATION COMMISSIONER – FURTHER STATISTICAL INFORMATION



2.

SCOTTISH EXECUTIVE UPDATE

Analysis of Freedom of Information requests received by the Scottish Executive from January – June 2005

This report provides a brief analysis of the Freedom of Information requests received by the Scottish Executive between 1 January and 1 June 2005, which were notified to the central FOI Unit. During this period, a total of 1208 requests were logged by the Unit. Of these cases, analysis has been undertaken on the handling of 85% (1022) cases.

Key Points

- The number of requests received and centrally recorded in the second quarter was significantly lower than in the first quarter – 389 compared with 819.
- Of the 1022 requests analysed, 762 (74.5%) were resolvable requests*. Information was provided in full, or partially disclosed, in 507 (66%) of these cases.
- Information was not held (under section 3 or otherwise) by the Executive in 129 cases (13%).
- There have been 186 reviews of original decisions requested. This works out as 20% of cases.
- Of the 168 reviews with recorded outcomes, the original decision was upheld in 149 cases (89%).
- The original decision was overturned in 9 (5%) of the reviews carried out. In 10 cases (6%), the original decision was overturned in part.
- There have been 42 requests that were appealed to the Scottish Information Commissioner. This amounts to 6% of the 1022 requests which have been analysed.

FOI Unit September 2005

*Excluding request with unknown outcomes, information not fully held; EIR and Data protection requests, further clarification sought.

3.

**REPORT FROM ENVIRONMENTAL SECTOR/SEPA REGARDING ACCESS TO
INFORMATION REQUESTS
SFOIIG MEETING – 27 SEPTEMBER 2005**

1. FEEDBACK FROM SECTOR

Scottish Water has logged approximately 300 enquiries between January and September 2005. These enquiries include those received directly via the FOI mailbox on the website and by letter. A further number of enquiries may have been received and dealt with in local offices but have not been captured in the central logging system. The level of enquiries has been consistent for each quarter of the year so far. Main areas of interest range from contentious issues relating to waste water and sewage treatment to general information requests. Some enquiries have become enmeshed with service complaints.

The Forestry Commission has logged approximately 100 enquiries under the UK Act, although co-ordination of the process is carried out in Edinburgh for the UK wide organisation. In general, the groundwork put in last year to implement the legislation has paid off, but there were problems with the enquiry logging system adapted for FOI use, which has had to be re-engineered. A forthcoming issue for consideration is the potential impact of Re-use of Public Sector Information Regulations for the organisation.

Scottish Natural Heritage reported that they are still logging relatively few formal enquiries. Most enquiries are made by MSPs; journalists; Interest Groups and members of the public who have had contacts with SNH. Main areas of interest are related to wind farm developments, beavers and the relocation of the SNH HQ to Inverness. Requests for datasets relating to sensitive species data have increased. It is also noticeable that developers and consultants are requesting significant amounts of data to assist in the preparation of Environmental Impact Assessments.

