

Executive Advisory Body

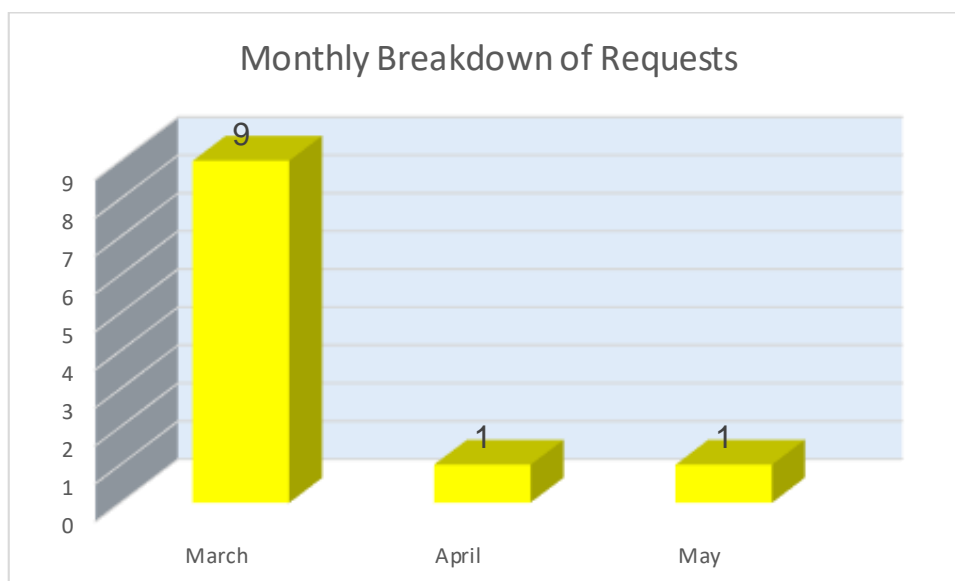
Date of Meeting	Tuesday 26 May 2020
Subject	Overview of Freedom of Information Performance
Agenda No.	Below the Line
Paper No.	15.5
Prepared By	[Redacted]
Purpose	Monitor

1. Purpose

The purpose of this paper to provide the Executive Advisory Body with an overview of the Agency's progress in relation to Freedom of Information requests and the overall performance. The importance of monitoring our Freedom of Information performance falls in line with the values of dignity, fairness and respect in ensuring that we are as transparent as possible in allowing people to exercise their right to information.

2. Key points

- 2.1. From the 21 February 2020 (date of the last report) until the time of writing (15 May 2020), Social Security Scotland has received a total of 11 FOI requests, one of which is still in progress. Nine of these requests were received in March with only one each in April and May (until the 15 May 2020).

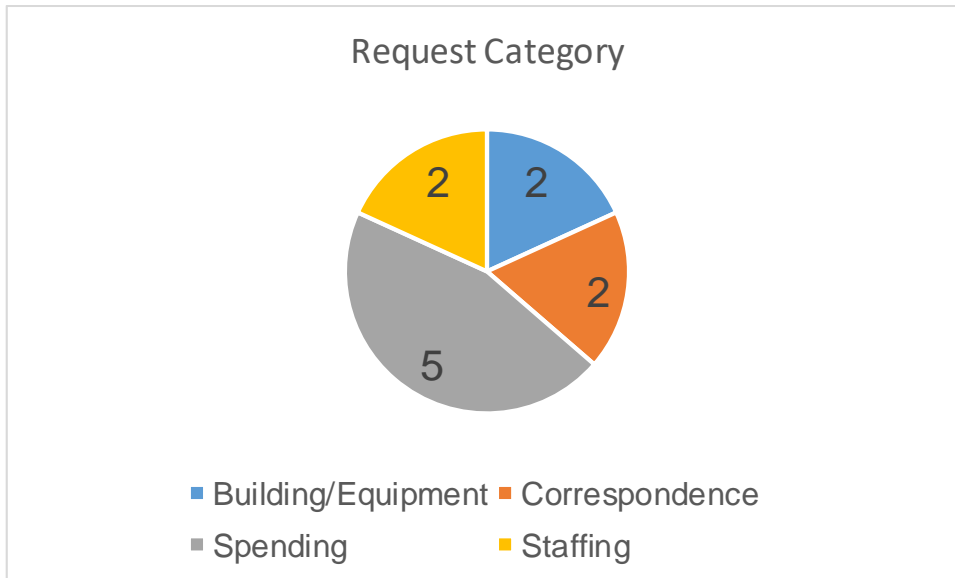


- 2.2. The Scottish Information Commissioner monitors Social Security Scotland's FOI performance on a monthly basis, based on requests due in a month, with

every directorate and agency having a target of 95% of requests being issued on time. Social Security Scotland has exceeded this with an on-time response rate of 100% since the last report.

