

Scottish Information Commissioner Operational Plan 2011/12



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Our Operational Plan 2011/12 sets out the activities which will be undertaken during the year to continue progress towards the achievement of the objectives identified in our Strategic Plan 2008-12. In addition to these specific activities, the core activities undertaken by the three functional areas of the Office (Enforcement, Policy & Information, and Operational Management) are detailed.

We will continue to streamline our investigative and decision approval processes with a view to reducing still further the time taken to close cases and to improve throughput of decisions. This is a significant challenge in face of an increasing number of applications and a reduction in investigative staff. We will carry out a further programme of practice assessments of authorities.

Our Policy and Information work is marked by the introduction of a single model publication scheme suitable for adoption by all public authorities, and follow up tests of compliance by those which have adopted it. We will contribute to the expected FOISA Amendment Bill and research the extent to which the EIRs apply to bodies not designated under FOISA. A handbook on 'Freedom of Information in Scotland in Practice' will be published drawing upon the experience of the past 8 years.

Operationally we will continue to operate an efficient organisation. We face the challenge of all public authorities of making expenditure savings which will require a reduction in staff. However we will make a significant investment in procuring a new IT case management system, which will contribute to operational efficiency. As this is my last year in office we will make preparations for the arrival of a new Commissioner and prepare a strategic plan which will be submitted to Parliament before I leave office.

Kevin Dunion
Scottish Information Commissioner



Strategic Aim 1: Case Closures – Length of Investigations

Investigative capacity will be used to significantly reduce the journey time to closure.

	Objectives	Activities	Measurement	Timescale
A	Continue to improve service to applicants by further reducing the time taken to investigate and close cases	For applications for decision validated on or after 1 April 2008: <ul style="list-style-type: none">• case closure average of 20 weeks (4.7 months)	Data from investigations database	Monthly



Strategic Aim 2: Compliance

Investigate the practice of public authorities and identify measures to improve compliance with the Act and Codes of Practice.

	Objectives	Activities	Measurement	Timescale
A	Implement the Revised Approach to Publication Schemes	Complete notifications for all Part 7 bodies and Publicly Owned Companies	95% of schemes notified or approved	August 2011
		Publish revised Model Publication Scheme and Guidance	Publication	July 2011
B	Assess compliance of Part 7 bodies and Publicly Owned Companies with the Model Publication Scheme	Develop and publish strategy and procedure for auditing compliance	Publication	September 2011
		Conduct compliance assessments according to published strategy	Publication of audit reports	March 2012
C	Develop process for Scottish Parliament and Scottish Ministers' publication scheme approval in 2012	Produce a Model Publication Scheme 2012 suitable for adoption by central government bodies.	Publication	February 2012
D	Promote public authority compliance with FOISA and the EIRs	Carry out 12 good practice assessments of public authorities	Assessments completed and reports published	In line with plan agreed in March 2011
E	Formalise procedures for responding to allegations of criminal offences under section 65 of FOISA and regulation 19 of the EIRs	Implement procedures for dealing with allegations within OSIC (including other action to be taken where criminal investigation not appropriate or not possible because of delay in referring matter to OSIC)	Publication of procedures	October 2011



		<p>Review the MoU with ACPOS and COPFS</p> <p>Secure necessary changes to legislation to extend the period in which a prosecution may be commenced</p>	<p>Text of revised MoU agreed among parties</p> <p>Inclusion of amendment in a FOISA Amendment Bill</p>	<p>October 2011</p> <p>In line with the timescales set by the Ministers for the Bill</p>
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Strategic Aim 3: Awareness

Target specific sectors of society to ensure that they are aware of their rights and the potential to use FOISA / the EIRs

	Objectives	Activities	Measurement	Timescale
A	Publish Annual Report 2010/11	Lay report before Parliament, according to direction of SPCB	Publication	October 2011
B	Brief new and returning MSPs on the use of FOI law in their constituency work	Issue revised briefing pack and promote to MSPs and their researchers	Publication	June 2011
C	Implement the findings of the accessibility audit of the Commissioner's website	Agree an improvement programme within available resources	Approval of programme at QMTM	September 2011
		Implement the programme	As a minimum, meet A standard of WCAG	March 2012
D	Continue the Civil Society Research (ESRC-funded) project with University of Strathclyde	Contribute to management of the project	Ongoing	
E	Provide 3 road shows to raise awareness among civil society organisations of how to use FOI	Develop programme of road shows jointly with Councils for Voluntary Service and Scottish Council for Voluntary Organisations	Average attendance of 12 people per workshop	



Strategic Aim 4: Practice

Build knowledge of and promote good practice by authorities and applicants through research, publication scheme approval and a reference group of key specialists.

