**Social Security Scotland**

Right of Access to Information



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Introduction

Social Security Scotland is an Executive Agency of the Scottish Government. We started operating in September 2018. We administer the Scottish social security system. We do this in line with the [Social Security (Scotland) Act 2018](http://www.legislation.gov.uk/asp/2018/9/contents/enacted) and the principles in our [Charter](https://www.socialsecurity.gov.scot/about-us/our-charter).

We work with partners in the Scottish Government and beyond to deliver the benefits devolved to Scotland. The Scottish Government will directly deliver 16 benefits through Social Security Scotland.

The values in the National Performance Framework guide our approach. We will:

* treat all our people with kindness, dignity and compassion
* respect the rule of law
* act in an open and transparent way

We want to help people use their rights to access the benefits that they are entitled to. We will do this by treating people with dignity, fairness and respect. These principles are the foundation upon which we promote all rights, including rights of access to information.

Policy Statement

Our aim is to support people to use the rights that they have and to respect those rights. We will provide advice and help to individuals who wish to access information. There are three key pieces of law which provide rights to information. These are:

* [The Freedom of Information (Scotland) Act 2002](https://www.itspublicknowledge.info/Law/FOISA.aspx)
* [The Environmental Information (Scotland) Regulations 2004](https://www.itspublicknowledge.info/Law/EIRs/EIRs.aspx)
* [The Data Protection Act 2018](https://www.legislation.gov.uk/ukpga/2018/12/contents/scotland)



This policy sets out how we will fulfil our obligations under the Freedom of Information (Scotland) Act 2002 and Environmental Information Regulations.

The right to access one’s own personal information is subject to the Data Protection Act 2018 and is covered in our data protection policy.

Social Security Scotland recognises the value and importance of promoting and delivering the rights of individuals. Making a request for information should not be the starting point in fulfilling rights, it should be the last. We will publish information routinely and of interest to the public. This demonstrates to those who wish to access information that we are open and honest. Social Security Scotland is also committed to publishing all information released in response to Freedom of Information requests.

We will provide information to those who seek it. This will increase people’s confidence in our ability to deliver on all rights. It will help us to work together and with stakeholders. This contributes to a culture of dignity, fairness and respect.

Under [section 60](https://www.gov.scot/publications/foi-eir-section-60-code-of-practice/) of the Freedom of Information (Scotland) Act 2002 and regulation 18 of the Environmental Information Regulations, Scottish Ministers have published a Code of Practice. This Code describes the practices they would like Scottish public authorities to follow when discharging their functions. We will aim to follow this code at all times.

We will fulfil our obligations to provide and promote the right of access to information under the freedom of information and environmental information laws.

The Model Publication Scheme

Scottish Ministers are the public authority identified in the Act. They have adopted the Model Publication Scheme approved by the Scottish Information Commissioner. Social

Security Scotland has a role to contribute to the requirements of the Model Publication Scheme The publication scheme requires us to:

* publish the classes of information that we make routinely available
* tell the public how to access the information we publish
* confirm if the information is available free of charge or on payment

We have published a guide to information. This outlines the information we make available and how to access it. It can be found on our website at: <https://www.socialsecurity.gov.scot/reporting/publications/guide-to-information>.

We will review the guide and the information we publish at least twice yearly to ensure it is relevant and of public interest. The information we receive, the lessons we have learned and the feedback from those we work with will inform the review.

Proactive Publication



Our aim is that publication of information should be viewed as the default outcome for corporate documents such as reports, papers and minutes.

We will write these with publication in mind. They must be of satisfactory quality. To assist with this we have produced a Writing for Publication guide to support our staff. You can view this guide on our Social Security Scotland Freedom of Information webpage.

We will routinely publish information about how we deliver our business. This has many benefits, for example:

* individuals will not have to make requests for this information
* it demonstrates openness and transparency
* it promotes confidence in our clients and stakeholders

Responsibilities



Social Security Scotland has a responsibility to assist individuals with their information rights. Everyone should be aware of the law which provides the right to information and should be able to:

* identify when an individual is using a right
* what their responsibilities are to help the individual to use that right

There is more responsibility for key individuals:

* Chief Executive

The Chief Executive is accountable for the overall performance of Social Security Scotland. They lead the organisation in implementing its responsibilities to administer the Scottish social security system and to fulfil our legal responsibilities.

A key responsibility is to encourage and support behaviours and attitudes which show that we are open and honest. Respecting rights of access to information supports those behaviours and attitudes.

* The Executive Team

The Executive Team reviews performance and ensures that our approach to respecting information rights is the best that it can be. This means having the right people, with enough time and the right support to do so.

Individual members are accountable to the Chief Executive for how their own areas respect information rights including performance.

Where information rights could be better provisioned, or there are failings, individual members are responsible for leading on the necessary actions to make their area better.

The Senior Information Risk Owner will be responsible for compliance with the Act including timescales, across Social Security Scotland.

