

Freedom of Information (Scotland) Act 2002

Information Request Handling

Annual Report 2018

January 2020

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Foreword

The Minister for Parliamentary Business and Veterans reflects on the Scottish Government's progress in relation to Freedom of Information, following the Scottish Information Commissioner's Interventions and action taken forward during 2018 to progress extension of FOISA.



I am pleased to present the Scottish Government's 2018 Annual Report on the handling of information requests made to us under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs).

As in previous years, the report contains a variety of statistical detail on request handling in 2018, allowing for comparison with data contained in reports from previous years.

This report demonstrates the substantial progress made in the Scottish Government's request handling performance, following the Scottish Information Commissioner's Interventions of 2017 and 2018. This was achieved in the face of a continued increase in the volume of requests received. In total 3,797 requests were received in 2018 (with 3,407 of these made to the Scottish Government and its Agencies) - up 24% from 2017.

In 2018, we responded to 91% of requests within the statutory 20 working day deadline. This exceeded the Scottish Information Commissioner's target of 90% for the year. We also responded to 82% of all requests for internal review on time, a significant increase on the previous year's performance of 67% - achieved in spite of a 25% increase in the number of review requests compared to the previous year. Nevertheless, we recognise that we continue to struggle to meet the review target.

As in previous years, the vast majority of Freedom of Information requests to the Scottish Government in 2017 resulted in the release of some or all of the information requested, where that information was held.

I am pleased with the significant improvement in the Scottish Government's request handling performance. However, our improvement journey remains to be completed, and we recognise there is no room for complacency.

Our response to the Commissioner's intervention has not merely been a question of responding to requests more promptly. Following his June 2018 intervention report we agreed an action plan with the Commissioner's office to improve the effectiveness and robustness of our request handling process. This included an enhanced role for our central Fol Unit, the creation of a designated body of case handlers across the Scottish Government and changes to guidance for staff. Implementation of the action plan was begun in 2018 to be carried forward in 2019.

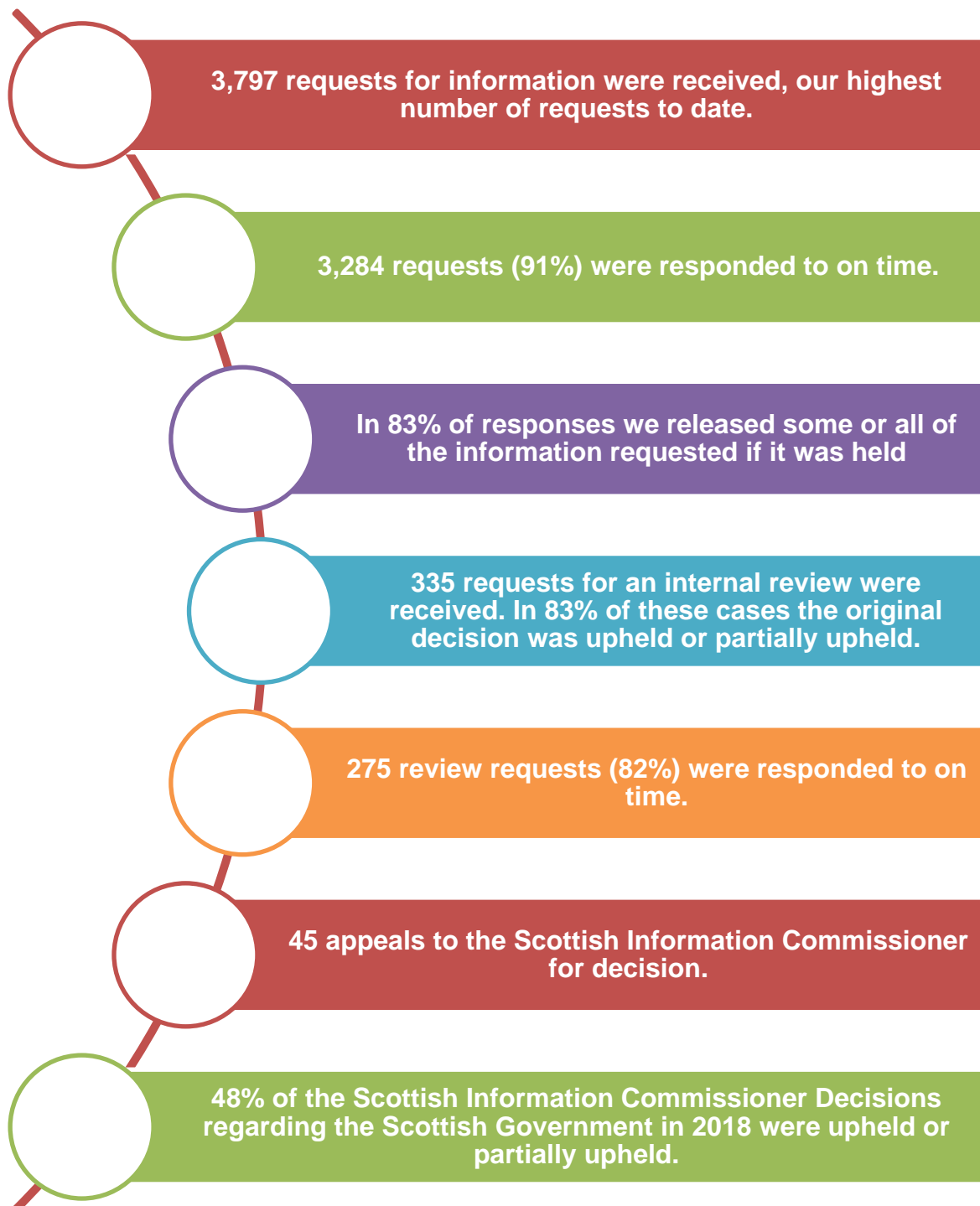
Further information on the Scottish Information Commissioner's Intervention can be found on the Commissioner's [website](#) and on the Scottish Government's [website](#).

