

**Improving Access to Information by  
Adding Value  
*Strategic Plan 2013-2016***



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The Scottish Information Commissioner's Strategic Plan 2013-2016  
August 2013



Laid before the Scottish Parliament by the Scottish Information Commissioner in pursuance of section 46A(1) of the Freedom of Information (Scotland) Act 2002 on 16 August 2013



## Introduction

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1. This document sets out the Scottish Information Commissioner, Rosemary Agnew's, Vision and Strategic Aims for the three years from April 2013 to March 2016, and her organisation's approach to achieving them.
2. The Scottish Information Commissioner (the Commissioner) enforces Scotland's freedom of information laws<sup>1</sup> and tells people about their rights to ask Scottish public authorities for information. Her role encompasses a reactive element – responding to applications for a decision (applications) about the way in which Scottish public authorities (authorities) deal with individual information requests. It also encompasses a positive promotional element – developing and enforcing proactive publication; monitoring and improving Freedom of Information (FOI) practice; and giving advice, information and guidance.
3. The Commissioner has a statutory duty to consider and come to a decision about applications, irrespective of how many she gets. She cannot refuse to decide an application (except where withdrawn, abandoned, vexatious or frivolous). She also has a statutory duty to inform the public of their rights, to promote good practice, and to review and approve authorities' publication schemes.
4. The Commissioner is a Scottish public authority in her own right, subject to the same requirements in relation to governance, efficiency and Freedom of Information as other authorities. The Commissioner is funded through the Scottish Parliament Corporate Body (SPCB), but independent of the Parliament and Government in the conduct of her statutory functions.

## Context

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5. Rosemary is Scotland's second Information Commissioner. She took up office after Kevin Dunion who, as the first holder of the office, established a firm and authoritative regulatory regime under the Freedom of Information laws. Since the Freedom of Information (Scotland) Act 2002 (FOISA, the Act), and subsequent access to information legislation, was enacted this office has:
  - (i) Established across Scottish society a general awareness and acceptance of a right to information held by authorities.
  - (ii) Seen the amount of information being made readily available by authorities on a range of subjects and service areas increase – both in response to information requests and through proactive publication.

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<sup>1</sup> Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004 and the INSPIRE (Scotland) Regulations 2009.



- (iii) Developed authoritative advice and guidance which is usually accepted and followed by practitioners and requesters alike.
- (iv) Experienced willingness by authorities to improve practice and correct deficiencies.
- (v) Contributed to the updating of FOISA, through the Freedom of Information (Amendment) (Scotland) Act 2013.
- (vi) Seen Scotland's regime held up as a good example by stakeholders both domestically and internationally.

6. Alongside these achievements there remain areas where progress is less evident.

- (i) Applications to the Commissioner and our practice assessments still show some authorities (or parts of authorities) failing to demonstrate adequate understanding and awareness of FOI requirements.
- (ii) The proportion of technical cases (those where there is a failure to respond or to respond in time to a request) remains relatively high.
- (iii) There is an apparent lack of understanding of the distinction between FOISA and the Environmental Information Regulations (EIRs).
- (iv) The apparent under-use of FOI by vulnerable groups and voluntary organisations; the latter having expressed concerns that making FOI requests would damage relationships with authorities, particularly in relation to funding.
- (v) There have been no additional bodies designated under FOISA since its enactment, despite losses in FOI rights as public services have been outsourced. During the passing of the recent FOISA Amendment Act, Scottish Ministers were made more accountable to Parliament and made a commitment to exercise their powers of designation.

7. The environment in which the Commissioner and FOI operate is one of increasing uncertainty:

- Financial constraints and a reduction in financial resources of 15% in real terms in three years have led to a reduction in staff numbers and available resources.
- Applications to the Commissioner have risen every year for the past three years.
- Authorities are themselves facing increasingly scarce resources, making it more challenging to respond to FOI requests.
- Requesters are understandably interested in access to information about decisions taken by authorities in times of austerity.



## Vision

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8. The Scottish Information Commissioner aims to be a value-adding commissioner in a Scotland:
- where people are familiar with their rights to access information and exercise them knowledgeably and responsibly;
  - where those delivering public functions disseminate and disclose information willingly and openly;
  - where access to information is the result of open dialogue and communication that enables both the exercise of rights to information and the delivery of statutory functions; and
  - which is recognised and respected internationally as a world-leader in access to information law, policy and practice.