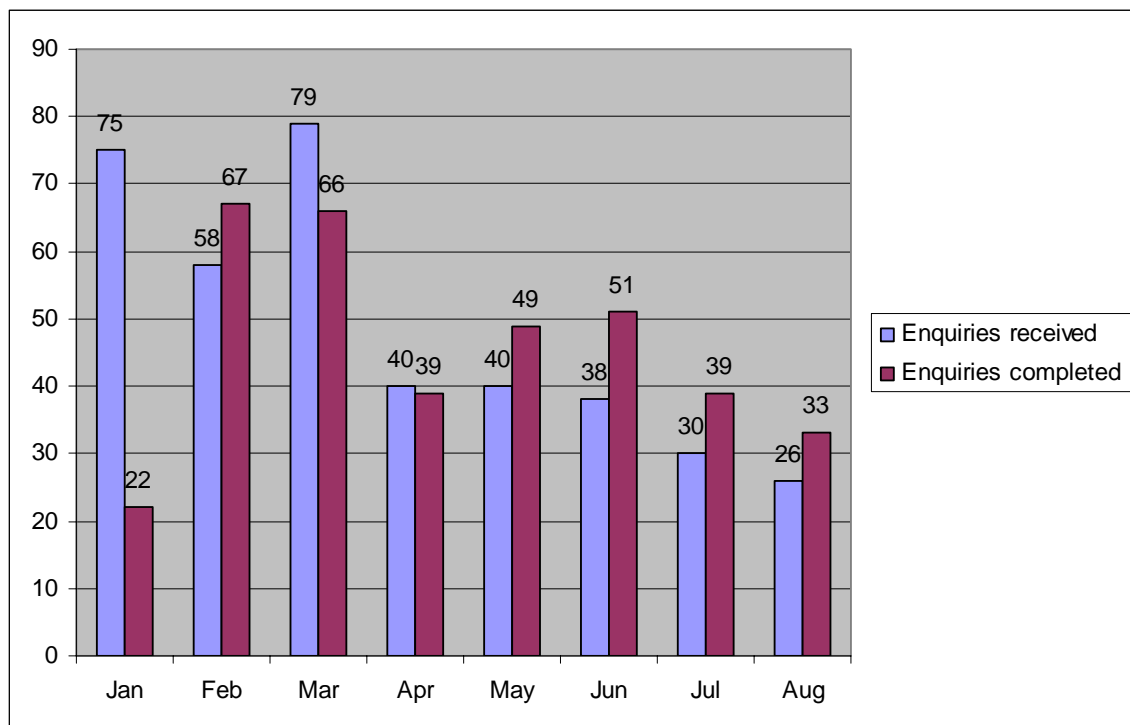
2. FEEDBACK FROM SEPA

Reporting to the end of August 2005

Number of Enquiries formally logged and tracked
• 386 enquiries
• 89% handled under EIRs
• 11% handled under FOISA
Breakdown by Enquirer
• 42% General Public
• 29% Industry
• 9% Journalists
• 8% Government/Public Bodies
• 6% Solicitors/Consultants
Breakdown by Enquiry type
• 29% EIR – Waste
• 29% EIR – Water
• 12% EIR – Land

<ul style="list-style-type: none"> • 10% EIR – Air
<ul style="list-style-type: none"> • 5% EIR - Radioactive Substances
<i>(Percentages reflect numbers of enquiries not time and resource impact of enquiries by type)</i>
Compliance issues
<ul style="list-style-type: none"> • 26 Fees Notices issued under EIRs.
<ul style="list-style-type: none"> • 15 enquiries responded to outwith statutory deadline <i>(coincided with peak workload February-April 2005 – no enquiries outwith deadline since June 2005)</i>
<ul style="list-style-type: none"> • 9 Formal Reviews
<ul style="list-style-type: none"> • 1 Appeal to OSIC – ongoing

Monthly trends in Access to Information Enquiries received by SEPA – 2005



There have been a notable number of enquirers who have made a succession of requests relating to a single issue or site. In one case, eight separate requests were logged and handled on the site. This was in addition to ongoing correspondence on the issue addressed directly to local offices.

There have been at least five other localised contentious issues which have attracted a succession of enquiries. In some cases these enquiries became enmeshed with service complaints and OMEs. This has required close liaison with staff co-ordinating these processes.

There has been an accrual of knowledge and expertise amongst designated staff in the detail of compliance legislation and its application in the handling of release and review decisions. Pertinent OSIC Decision Notices are and will be considered by the Access to Review Group during any release or review Decisions to ensure consistent and defensible decisions. It is also noticeable that the Data Protection Principles are being considered in many of the release decisions.