	Objectives	Activities	Measurement	Timescale
A	Produce new guidance on key concepts in freedom of information law	Publish new guidance on charging under the EIRs	Publication	July 2011
		Publish guidance on the content of notices issued by public authorities	Publication	September 2011



Strategic Aim 5: Development

Identify beneficial changes to legislation, regulation and codes e.g., designation of additional authorities. Address areas of uncertainty regarding the application of the legislation

	Objectives	Activities	Measurement	Timescale
A	Make a special report to Parliament at end of Commissioner's term of office	Research, develop and submit report	Publication	February 2012
B	Contribute views on the FOISA Amendment Bill	Monitor the development and passage of the Bill, making contributions as appropriate	N/A	N/A
C	Establish regular meeting cycle with the appropriate Minister following the election	Agree a programme of regular meetings	Dates of 2 meetings agreed	July 2011
D	Revise the Memorandum of Understanding with the Keeper of the Records of Scotland to reflect the new public records legislation	Develop and publish a revised MoU with the Keeper	Publication	December 2011
E	Continue support for the Centre for FOI	Contribute towards the delivery of a taught programme starting 2012 Collaborate on proposals for research Organise 4 seminars		March 2012



Strategic Aim 6: Reference

Publish detailed reference material bringing together our experience and approach in publications, drawing upon our interpretation of law, international comparisons, platform decisions, legal advice, Court cases and evidence of good and bad practice

	Objectives	Activities	Measurement	Timescale
A	Publish FOI in Scotland in Practice handbook	Submit final draft to Dundee University Press	Submission	May 2011
		Promote the publication, including book launch	Attendance at book launch / number of copies sold (tbc)	October 2011



Strategic Aim 7: Governance

Ensure SIC governance arrangements are robust and reflect best practice

Objectives		Activities	Measurement	Timescale
A	Develop Strategic Plan for period 1 April 2012 to 31 March 2016	Draft Plan including internal consultation	Draft Plan prepared	Nov/Dec 11
		Provide draft for comment to SPCB, Keeper of the Records of Scotland, Parliamentary Committee and other stakeholders identified by the Commissioner	Plan distributed and comments received	Jan 12
		Finalise Plan and lay before Parliament	Plan finalised and laid before Parliament	Feb 12
B	Review Financial Memorandum Manual in collaboration with the SPCB	Develop revised Manual reflecting experience of implementation of current version, and aligned with Framework Agreement between SIC and SPCB	Revised Manual produced	Mar 12
C	Comply with requirement of the Public Services Reform (Scotland) Act 2010	Publish details of relevant expenditure, a statement on efficiency, effectiveness and economy, & a statement on sustainable economic growth	Publication	Jun 11



Strategic Aim 8: Organisational Management

Develop and maintain arrangements to support achievement of organisational objectives

	Objectives	Activities	Measurement	Timescale
A	Financial and Resource planning reflect anticipated reductions	Continued participation in Officeholders' working group to consider opportunities for shared services, in collaboration with the Scottish Parliament	Consideration of opportunities for shared services	Mar 12
		Develop detailed budget submission for 2012/13, building upon current indicative budget.	Budget submitted	Aug 11
B	Develop ability to respond effectively to significant unplanned absences of key postholders	Appropriate procedures developed and training provided	Procedures and training reviewed by relevant HoD	Mar 12
C	Procure and install replacement Case Management System, including data migration	Issue Invitation to Tender	ITT issued	May 11
		Appoint supplier	Supplier appointed	June 11
		Design, installation and data migration	System designed, installed and data migrated	March 12



D	Implementation of Information Management systems and procedures developed in 10/11	Revised Retention and Disposal arrangements applied and new Information Management procedures implemented	Information Management systems and procedures implemented and complied with	Mar 12
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Strategic Aim 9: Human Resources

Continuously develop staff competence and terms and conditions of employment

	Objectives	Activities	Measurement	Timescale
A	Develop staff competence to support achievement of organisational objectives	Finalise Learning and Development Plan	L&D plan approved by management team	May 11
		Implement Learning and Development Plan	Learning Objectives achieved	March 12



Enforcement: Core Activities

	Investigations management: Ensuring that all applications made to the Commissioner are dealt with effectively, that investigations are carried out efficiently and that good quality decisions are issued speedily
	Enforcement: Compliance with the Commissioner's Enforcement Strategy, including carrying out good practice assessments and taking enforcement action in line with the strategy; referring failure to comply with formal notices to the Court of Session and seeking warrants for entry and inspection in line
	Legal advice: Providing legal advice to the Commissioner and managing appeals made against decisions of the Commissioner to the courts
	Enquiries: Managing the enquiries function (for the public and public authorities) provided by the Commissioner

Policy and Information: Core Activities

	Publication schemes: ensuring that all Scottish public authorities have adopted a publication scheme which has the Commissioner's approval
	Media strategy: promoting regular, consistent and accurate reporting of FOI issues in the media
	Information resources: maintaining information resource materials about FOI, including the website and guides for the public and public authorities. Ensuring that our own organisation is well informed
	Research: a programme of research including civil society's use of FOI
	External relations: ensuring regular engagement with other organisations, including liaison with Parliament and Government, public representative groups, public authority groups, the Information Commissioner and the Keeper of the Records of Scotland
	Promoting the Commissioner's experience: supporting the annual Holyrood FOI Conference and the Centre for Freedom of Information, publishing Inform newsletter and the annual report.



Operational Management: Core Activities

	Budget: Development of annual submission to Scottish Parliament Corporate Body (SPCB) and monitoring of expenditure
	Sustainable Development: Implementation of our Environmental policy
	HR: Refinement and implementation of the Performance Management System; terms and conditions of employment; CPD
	Equality: Ensure compliance with equality duties; review polices and promote good practice
	Finance: Accounting function including preparation of monthly management accounts
	Policy & Procedures: Ongoing review and refinement of organisational policies and procedures
	Management Information: Provision of key performance indicator data
	External Audit: Preparation of statutory accounts for external audit including compliance with relevant legislation and SPFM
	Internal Audit: Development and implementation of Strategic Internal Audit Plan
	Information Management: Ensuring development and implementation of effective Information Management systems and procedures
	Administration: Office administration including PA function, IT and building management