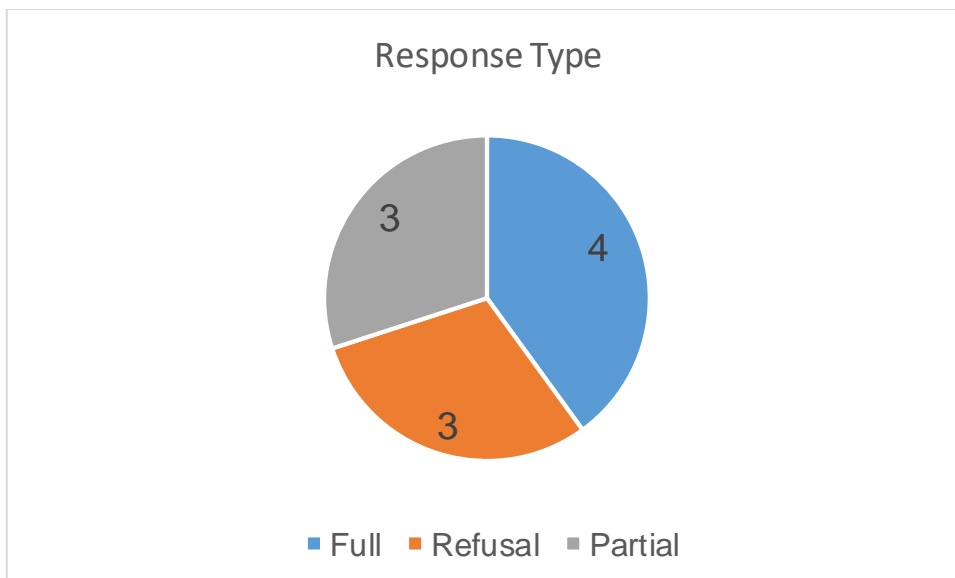
A monthly performance breakdown is provided in Annex A.

2.3. With the categories of requests now being monitored, we can see the variety of requests received over a particular period of time. Since the last report, the most popular category of requests have been related to spending.

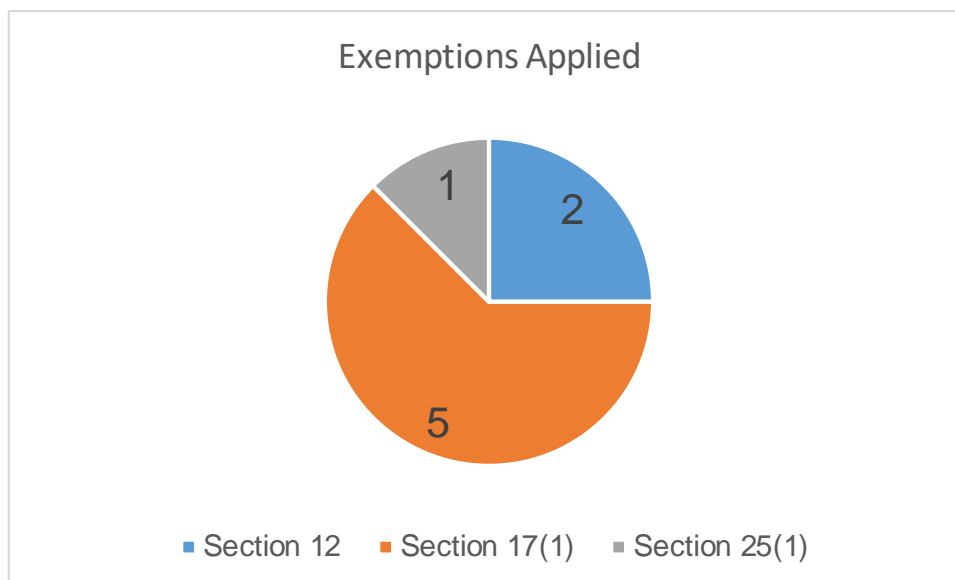


Of the 11 requests received, 10 of these were from political researchers with only one being from the media.