Similarly, the handling of Access to Information enquiries has engendered a better understanding of the value of good records management amongst many staff. This is particularly important when staff are asked to scope the amount of information to be located and retrieved in response to an enquiry. An accurate assessment of amount of staff time to carry out these tasks allows for the timely issuing of a Fees Notice or the planning of resource to handle the request. The experience has highlighted the need to organise working files such that those documents which can or cannot be released can be easily identified.

Current Issues

Work in ongoing on to analyse the impact of the Re-use of Public Sector Regulations 2005 for SEPA. Discussions have been held with the Data & Information Exploitation Unit at the Environment Agency on their work in this area, as they are already compliant with the PSI requirements.

SEPA is also receiving an increasing number of enquiries from consultants/developers seeking significant amounts of data to assist in the preparation of Environmental Impact Assessments for wind farms. Fees Notices have been issued where the time required to locate and collate the data exceeds 7 hours.

Alison Mackinnon
Information Manager
SEPA
26 September 2005

4.

HISTORIC SCOTLAND UPDATE

HS continues to receive many routine requests for information which we handle as we have always done and so our experience of FoI to date has not been too onerous. The number of requests below are those notified to my unit through the HS Request Log.

Month	No of Requests	SE FoI Unit Referrals	Outcome	Exemption
January	9	1	Partial response	s33 and s38
February	7	2	1. Information not held	n/a
			2. Partial response – case still live	s30
March	6	2	1. Information not held	n/a
			2. Partial response	s38
April	9	2	1. Information provided with © notice	n/a
			2. Information provided with a charge for electronic CAD drawings as per OQPS	n/a
May	8	3	1. Partial response	s38
			2. Partial response	s30
June	8	2	1. Listing decision which may go to judicial review – awaiting FoI Unit response	s30
			2. Partial response	s33
July	9	2	1. Refusal	s38
			2. Partial response	s31, s33 & s38
August	6	0	Information provided	n/a

Most of the requests relate to listing buildings, scheduling monuments and associated casework.

The Recently Released Information log is now available on the HS website at: http://www.historic-scotland.gov.uk/foi_disclosure_log

5.

NATIONAL ARCHIVES OF SCOTLAND UPDATE

Since 1 January we have received a total of 44 FOI requests. Of these, 12 have been dealt with under s.22 of FOISA as they related to information which was transferred to us by another Scottish public authority. This means that we had 30 days to respond to these particular requests.

NAS has put in place a network of FOI lead officers in each business area, with requests co-ordinated by our FOI officer who is based within our Senior Management Branch.

The source of requests received can be broken down as follows:

Media: 14

Members of the public: 12

Companies: 3

Political Researchers: 11

MSPs: 1

Other: 3

We have received no requests for review.

Where we have released large amounts of information we have provided access to this in our West Search Room (as permitted by s.25 of FOISA – information held by the Keeper of the Records of Scotland and made available for inspection and (in so far as practicable) copying, is deemed to be reasonably accessible).

6.

THE POLICE SERVICE UPDATE

For the year 2005 until the end of August, we have received a total of 1821 requests covering a total of 4715 questions.

The Police Service are still responding to FOI requests in a robust and efficient manner.

It has been noticed that a vast majority of the requests which are coming to the Service from Journalists who are obviously using the Service to research their stories and perhaps carry out investigative journalism.

The ACPOS Practitioners' Working Group, on which there are representatives of all Scottish Police Forces, continues to meet regularly on a monthly basis when the day to day business of Freedom of Information administration/requests are fully discussed with the aim of ensuring that the public get a robust and common response to the Police Service in Scotland to the same enquiry.

Recently, a one day training course for all Scottish Forces was held at the Scottish Police College recently on the 'public interest and harm test on the release of information', and this was very well received.

Several cases are still with the Office of the Scottish Information Commissioner on Appeal and the results of these appeals will have an impact on the way we do business in the future.

The ACPOS FOI Practitioners' Group have commenced work on the preparation for a revision of the Model Publication Scheme and this will be taken forward to the Information Commissioner for approval in due course. This, however, is not likely to happen until possibly the start of 2006.

