

SCOTTISH PUBLIC INFORMATION FORUM

FIRST MEETING

**THURSDAY, 4 OCTOBER 2007, ROYAL COLLEGE OF PHYSICIANS,
EDINBURGH**

Present:

Jan Marshall (Chair), Scottish Government
Alison Mackinnon, Scottish Environment Protection Agency
Brian Jamieson, Scottish Enterprise
Bruno Longmore, National Archives of Scotland
Carol McDivitt, Crown Office
Carole Ewart, Campaign for Freedom of Information Scotland
Grahame Clarke, Association of Chief Police Officers in Scotland
David Cullen, The Law Society of Scotland
David Goldberg, Campaign for Freedom of Information Scotland
Derek Manson-Smith, Campaign for Freedom of Information Scotland
Donald Henderson, Society of Local Authority Lawyers & Administrators in Scotland
Neil Watson, Historic Scotland
Alastair Graham, Association of Chief Police Officers in Scotland
Liz Taylor, Highlands & Islands Enterprise
Mandy Gallacher, Audit Scotland
Margaret Macleod, Universities Scotland
Sarah O'Neill, Scottish Consumer Council
Pat McKay, Glasgow Caledonian University
Claire Turnbull, Scottish Parliament
Katie Wood, Scottish Government

In attendance:

Kevin Dunion, Scottish Information Commissioner
Susan Gemmell, Office of the Scottish Information Commissioner
John Taylor, Glasgow Caledonian University
Eleanor Burt, St Andrews University
Sarah Emerson, Lothian & Borders Police
Ken Macdonald, Assistant Commissioner, (UK) Information Commissioner's office

Secretariat:

Liza McLean, Scottish Government
Katherine Byrne, Scottish Government
Brian Rigby, Scottish Government

The meeting was advertised as being held in public. 2 members of the public attended.

1. Welcome and apologies for absence

Jan Marshall welcomed to the meeting those Forum Members who had previously been Members of the Scottish Freedom of Information Implementation Group (SFOIIG), and those attending for the first time.

Apologies had been received from Cathy Adamson (Fife NHS Board), Roger Green (Historic Scotland), Karen Williams (Grampian Police), Neil Cuthbert (Association of Scotland's Colleges), Alison Rooney (Glasgow Caledonian University), Karen Angus (SOLAR), Lloyd Austin (RSPB on behalf of the Scottish Environmental Link) and Paul Holleran (National Union of Journalists).

Members were asked to note that George Brechin (Fife NHS Board) has decided to stand down as a member of the Forum.

2. Update from the Scottish Information Commissioner

Kevin Dunion provided the Forum with an update which covered the following points:

- The International Right to Know Day was celebrated recently and this coincided with the 1000th day of FOISA and the issuing of the commissioner's 500th formal decision under the Act.
- Appeals are levelling out.
- April to present – 219 Appeals (projected 225).
- April to present – closed 306 cases (185 by formal decision).
- April to present – 208 open cases (58 of those excess/ backlog) – some cases will necessarily remain open until Court of Session hearings, therefore cases may sit for some time.
- Progress – a timetable is in place to update briefings on exemptions
- Difficult area emerging is the Environmental Information (Scotland) Regulations v Freedom of Information (Scotland) Act – meeting arranged with Scottish Government FOI Unit to discuss.
- 3 cases appealed at the Court of Session – 1 case at the House of Lords.
- Funding – budget submitted to Parliament body and the commissioner anticipates a 3.9% increase (£1.4 million) which will reflect a cut in non staff expenditure (publicity and promotions budget will be down). Staffing costs currently relate to 77% of the overall budget.
- The results of a research report commissioned by the Commissioner have been published on the OSIC website and a seminar proposed in St Andrews, to which Forum members are invited, to discuss the outcome of the research– see agenda item 3 below.

The Commissioner invited questions from the Forum.

3. Research: New modes of Information Management in Scottish Public Bodies

Dr Eleanor Burt (St Andrews University) and Professor John Taylor (Glasgow Caledonian University) were invited to give a brief presentation summary of the report which was commissioned by the Scottish Information Commissioner.

Forum members were then formally invited to a seminar to have a full presentation and discussion of the reports findings, to be held at St Andrews University in November.

Members were asked for their comments.

4. Update from the Scottish Government

Liza McLean from the FOI Unit updated members on the following points:

- Minister for Parliamentary Business, Bruce Crawford has portfolio responsibility for FOI; The Minister has now met with the Commissioner.
- Publication Scheme is required to be resubmitted early next year.
- FOISA review 2005 – new Ministers had noted consultation responses but won't be responding directly to that review's findings.

5. Discussion of sectoral input for future meetings

Members were asked to consider how they see the Forum progressing. In particular Members expressed an interest in learning more from FOI 'users' and comments were invited on how this could be done.

Some possible agenda items suggested for future meetings were:

- Hearing about FOI considerations in setting up culture/leisure trusts as 'wholly owned'
- Discussing good practice in public sector contract considerations.
- Considering inviting a representative from a voluntary group to give a presentation.