2.4. The types of FOI responses issued are broken down into 'full release', 'partial release' and 'refusal'. Of the 11 requests received since the last report, 10 responses have been issued and the breakdown of type is as below.



In relation to the requests which received partial response or refusal of information, three exemptions have been applied and these are; Section 12 (excessive cost), Section 17(1) (Information not held) and Section 25(1) (Information otherwise accessible). A breakdown of the number of times these exemptions have been applied is available below.



Details of the exemptions can be found in Annex B

2.5. Due to the restrictions in place as a result of the Covid-19 outbreak, the standard 20 day response target has been increased to 60. This increase applies to all authorities subject to Schedule 1 of the Freedom of Information (Scotland) Act 2002.

3. Conclusions

The Executive Advisory Body are invited to note the contents of this paper.



4. GOVERNANCE CHECKLIST

Strategic Objective	Contribution
<p>Dignity, fairness and respect</p> <p>Delivering a service with dignity, fairness and respect at its core.</p>	
<p>Equality and tackling poverty</p> <p>Promoting equality and tackling poverty.</p>	
<p>Efficiency and alignment</p> <p>Ensuring efficiency and aligning our activities with wider public sector for the benefit of the people we serve.</p>	<p>This paper contributes to the strategic objective, “we will continuously improve our services”.</p>
<p>Economy, society and environment</p> <p>Contributing to our economy, society and protection of our environment.</p>	

Strategic consideration	Impact
Environment	
Governance	This paper is intended as a discussion document for overall FOI performance for the year.
Data	
Finance	
Staff	
Equalities	
Estates	
Communications and Presentation	

Information Commissioner Monthly Performance Reports (March 2020 – May 2020)

Annex A

Month	No. Requests On Time	No. Requests Late, Responded	No. Request Late, In Progress	% Reqs On Time	No. Reviews On Time	No. Reviews Late, Responded	No. Reviews Late, In Progress	% Revs On Time
March	9	0	0	100%	n/a	n/a	n/a	n/a
April	1	0	0	100%	n/a	n/a	n/a	n/a
May	1	0		100%	n/a	n/a	n/a	n/a



FOI Exemptions

Annex B

Exemptions commonly applied by Social Security Scotland are:

- Section 12(exceeds the upper cost limit): allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit which is currently £600.
- Section 14(1)(request is vexatious): Sometimes a request may be so patently unreasonable or objectionable that it will obviously be vexatious, it can only be applied to the request itself and not the individual who submitted it.
- Section(17)(information not held): the public authority does not have access to the information requested or the information does not exist.
- Section 25(1)(information otherwise accessible): The purpose of the section 21 exemption is to ensure that there is no right of access to information via FOIA if it is available to the applicant by another route.
- Section 27(1)(information intended for future publication): the information intended for publication within 12 weeks of the request being submitted.
- Section 29(1)(a)(formulation of Scottish Government policy): the information is exempt when it relates to formulation or development of government policy and ministerial communications.
- Section 30(b)(i)(free and frank provision of advice): exempts information from disclosure where disclosure would, or would be likely to, cause substantial harm.
- Section 30(b)(ii)(free and frank exchange of views): exempts information from disclosure where disclosure would, or would be likely to, cause substantial harm.
- Section 33(1)(b)(commercial interests): functions in relation to the audit of the accounts of other public authorities, or the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.
- Section 38(1)(b)(personal data relating to third party): relates to any personal information.

Qualified exemptions

Most of these exemptions are subject to the public interest test. These are known as “qualified exemptions.”

Where a qualified exemption applies, the information must be disclosed unless the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption. Where the competing public interests are evenly balanced, the information should be disclosed.



Absolute exemptions

Exemptions which are not subject to the public interest test are known as “absolute exemptions.”

Where an absolute exemption applies, a public authority is entitled to withhold the information without going on to consider the public interest. They include:

Information Otherwise Accessible - Section 25

Prohibitions on Disclosure - Section 26