* Senior Managers



Senior Managers are responsible for ensuring that case handlers are identified and supported in their responsibilities. This includes making time to allow them to attend training and manage requests. Senior Managers must also give individuals recognition for their contribution.

Senior Managers are also responsible for ensuring the quality of the information that is to be released is acceptable and correct.

Where information is not being provided, or cannot be provided, Senior Managers must ensure the reasons for this are clearly explained. Where information is held but is not released, the Senior Manager must ensure there is robust evidence to support the decision not to release.

* Case handlers

Case handlers are responsible for ensuring that they have the necessary skills, knowledge and opportunity to respond to a request for information.

Following the correct processes is the responsibility of the case handler. They will undertake initial training, and additional support sessions as necessary, and they must have regular experience of responding to requests. They should reach agreement with their manager to ensure they receive the time required to attend training and responding to requests.



Case handlers should prepare responses in time to allow compliance with the timescales in the law. Responses should provide the right advice and help, respecting the rights of the person making the request.

Where a person is not happy with the way we have dealt with the request for information, a member of staff not involved in the original request will review the response. This is the review case handler, they will look at the reasons for the decision and the steps taken in preparing the response. This will include whether we have:

* complied with the law
* searched in the right places for information
* given clear and understandable advice and reasons
* been as helpful as we could have been

The Information Rights team are responsible for ensuring that the review case handler has the necessary skills, knowledge and opportunity to look carefully at how we have responded to a request. This means that review case handlers will need to undertake regular training and have regular experience of looking at how we have responded to a request. These should be agreed with their own manager and form part of the [appraisal](bookmark://Appraisal) process.

* The Information Rights Team

The Information Rights Team are responsible for:

* the support and training provided to case and review handlers
* helping case and review handlers to understand how best to respect the rights of individuals who seek information
* helping case and review handlers to advise and help people
* monitoring and reporting of the performance of Social Security Scotland

The Information Rights Team are also responsible for ensuring that when we do not get it right, we understand why and what actions we must take to restore confidence and demonstrate that we are a learning organisation.

Where a person is not happy about how we have dealt with their request for information they can ask the Scottish Information Commissioner for help. The Information Rights Team will be responsible for assisting the Scottish Information Commissioner, through the Scottish Government Freedom of Information Unit, to reach a decision on whether we have fulfilled the individual’s right to information lawfully and in accordance with best practise guidance.

* All staff

All staff are responsible for assisting and advising individuals to exercise their right to information. The advice and assistance must be provided in a helpful, meaningful and timely way reflecting our core values of dignity, fairness and respect.

Where an individual has made a request for information, robust searches require to be done to ensure that the information requested is found. All staff are required to conduct robust searches for information when requested to do so by a case handler. The terms used in searching, and the locations searched, should be recorded and shared with the request handler.

It is important that everyone understands what the information rights are. All staff must complete mandatory awareness e-learning yearly to ensure that we identify when an individual is exercising a right to information.

Performance



Requests for information will be different. Many will be simple and the information can easily be provided in a shorter timescale., others will be more complex and may take longer.. The access to information laws require that we respond to a request for information within specific timescales. It should not be normal that all requests take the full period to respond.

It is right to set challenging targets for compliance with access to information laws. Social Security Scotland aims to respond to at least 95% of requests made under freedom of information law within 20 days. Where an individual is not happy we will look at how we managed that request and provide a response to at least 95% of requests for reviews within 20 days.

Performance Monitoring

It is recognised the earlier that difficulties are identified in progressing a request for information, the easier it is to take steps to fix it. To ensure that we take action as soon as possible we will monitor the progress of requests at least weekly.

Where progress is not being made and it looks like we might not respond within the timescales, a member of the Information Rights Team will contact the case handler to offer advice and assistance.

Where there remain concerns, for example about the ability of the case handler to respond to the request due to workload, the Information Rights Team will discuss what remedial action can be taken.

Performance Reporting

A positive culture which respects all rights requires strong leadership and commitment. To show how important information rights are, the Executive Team will review our compliance with the timescales afforded by the access to information laws on at least a quarterly basis.

Senior Management within the Information Rights Team will consider any learning or actions where we have not managed a request for information well. This will help us to improve how we respond to further requests for information.

We will contribute to the wider reporting for government needs and to the Scottish Information Commissioner.

Continuous Improvement

The Act provides applicants with a right to appeal our decisions. The appeal is to the Scottish Information Commissioner. Where the Scottish Information Commissioner upholds an appeal the Information Rights team will lead an exercise to learn the lessons from any decisions. The exercise will involve the case handler and reviewer.

The actions taken to improve our handling of requests will be recorded and shared with case and review handlers. This will take place at regular refresher sessions. This will ensure that lessons are learned across the organisation. The actions taken will also form part of the reporting to our Executive Team.