## Strategic aims

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9. To work towards this vision, the Commissioner has set her strategic aims, which taken together give a framework for the development and delivery of operational priorities. The overarching theme will be **improving access to information through adding value**.
- (1) We will enable and support Scottish public authorities to develop and maintain high standards of FOI policy and practice through a combination of regulation, advice and assistance, and appropriate collaboration.
  - (2) We will influence positively cultural change in Scottish public authorities' approaches to meeting their FOI duties.
  - (3) We will encourage effective and responsible use of FOI rights by a range of stakeholders through support, education and promotion.
  - (4) We will influence and support the development of Scottish information law and policy to ensure it remains fit for purpose and enables effective communication.
  - (5) We will be recognised as an organisation of accessible experts, that is run efficiently, governed effectively and leads by example.
10. To achieve these aims the Commissioner will focus both on cases and on promotion and monitoring of FOI in Scotland.
11. With cases we aim to maintain and, resource permitting, improve on current performance in relation to case closure times (i.e. time taken to deal with an application). We aim to



add value to FOI in Scotland by ensuring learning from cases is identified and shared with all parties, especially authorities, and by resolving cases as appropriate, as quickly as possible. The underlying aim is to ensure those entitled to information receive that information at the earliest opportunity. We will add value to the effectiveness of our own organisation by making full use of our powers to obtain information necessary to our investigations and by being reflective practitioners.

12. With promotion and monitoring of FOI in Scotland we will maintain and, where possible, improve on our performance relating to developing understanding of FOI laws and practice. We will continue to work with both requesters and practitioners, encouraging and enforcing proactive publication, sharing good practice and safeguarding rights. We will add value for all stakeholders by monitoring the effectiveness of legislation and acting on what we find. We will help authorities leverage more value from FOI through promoting open culture, the sharing of efficient practice (including in relation to supporting functions such as effective records management) and the value of active communication. All of which ultimately also benefit requesters. We will add value for Scotland by establishing a nationwide database of re-usable FOI statistical information, both to inform stakeholders and to enable them to benchmark, research and monitor FOI for themselves. We will add value to our own organisation by making the statistical information, combined with practice assessments and learning from cases, the basis for focussed interventions.

## Timetable and approach

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13. Each year the Commissioner will publish an operational plan setting out the organisation's planned activities, timetable for delivery, key targets and performance indicators, and how each activity supports her strategic aims. Targets will be set and activity prioritised by balancing required outputs to meet statutory duties, desired quality, levels of risk and available resources. Key performance indicators will be based on the statutory requirement to report the number of decisions taking longer than four months and published as part of the operational plan.
14. In the first half of the strategic plan time-frame the emphasis will be on safeguarding current performance, whilst simultaneously developing the value-added functions and specific targets. In the final year of the plan, the Commissioner aims to be in a position to deliver demonstrable benefits the following year in relation to key indicators such as:
  - Reduction in the proportion of technical applications received
  - A lower proportion of FOI requests resulting in applications to the Commissioner
  - Level of understanding of FOI rights
  - Fewer invalid applications
  - A resolution-based approach to applications



15. Throughout this period we will develop the relationships with all our stakeholders, with the aim of strengthening practice to reduce the reliance on enforcement of decisions as a form of resolution.