Over the course of the year my officials also progressed action to take forward the extension of FOISA to Registered Social Landlords, paving the way for a section 5 order to be laid in Parliament in early 2019. Work also began in 2018 to consider the Scottish Government's wider approach to extension, to be carried forward in 2019.

The actions the Scottish Government has taken, in partnership with the Scottish Information Commissioner, to improve our Fol culture, performance and practices - together with our ongoing work on extension - reflect our commitment to ensuring transparency in the delivery of government business and in the public services on which we all rely. We continue to aspire to be the most open and accessible government Scotland has ever had.

GRAEME DEY

Key statistics – 2018 at a glance



Requests for information

Background

The Scottish Government is committed to Freedom of Information as an essential part of open, democratic government and responsive public services. Furthermore, we proactively publish as much information as possible via our [website](#) without it having to be requested.

You can find out more about the [Freedom of Information \(Scotland\) Act 2002](#), including how to request information from the Scottish Government, from the [FOI section](#) of our website.

In addition to the summary below, you can find out more about our performance and response times for handling Freedom of Information requests in the [FOI Reporting](#) section of our website.

We continued to publish all information released in response to Freedom of Information requests. View all FOI responses in the [Publications section](#) of our website.

Number of requests received

In total, 3,797 requests for information were received in 2018. 3,148 requests were handled under FOISA, 649 were handled under the EIRs..

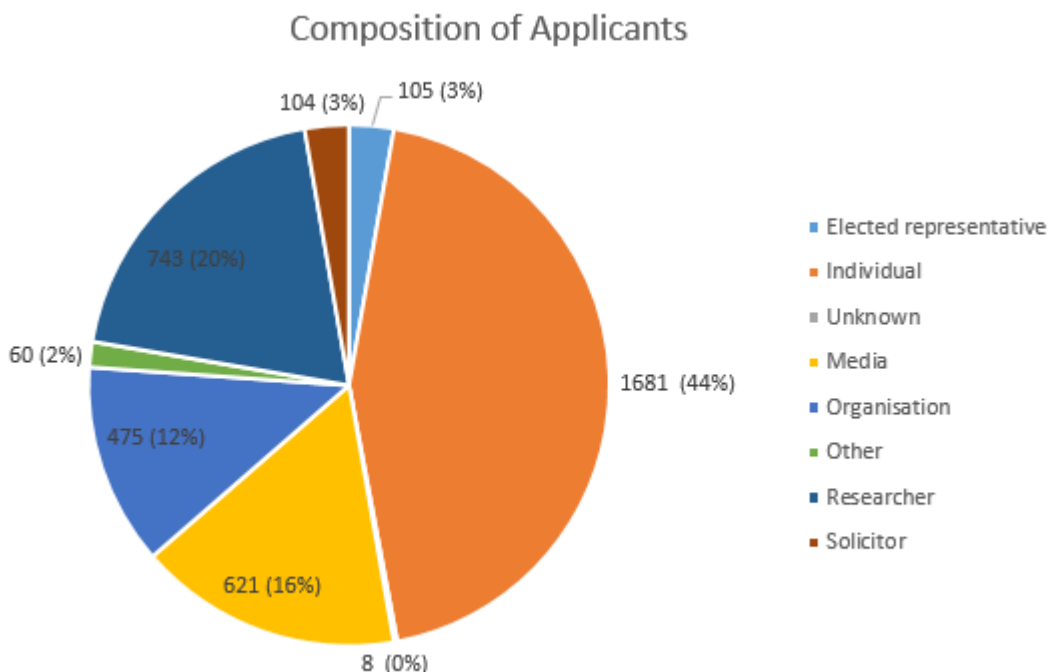
Requests are answered by the business area responsible for the subject matter of the request. Details about the functions of the Scottish Government are available on the [About the Scottish Government section](#) of our website.

