

Freedom of Information – Annual Report 2022-23

1.0 INTRODUCTION

1.1 This report is to update the Audit & Scrutiny Committee on the position regarding the recording, responding to, monitoring and reporting of requests for information under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIR's) for the period between 01 April 2022 and 31 March 2023.

2.0 RECOMMENDATIONS

2.1 The Audit & Scrutiny Committee consider and note the terms of this report.

3.0 DETAIL

3.1 A total of 1,495 requests for information were received during the period - 1 April 2022 to 31 March 2023 which is an increase of 261 on the number received in 2021-22. Overall, 94% of requests received this year (1,404) were responded to within the statutory timescale of 20 working days and 91 requests were responded to after 20 working days. These totals include requests for information from the Health and Social Care Partnership (Social Work) and Live Argyll.

3.2 A breakdown by Department and detail around late responses is provided in Appendix 1.

3.3 There were 31 requests for review made during this period, which equates to less than 2% of the total number of requests. 23 were responded to within the 20 working day statutory timescale (74%), and the 8 issued late required more time to gather information and investigate complex issues.

3.4 The overall response rate within timescale has increased slightly from 93% in 2021/22 to 94% in 2022/23. As the details provided in appendix 1 show, many service areas achieved a very high level of performance, between 97-100%.

3.5 One case was investigated by OSIC in 2022/23, the requestor claimed that we had failed to respond to their request. The response had been issued and the information was provided to the ICO and resent to requestor, the application was subsequently withdrawn.

- 3.6 The Compliance and Regulatory team continues to work with Departments to seek to improve response rates where required, and deliver training and provide guidance to allow officers to appropriately respond to information requests.
- 3.7 The Compliance and Regulatory team provide monthly updates to the Chief Executive, the Chief Officer, Directors, Heads of Service and the departmental FOI reps. Quarterly reports are provided to all DMTs.

4.0 CONCLUSION

- 4.1 Many Services maintained an excellent performance level throughout 2022/23, and the overall result of 94% of responses issued within timescale is positive, given the pressures on some service areas where high numbers of information requests were received.
- 4.2 The Compliance and Regulatory team continues to work with Departments to seek to improve response rates where required, and deliver training and provide guidance to allow officers to appropriately respond to information requests.

5.0 IMPLICATIONS

5.1	Policy	None
5.2	Financial	None
5.3	Legal	Possible breach of statutory requirement to respond to requests
5.4	HR	None
5.5	Fairer Scotland Duty	None
5.5.1	Equalities – Protected Characteristics	None
5.5.2	Socio Economic Duty	None
5.5.3	Islands	None
5.6	Climate Change	None
5.7	Risk	None
5.8	Customer Service	The relatively low number of requests for review is indicative that we are responding appropriately to requests and customers are receiving the information they are looking for.

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21st August 2023

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APPENDICES

Appendix 1 – Departmental/Service stats & Late Response Details