7.

Crown Office

The Crown Office intends to issue a report on FOI activity in due course. This will reflect a high volume of requests, many of which have been complex (e.g. miscarriages of justice). Many cases had involved significant redactions of personal data. There had been requests where compliance had breached the financial threshold but some cases had still been complied with (on public interest grounds). The most common exemptions used were sections 34, 35 and 38. There had been 22 review requests (no decisions had been overturned) and two appeals to the Information Commissioner to date. A balance had to be struck between highlighting the public's right to appeal and acknowledging that the public's right to appeal is limited in respect of decisions taken by the Crown Office.

**8.
SCOTTISH ENTERPRISE NETWORK UPDATE**

Freedom of Information Request Statistics January-August 2005

This report shows the total number of formal information requests handled in the Scottish Enterprise Network since the implementation of the Freedom of Information Act 2002. Figures include those publicly owned companies (SE and LEC subsidiaries) who were included in the network's FOI implementation project, but exclude some more arms' length subsidiaries and companies owned jointly with another Scottish public authority.

FOI Requests

	Scottish Enterprise			Local Enterprise Companies			Careers Scotland			SE subsidiaries			LEC subsidiaries			Total		
	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total
Information supplied in full	16	9	25	55	17	72	4	2	6		1	1				75	29	104
Information partially withheld	9	1	10	9	1	10								1	1	18	3	21
Request refused - exemption	2		2	1		1										3		3
Request refused - cost	1	1	2	1	1	2										2	2	4
Request withdrawn				2	1	3										2	1	3
Information not held	4	1	5		4	4										4	5	9
Request still being processed		2	2														2	2
Total	32	14	46	68	24	92	4	2	6		1	1		1	1	104	42	146

Notes

The network operates to a standard definition of a formal request which should be logged:

- The request is received in writing or other permanent form e.g. e-mail
- *Or* the request is received orally/by telephone and is for environmental information
- *and* the request requires information to be retrieved from paper and/or electronic files
- *and/or* the request needs to be referred to another part of the network

However in practice there are variations between business units in the extent to which routine requests where information is provided in full are logged and included in monitoring returns.

Prior period = January-May 2005 Current period= June-August 2005

Cases where names or personal contact details have been redacted but no other information withheld are counted as supplied in full.

Cases where some of the requested information is not held are classified according to the treatment of the information which is held.

Internal Reviews

	Original Decision Upheld			Original Decision Reversed			Some Additional Information Supplied			Total		
	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total
Scottish Enterprise	2		2				2		2	4		4
Local Enterprise Companies							2		2	2		2
Careers Scotland												
SE subsidiaries												
LEC subsidiaries												
Total	2		2				4		4	6		6

Appeals to Scottish Information Commissioner

Nil

Timescale for response

100% of requests have been dealt with within the 20 day statutory period

EIR Requests

No requests have been specifically identified as falling under the EIRs, although it is possible that some cases where information was supplied in full related partly or in full to environmental information.

Data Protection Act Subject Access Requests

	Stand-alone			Combined with FOI			Total		
	Prior period	Current period	Total	Prior period	Current period	Total	Prior period	Current period	Total
Scottish Enterprise				2		2	2		2
Local Enterprise Companies				2		2	2		2
Careers Scotland									
SE subsidiaries									
LEC subsidiaries									
Total				4		4	4		4

Sources of Requests

Information about the type of requester is not routinely recorded, but where it is known, in the period to May the most common sources were customers, the media and current or prospective suppliers. In the current period these have continued to feature and toward the end of the reporting period requests from legal firms acting on behalf of clients have also begun to appear. The number of requests from members of the public who do not have an existing customer relationship with us has been low.