Requests	Total
DIRECTOR-GENERAL CONSTITUTION AND EXTERNAL AFFAIRS	488
DIRECTOR-GENERAL ECONOMY	1413
DIRECTOR-GENERAL EDUCATION, COMMUNITIES AND JUSTICE	933
DIRECTOR-GENERAL HEALTH & SOCIAL CARE	180
DIRECTOR-GENERAL ORGANISATIONAL DEVELOPMENT AND OPERATIONS	458
DIRECTOR-GENERAL SCOTTISH EXCHEQUER	62
MINISTERIAL PRIVATE OFFICES	263
Total	3797

The number of requests received averaged 315 per month with actual figures ranging from 222 requests in December to 463 requests in October.

Composition of applicants

44% of all requests received in 2018 were from members of the public.



Performance

The majority (91%) of requests for information received by us were processed on time in 2018, i.e. within 20 working days of receipt of the request. Of the 3,797 requests received in 2018, 3,290 were answered on time, 339 were late, 164 were withdrawn and 4 were not proceeded with after clarification was requested.

Requests	No Requests	No Requests On Time	No Requests Late	% On time*
DIRECTOR-GENERAL CONSTITUTION AND EXTERNAL AFFAIRS	488	445	13	97%
DIRECTOR-GENERAL ECONOMY	1413	1173	170	87%
DIRECTOR-GENERAL EDUCATION, COMMUNITIES AND JUSTICE	933	822	83	91%
DIRECTOR-GENERAL HEALTH & SOCIAL CARE	180	149	24	86%
DIRECTOR-GENERAL ORGANISATIONAL DEVELOPMENT AND OPERATIONS	458	396	36	92%
DIRECTOR-GENERAL SCOTTISH EXCHEQUER	62	59	1	98%
MINISTERIAL PRIVATE OFFICES	263	246	12	95%
Total	3797	3290	339	91%

*Withdrawn cases and cases not proceeded with are omitted from the performance calculation.

Outcome of requests

During 2018 the Scottish Government released information in full or in part in response to 83% of requests where information was held.

It is not always appropriate for us to release information. Information can be withheld from an applicant on the basis of one or more of the exemptions or exceptions laid down in FOISA or the EIRs. In such cases, we will fully explain to an applicant why we are unable to provide the information, for example, for reasons of confidentiality or because it is personal data.

In the majority of cases where we were unable to provide some or all information in response to a request received in 2018, this was because:

- We did not have the requested information (800 requests), or
- The information was personal data of a third party (421 requests)

Internal reviews

Background

Where an applicant is dissatisfied with the way in which the Scottish Government has dealt with a request for information they may ask us to carry out an internal review. Of the requests received, only 9% resulted in an internal review being requested.