## Resources

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16. The Commissioner's key resource is her staff. The majority of the organisation's financial resource is spent on staffing. To achieve her aims the Commissioner recognises their value, knowledge, experience, competence and dedication. Realisation of the strategic plan is reliant on adequate resources to maintain both sufficient staffing levels and to keep their knowledge and expertise current.
17. Financial (and hence staff) resources for 2013/14 are set and agreed, based upon an anticipated, planned-for, volume of applications. This resource level is the third and final year of a sustained cut in budgets that has seen a reduction in financial resources of 15% in real terms, a consequential cut in staffing of 2.14 FTE staff (16.25% of available investigation resource), an increase in the number of cases closed over the three years and an increase of 44% in applications received since April 2009. A further volume rise of 11% forecast for the 2013/14 year will also be met from this agreed resource through planned efficiencies.
18. 2013/14 is the baseline budget. There are three known factors that impact on this baseline: changes in the volume of applications, pay rises and inflation. The factor that has the greatest impact on this baseline is changes in in the volume of applications. Volumes are tracked and monitored, but remain unpredictable beyond the immediate next 12 month period. The forecast rise in 2013/14 is 11%, which it is anticipated (along with inflation rises) will be absorbed through planned efficiencies. Activity to reduce applications and the way in which they are investigated longer term is unlikely to result in a reduction in applications until the second half of year three. If volumes continue to rise, the Commissioner will not only struggle to meet strategic aims, but will also struggle to maintain current outputs and standards without additional funding to match the rising workload.
19. Pay increases also have a high impact as staffing costs are the majority of budget. The Commissioner's pay scales follow the SPCB's pay scales, and will continue to do so. The third significant factor, inflation, impacts directly on running and capital costs.
20. The table below presents ranges in which the anticipated resource requirements to meet strategic aims will fall each year based on four scenarios. These illustrate the range that resource requirements may cover, depending on changes to the influencing factors above. They highlight the impact volume increases have on the organisation. The specific budget



will be agreed as part of the annual budget process between the Commissioner and the SPCB.

21. Individual strategic aims have not been costed as their cross-cutting nature means that individual activities often contribute to more than one strategic aim. Achievement of the overall vision and aims are the result of co-ordinated working across the organisation.

### Indicative resource scenarios

	Scenario 1 (best case)	Scenario 2	Scenario 3	Scenario 4 (worst case)
	<ul style="list-style-type: none"> <li>Application volumes forecast to rise by 11% over previous year for 2013/14, with 0% in each of following years</li> <li>Salary figures used are actual for 2013/14, pay-scales provided by SPCB for 2014/15 and no pay increase in 2015/16</li> <li>No uplift for inflation</li> </ul>	<ul style="list-style-type: none"> <li>Volumes increase by 11%, year-on-year</li> <li>Salary figures used are actual for 2013/14, pay-scales provided by SPCB for 2014/15 and no pay increase in 2015/16</li> <li>No uplift for inflation</li> </ul>	<ul style="list-style-type: none"> <li>Volumes increase by 11%, in 2013/14 then 24% year-on-year for following 2 years (24% is single highest increase over last 3 years)</li> <li>Salary figures used are actual for 2013/14, pay-scales provided by SPCB for 2014/15 and no pay increase in 2015/16</li> <li>2.8% uplift for inflation</li> </ul>	<ul style="list-style-type: none"> <li>Volumes increase by 11%, in 2013/14 then 24% year-on-year in following 2 years (24% - highest single increase over last 3 years)</li> <li>Salary figures used are actual for 2013/14, pay-scales provided by SPCB for 2014/15 and 2% pay increase in 2015/16</li> <li>2.8% uplift for inflation</li> </ul>
<b>2013/14</b>	£1,394,500	£1,394,500	£1,394,500	£1,394,500
<b>2014/15</b>	£1,428,166	£1,485,001	£1,565,049	£1,565,049
<b>2015/16</b>	£1,428,166	£1,557,488	£1,614,363	£1,635,590
<b>Assumptions:</b>				
<ul style="list-style-type: none"> <li>Budget for 2013/14 is already agreed and forms the baseline</li> <li>There is no salary rise built into any of the salary figures in respect of the office holder</li> <li>Inflation rate is based on published figure for March 2013</li> </ul>				



## Document Control Sheet

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Review annually in conjunction with development of the Operational Plan to ensure the Strategic Plan continues to reflect the operating environment. Full review in 2016 upon expiry of the Strategic Plan, as required by FOISA.	

Summary of changes to document				
Date	Action by <i>(initials)</i>	Version updated <i>(e.g. v01.25-36)</i>	New version number <i>(e.g. v01.27, or 02.03)</i>	Brief description <i>(e.g. updated paras 1-8, updated HOPI to HOOM, reviewed whole section on PI test, whole document updated, corrected typos, reformatted to new branding)</i>
04.04.2013	RA	01.01	01.14	Initial draft and revisions
15.08.2013	DL	01.14	01.15	Finalised for laying before the Scottish Parliament
15.08.2013	DL	01.15	01.16	Creation of PDF version for publication



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