Subject Matter

The majority of requests have related to the specific interests of the requester rather than matters of general public interest e.g. individuals seeking information held about themselves and companies they have been associated with (the combined FOI/DPA cases), unsuccessful tenderers seeking information about the award of contracts, companies seeking information about assistance given to their competitors. In recent months there has been an increase in requests from companies for information which could help them to pitch for future business.

Media requests have either focussed on payments made to specific types of recipient e.g. celebrities used to host events, or have been very general e.g. all correspondence with the Scottish Executive.

Requests which do have wider public interest have related to information about specific major projects, and to our equal opportunities policies.

Exemptions

Where information has been withheld in full or in part, the exemptions most commonly used are: Section 33 Commercial Interests and the Economy (11 cases), Section 38 Personal Information (9 cases) and Section 30 Prejudice to the Effective Conduct of Public Affairs (6 cases). Sections 36 Confidentiality, 41 Communications with Her Majesty and Honours and 27 Information intended for Future Publication have also been used once or twice each. In some cases more than one exemption has applied to different information within the scope of one request.

9.

SCOTTISH PARLIAMENT UPDATE

Scottish Parliament - Sectoral Update

Total number of FOI requests received - 279

Total number of completed reviews - 20

Our most frequent requesters are members of the public and journalists. The information most frequently sought relates to expenses claims submitted by Members.

We continue to reflect on our handling processes and to re-focus them in the light of our experiences and to provide regular updates to our Senior Management Team. We also continue to hold regular meetings with our networks of FOI Action Officers and FOI Decision Takers.

Appeals - currently there are three appeals awaiting decision from the SIC and we have received three decisions.

Other activities - we are working on a report reviewing FOI handling following our experience to date and we have recently updated our disclosure log. As part of the review of FOI handling we will be reviewing our Publication Scheme.

10.

LOCAL GOVERNMENT UPDATE

SOLAR

Society of Local Authority Lawyers & Administrators in Scotland

Sectoral report for the Scottish Freedom of Information Implementation Group:

Local Government

Summary of requests received under the Freedom of Information (Scotland) Act 2002

Name of Scottish Public Authority:

Responses received from: Angus; Argyll and Bute; City of Edinburgh; Clackmannanshire; Dundee City; East Ayrshire; Falkirk; Fife; Glasgow City; Highland; Midlothian; North Lanarkshire; Perth and Kinross (13 of 32 councils)

Date figures relate to: almost all councils provided figures to 31 August, as requested. Not all authorities completed all sections of the proforma, so the percentages are only an approximation.

Total FOI requests received (range 120 to 1,093; average 410 equating to 2.2 requests per working day)	5,332
Requests responded to	4,962 (93%)
Requests completely complied with	3,142 (63% of those requests dealt with)
Requests partially complied with	289 (6%)
Requests completely refused	412 (8%)
Of these, how many were "technical refusals" where the applicant could get the information in other ways?	154 (3%)
How many were due to the cost threshold being exceeded?	29 (<1%)
Requests where a fees notices issued	18 (<1%)
Requests where fees paid	9
Requests responded to within 20 working days	3,748 (76%)

Number of internal reviews requested	251 (<1%)
Number of internal reviews completed	209
Number of reviews releasing additional information	35 (17%)
Number of reviews completed within twenty working days	157 (75%)
Number of appeals to OSIC	76 (36% of completed reviews)
Number of decisions reached on appeal	11
Number of cases where OSIC have upheld a decision to withhold information	2
Number of cases where OSIC have found technical breaches of the FOIS Act	9
Number of information notices served on local authorities	6

Figures relate to general requests for information and so include requests made under the Environmental Information (Scotland) Regulations 2004 as well as under the Freedom of Information (Scotland) Act 2002. Very few local authorities differentiated between the two when complying with requests.

Anecdotally, most requests are from members of the public. Those councils providing figures placed this at around 60% of all requests. Journalists and media requests accounted for around 10% of all requests, and the majority of the rest were from commercial or business concerns, and in particular from firms of solicitors.