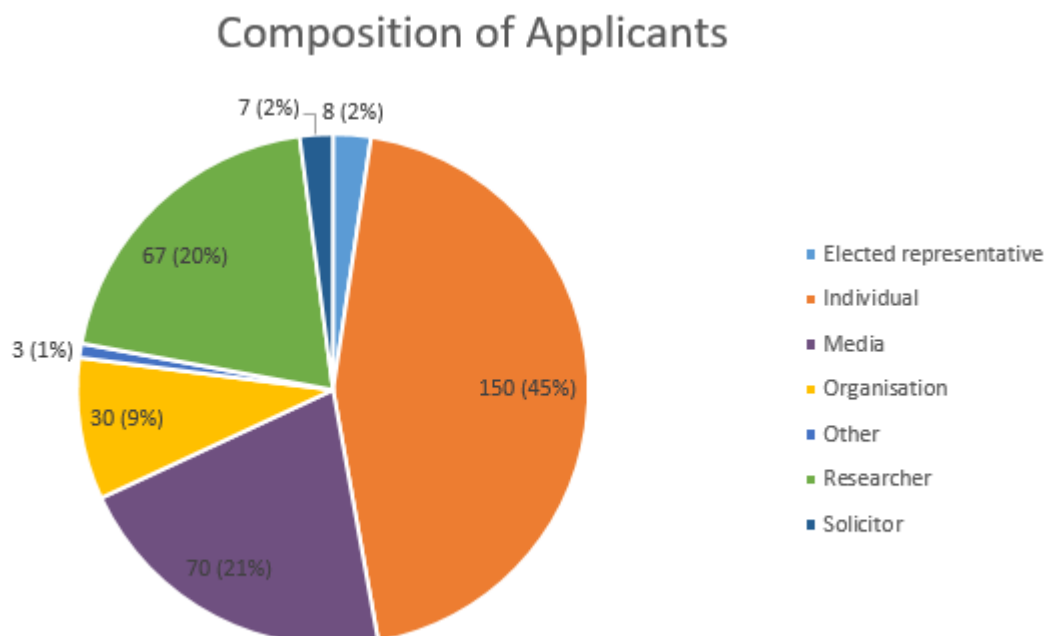
Number of review requests received

In total, 335 reviews were received by the Scottish Government in 2018. 297 review requests were made under FOISA and 38 were made under the EIRs.

Reviews	Total
DIRECTOR-GENERAL CONSTITUTION AND EXTERNAL AFFAIRS	47
DIRECTOR-GENERAL ECONOMY	94
DIRECTOR-GENERAL EDUCATION, COMMUNITIES AND JUSTICE	89
DIRECTOR-GENERAL HEALTH & SOCIAL CARE	12
DIRECTOR-GENERAL ORGANISATIONAL DEVELOPMENT AND OPERATIONS	37
DIRECTOR-GENERAL SCOTTISH EXCHEQUER	2
MINISTERIAL PRIVATE OFFICES	54
Total	335

Composition of applicants

The following graph breaks down the source of requests for an internal review.