Governance and Assurance Frameworks

The obligation to respect information rights and the impact of our potential failure to do so should be reflected in our risk and governance processes. Our risk and governance systems will reflect:

* the requirement to comply with timescales
* the impact of providing, or failing to provide, helpful, meaningful and timely advice and assistance
* the impact of not conducting timely and robust reviews
* the link between our Freedom of Information policies and procedures, customer service arrangements and statutory duties

Resources

To respect information rights, we need to have well informed and trained case and review handlers. The ability of case handlers and reviewers to fulfil our obligations requires that they are given the time and support to respond to requests. The time and support required to respond to a request will depend on a number of factors. This includes the complexity of the request and the experience of the case handler or reviewer.

Each division of the Agency must identify an appropriate number of case handlers as deemed appropriate by the Information Rights team proportionate to the level of requests received. This will provide sufficient business continuity and allow competencies to be maintained. Where a case handler moves roles within the Agency the expectation is that the responsibilities of a case handler will move with them. This supports the commitment to have suitably trained and knowledgeable case handlers. When a case handler leaves the Agency, a new case handler should be identified for the Division.

This will be reviewed following reviews of performance throughout the year, an increase in the number of requests or as a consequence of decisions made by the Scottish Information Commissioner.

Appraisal

All case and review handlers will have an objective for information rights included in their annual appraisal. The objective should include the attendance at awareness or training events to ensure that competence is maintained and lessons learned are shared.

**Request Allocation**

All case and review handlers are expected to prepare responses. The requests or reviews do not need to be for information in the business area of the case handler. It is expected all case handlers will maintain their competency by responding to requests or reviews.

Where a request is complex or sensitive, consideration should be given to allocating it to a request handler in the area where the information is most likely to be held.. This will allow a more informed and quicker assessment of the information held.

**Review Allocation**

A request for review will be conducted by a case handler not involved in the original request. It will be for the Information Rights Team to allocate the request for review. The review response will be cleared by the Deputy Director of the Division responsible for the original response. Once cleared it will be subject to the usual considerations prior to release.

Training

All staff must complete the e-learning training as part of their induction. This is required to be repeated annually. The number of staff who have completed e-learning will form part of the information reported.

To support case handlers and reviewers they will be invited to at least two additional training sessions throughout the year. These sessions will refresh awareness of information rights and share lessons that have been learned in the previous period including learning from decisions of the Scottish Information Commissioner.

All members of the Information Rights team will have attended accredited training in Freedom of Information and Environmental Information Rights.

Records Management

Freedom of information legislation is only as good as the quality of the records and other information to which it provides access. Information rights are of limited value if information cannot be found when requested or, when found, cannot be relied upon as correct.

Good records and information management benefits those requesting information because it provides assurance that the information provided will be complete and reliable. It benefits those holding the requested information because it enables them to locate and retrieve it easily within the lawful timescales or to explain why it is not held.

It also supports control and delivery of information promised in an authority’s Publication Scheme or required to be published by the Environmental Information Regulations.

Compliance with Records Management policies and guidance is very important in respecting information rights. Records and information are key for the proper function of an organisation. They are the basis on which decisions are made, services provided, and policies developed and communicated.

Effective management of records and other information brings the following additional benefits:

* it supports an authority’s business and the discharge of its functions
* it supports good governance
* it promotes business efficiency and underpins service delivery by ensuring that authoritative information about past or current activities can be retrieved, used and relied upon in current business
* it supports compliance with other legislation which requires records and/or information to be kept, controlled and accessible
* it improves accountability, enabling compliance with legislation and other rules and requirements to be demonstrated to those with a right to audit or otherwise investigate the organisation and its actions
* it protects the rights and interests of an authority, its staff and its stakeholders
* it protects the rights and interests of individuals who seek access to information
* it increases efficiency and cost-effectiveness by ensuring that records are disposed of when they are no longer needed. This enables more effective use of resources, for example space within buildings and information systems, and saves staff time searching for information that may not be there
* it provides institutional memory.

Further guidance on records management is set out in our policies and in the [Code of Practice on Records Management by Scottish Public Authorities](https://www.gov.scot/publications/code-of-practice-on-records-management/), issued in December

2011 by the Scottish Ministers under section 61 of The Freedom of Information (Scotland) Act 2002.

Writing for Publication

There is a presumption that information will be released. When preparing documents it is good practice to consider the sensitivity of information. A decision on whether all of the document can be published or not must be taken. An exemption must be applied to any information that is not released.

Further guidance is available on writing documents for publication. Please contact the Information Rights Team for more information.

Making Social Security Scotland’s service inclusively

We are designing our services so that as many people as possible understand what we do and can communicate with us and access our service in the way they want to.

Our clients, staff and other people we work with understand information and express themselves in different ways. We will seek to remember this every time we communicate verbally, in writing or face-to-face.

We will look to provide information in the requested format. We will offer support when people need assistance in communicating when exercising their Information Rights.

Social Security Scotland aims to be a leader in inclusive communication. We will ask people about their experience of dealing with us and we will make changes when needed.