Action point – All members to consider how the Forum could in future capture the 'user' perspective and report back on this as well as other possible agenda items for future meetings.

The Chair noted that there may be value in a 'rolling' Chair and secretariat for future meetings of the Forum.

Action point – Members to report back by end November with nominations for Chairing future meetings.

It was suggested that Forum members could compile a list of issues and questions that could be address and discussed at future meetings.

Action point - FOI Unit will invite and maintain list of issues and questions from members.

6. Recording of Destructions

Sarah Emerson of Lothian & Borders Police was invited to give a talk to a paper issued to Members prior to the meeting.

Members were invited to comment and an open discussion on the Section 61 Code of Practice and whether it should be revised, followed. The question was raised about the level of detail the Code should provide and who its future audience may be.

The issue of the Codes of Practice in general was raised, and it was discussed that there may now be a requirement for re-visiting all of the Codes issued under FOISA.

Liza McLean made the point that it would almost certainly be preferable to take a comprehensive rather than incremental approach to revisiting the codes.

Points to note:

- The Scottish Ministers are responsible for issuing and revising (in conjunction with OSIC and, in relation to the section 61 Code, the Keeper of the Records of Scotland) the Section 60, 61, and 62 Codes of Practice.
- The National Archives in England have recently concluded a review of their equivalent Code of Practice as to the keeping, management and destruction of records – possible invitation to next meeting to discuss.

Action point – Members to consider further the issue of revising the Codes of Practice, in particular the Section 61 Code of practice as to the keeping, management and destruction of records, and discuss any requirements in more detail at the next meeting.

Action Point – Secretariat to invite representative from TNA to next meeting.

7. Open Learning Workbook sub-group

Liza Mclean brought the Forum up to date on the work/ findings of the sub-group and gave a brief background on this topic:

Background

- Workbook was a learning tool produced by Pinsent Masons and funded by the Scottish Government.
- An e-learning package was developed by Fife Council which a number of public authorities bought into.
- E-learning package considered as a valuable resource and now in need of updating.

Findings

- Workbook has now served its original purpose.
- Need for updating e-learning package.
- Advice from Pinsent Masons to update content which would also produce a paper resource – initial quote from them for this work £25k.
- Value in updated content of e-learning package (in hard copy) being made publicly available.

Conclusions - Members agreed that the consortium should take forward any further work.

Action point - Members to consider whether they wish to be included as future consortium members and report back to Mandy Gallacher, Audit Scotland.

8. Publication Schemes

Members discussed the issue of Publication Schemes and their renewal.

- The Model publication scheme for Scottish Higher Education Institutions has had its approval extended in line with the extension already granted for the Publication Schemes adopted from it.
- Model publication scheme for Further Education has also had its approval extended..
- The issue of inclusion of environmental information in Publication Schemes was raised – it was suggested that this is best achieved by incorporating it throughout the scheme rather than as a separate class of information.
- OSIC are planning a phased programme of Publication Scheme renewals commencing in 2008; guidance is due to be issued on this.
- The Scottish Government will be first to submit its revised Scheme, which is due to be approved by June/ July next year.
- The question was raised about the purpose and value of Publication Schemes as they stand, given that they appear to be little used and are resource intensive to develop and maintain; the Commissioner noted that there is a legal requirement under FOISA for public authorities to have schemes in place.

Action point – Agenda item for next meeting to discuss Publication Schemes further. The Scottish Government will update members on the work it will have carried out by the next meeting on updating its own Scheme.

9. Any other business

Members voiced concern about the lack of public interest in the Forum, as there was a value in observers attending, and asked what could be done for future meetings.

Liza McLean gave a brief rundown of concerns that public observing the Forum should find it useful and informative and what had been done to publicise today's meeting, which included:

- The Citizen's Advice Bureau, Edinburgh
- Universities and Colleges in Edinburgh
- Advert on Scottish Government's FOI web-pages

The Chair suggested that all members should have a role in the appropriate advertisement of future meetings. Comments and suggestions were taken from the floor and this included e-mail alerts, advertising in "free sheets", the supply of a standard advert for all members to cascade through their own internal contacts or websites.

Action point – FOI Unit will provide a standard advert in advance of future meetings for all Members to use as appropriate where there exist opportunities for advertising Forum meetings.

Action point – Members to provide suggestions of topics for future agendas that would be of interest to the public.

Other points of note:

- Ken McDonald, ICO asked that members be aware of the revised guidance on the definition of personal data published recently by the ICO.
- Carole Ewart, CFOIS, asked that members note the European Convention on Access to Official Documents is currently being drafted.
- To note that Maurice Frankel from the Campaign for Freedom of Information will be in Scotland in February providing training based around decisions of the Scottish Information Commissioner.

10. Date and venue of next meeting:

- To be confirmed – likely March 2008.
- It was agreed that venues for future Forum meetings should be rotated around different locations.

Action point - Members to suggest venues for future meetings

A short break followed to allow members not wishing to remain for the final agenda item to depart.

11. Sharing experiences and good practice – Forum discussion

Some Members concluded the meeting by sharing their experience on a number of issues in a 20 minute open discussion.