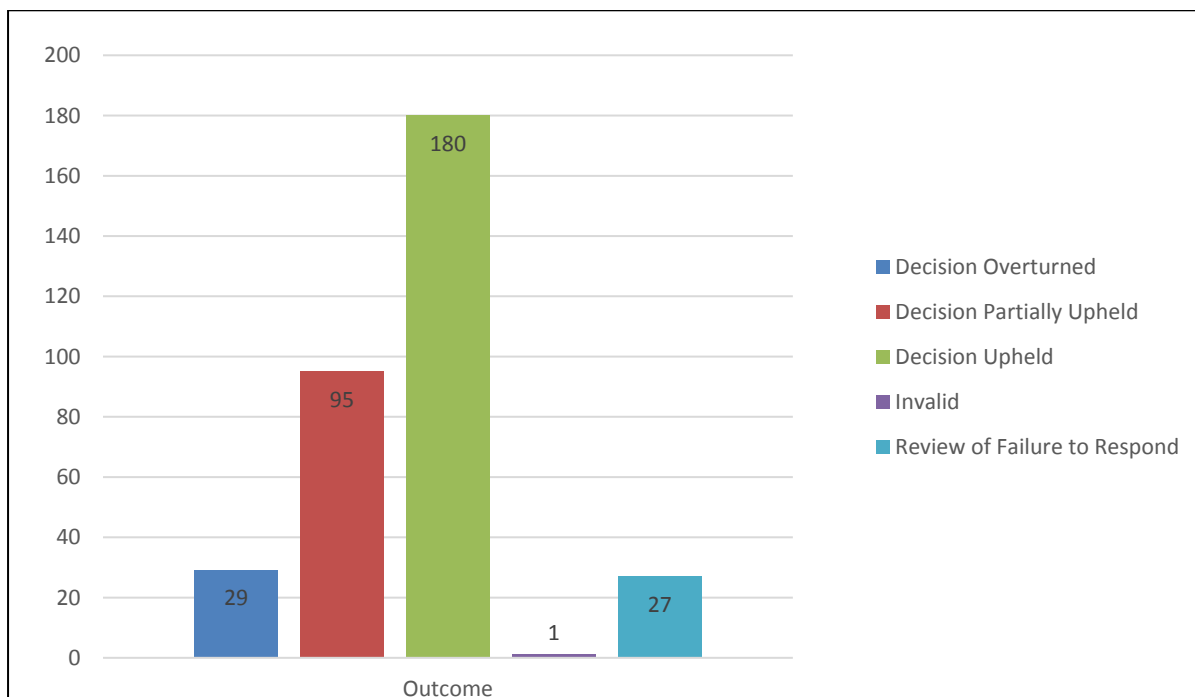
Performance

The majority (82%) of all requests for review received in 2018 were responded to on time. Of the 335 reviews received, 275 were answered on time and 60 were late.

Reviews	No Reviews	No Reviews On Time	No Reviews Late	% Reviews Late
DIRECTOR-GENERAL CONSTITUTION AND EXTERNAL AFFAIRS	47	44	3	94%
DIRECTOR-GENERAL ECONOMY	94	73	21	78%
DIRECTOR-GENERAL EDUCATION, COMMUNITIES AND JUSTICE	89	75	14	84%
DIRECTOR-GENERAL HEALTH & SOCIAL CARE	12	7	5	58%
DIRECTOR-GENERAL ORGANISATIONAL DEVELOPMENT AND OPERATIONS	37	24	13	65%
DIRECTOR-GENERAL SCOTTISH EXCHEQUER	2	2	0	100%
MINISTERIAL PRIVATE OFFICES	54	50	4	93%
Total	335	275	60	82%

Outcome of reviews

The following graph sets out the outcome of requests for an internal review. The initial decision was upheld or partially upheld in 83% of cases.



Appeals to the Scottish Information Commissioner

Background

If an applicant is unhappy with the outcome of our internal review, an appeal can be made to the Scottish Information Commissioner for a decision on whether we have appropriately dealt with the request and requirement for review.

Number of appeals made

In 2018, 45 appeals were made to the Commissioner in relation to our handling of information requests. Although this represents a 17% increase compared to 2017 (36 appeals), which itself came on top of a 26% increase compared to 2016 (28 appeals), this should be seen in the context of a commensurate increase in the total number of requests over the same period.

Decisions by the Commissioner

29 Decisions were made by the Commissioner during 2018 in relation to requests made to the Scottish Government. 48% (14) were wholly or partially in our favour. 11 decisions relating to appeals about the substance of a response were fully in favour of the applicant. The remaining 4 cases related to decisions made by the Commissioner about our technical or procedural handling of requests or reviews.

More information about appeals to the Commissioner and his decisions can be found on his [website](#).

Costs of responding

In 2012, the Scottish Government undertook a costing exercise to provide an estimate of the amount of time/money it takes officials to respond to requests. The [report on the findings](#) of this exercise was published in 2012. Combined average cost figures from Table 12 of this report have been used as the basis for costings in previous annual reports.

In 2018 we updated these estimates. Our revised estimates for the combined average cost of each stage of the process are:

Stage	Cost
Requests	£234
Reviews	£454
Appeals	£1456

Based on these updated figures, the estimated cost of responding to information requests, reviews and appeals during 2018 is shown in the table below.

Stage	Cost
Requests	£888,498
Reviews	£152,090
Appeals	£65,520
Total	£1,106,108

Coverage of this report

The Scottish Government has offices spread across the length and breadth of the country. However, not all of these offices are included within its integrated IT network. Some bodies therefore do not have access to our Information Request Tracker which monitors handling of requests for information (or its replacement, MiCase) and are not included in this Report.

Bodies that are included

Directorate-General Constitution and External Affairs, including:

National Records of Scotland

Directorate-General Economy, including:

Accountant in Bankruptcy

Transport Scotland

Directorate-General Education, Communities and Justice, including:

Disclosure Scotland

Education Scotland

Student Awards Agency for Scotland

HM Inspectorate of Constabulary

HM Inspectorate of Prosecution

HM Inspectorate of Prisons

HM Fire Service Inspectorate

Directorate-General Health and Social Care

Directorate-General Organisational Development and Operations, including:

Social Security Scotland

Directorate-General Scottish Exchequer, including:

Scottish Public Pensions Agency

Bodies that are not included

Registers of Scotland

Office of the Scottish Charity Regulator

Scottish Prison Service



Scottish Government
Riaghaltas na h-Alba
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