

<b>Report to:</b>	QSMTM Q3 2023-24
<b>Report by:</b>	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
<b>Meeting Date:</b>	14 February 2024
<b>Subject/ Title:</b> (and VC no)	Information Requests and Requests for Review Report Q3 2023-24 VC200895
<b>Attached Papers</b> (title and VC no)	<ul style="list-style-type: none"> <li>• Summary table</li> <li>• Exemptions and exceptions applied</li> <li>• Outcomes of requests</li> </ul>

## Purpose of report

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1. This Committee Report (CR) is required under the Key Document C1 Governance Reporting Arrangements and its purpose is to inform and provide the Senior Management Team (SMT) with an analysis of the numbers of requests for information and requests for review received and dealt with in 2023-24 Q3.

## Recommendation and actions

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2. It is recommended that the SMT:
  - (i) notes the contents of this CR
  - (ii) notes that the information in this CR has been uploaded to the FOI and EIR statistics platform
  - (iii) agrees the publication arrangements set out in paragraph 30.

## Executive summary

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### Requests for information

3. As a Scottish public authority, we have statutory obligations to respond to requests we receive for information. Requests and request for reviews are forwarded, on receipt, to the most appropriate member of staff for a response. We maintain a record of all requests in our case management system.
4. Our target response timescales are set out in the Key Document C7 Performance and Quality Framework 2023-24.

### Subject Access Requests

5. Subject access request statistics are reported separately.

### Volumes of requests

6. Any requests categorised as joint FOISA/EIRs have been included in both the FOISA and the EIR numbers. The attached summary table analyses the statistics in the same way. This reflects the requirement on the FOI and EIR statistics platform when entering our statistics and, therefore, ensures consistency of reporting.

## Requests for Information and Requests for Review received

7. In Q3, 23 requests were received as follows:

- 21 requests under FOISA
- 0 request under EIRs
- 2 requests for review

8. The numbers of RFIs and RFRs received to date in 2023-24 in comparison to 2022-23 are set out in the table below:

	2022-23	2023-24	% increase/decrease
Number received Q1	21	24	14%
Number received Q2	6	37	517%
Number received Q3	9	23	155%
Number received Q4	13	-	-
Total	49	84	

## Requests for information analysis

9. The number of requests dealt with under FOISA and EIRs in each quarter are set out in the table below:

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	49	21	35	21		77
Total closed	49	18	35	22		75

10. The following should be noted:

- 1 open case from 2022-23 was carried forward and closed in Q1 2023-24
- There were 3 open cases at the end of Q3 2023-24
- There was an increase in requests for information in Q3 2023-24, as compared to the previous year. However, the number of RFIs received in Q3 2022-23 was lower than would be normally expected.
- 1 case was closed in Q3 with a backdated Q2 date

11. For requests received under FOISA and EIRs, the following categories were recorded:

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	
About our functions/services	12	24%	3	10	6		19	25%
Application related	11	23%	4	7	5		16	21%
Misdirected - sent to us in error, asking for information which is likely to be held by other authorities	25	51%	11	13	8		32	42%
Other	1	2%	3	5	2		10	12%
Total	49	100%	21	35	21		77	100%

12. For requests closed under FOISA and EIRs, the following outcomes were recorded:

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	
Information provided in full	4	8%	1	6	9		16	13%
Information partially supplied	8	16%	2	4	0		6	12%
Information not held	30	61%	15	18	11		44	63%
Information refused (exempt)	3	6%	0	2	1		3	4%
Clarification not provided	1	2%	0	0	1		1	0%
Request withdrawn	2	4%	0	1	0		1	0%
Excessive costs	0	0%	0	1	0		1	2%
Vexatious	1	2%	0	1	0		1	2%
Repeated request	0	0%	0	2	0		2	4%
Neither confirm nor deny	0	0%	0	0	0		0	0%
Request invalid	0	0%	0	0	0		0	0%
<b>Total</b>	<b>49</b>	<b>100%</b>	<b>18</b>	<b>34</b>	<b>22</b>		<b>52</b>	<b>100%</b>

13. The performance against our timescale target for responding to requests for information is set out in the table below:

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Request response: 20 working days or fewer	100%	100%	100%	95%		99%

14. One request for information took 25 working days to respond to. In line with the procedures in place at that time, the designated officer (DO) and the Head of Enforcement were notified that the open case was reaching 15 working days. In order to mitigate the risk of the statutory response deadline being missed in future, the procedures have now been revised to include additional notifications being sent to a DO's line manager and the Deputy Heads of Enforcement.

### Requests for review analysis

15. Breakdown of requests for review dealt with under FOISA and EIRs by quarter:

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	0	3	2	2		7
Total closed	0	3	1	3		7

16. There were no requests for review carried forward from 2022-23.

17. All 3 requests for review upheld the original decision in full.

18. There were no request for reviews open at the end of Q3.

19. The performance against our timescale target for responding to requests for review is set out in the table below:

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Review response: 20 working days or fewer	100%	100%	100%	100%		100%

## Risk impact

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20. We have policies and procedures in place providing detailed guidance on how to respond to requests for information and requests for review. They are regularly reviewed to ensure that they are up to date and that requests are being appropriately handled and responded to.
21. Failure to respond to information requests and reviews within the statutory timescales would have an adverse impact on the Commissioner's reputation.
22. This CR contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance.

## Equalities impact

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23. There is no direct equalities impact arising from this report.

## Privacy impact

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24. There is no direct privacy impact arising from this report.

## Resources impact

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25. Responding to information requests and reviews can be demanding on staff time due to the research that may be required to identify relevant information and the deadlines for response. However, responding to such requests, within the required timescales is an important function of the Commissioner.

## Operational/ strategic plan impact

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26. The guidance and procedures for handling and responding to requests for information and requests for reviews aim to ensure consistency of approach across the office and improve the efficiency of the process.

## Records management impact (including any key documents actions)

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27. None

## Consultation and Communication

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28. QSMTM Q3 minute and publication of CR.
29. A report on requests for information and requests for review is included in the Annual Report.

## Publication

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30. This CR and the related papers should be published as follows:

- the CR and the exemptions and exceptions applied table should be published in full with the QSMTM papers
- the summary table should be published in full in our Guide to Information/Class 7
- the outcome of requests table contains personal data should be withheld on the basis that section 38(1)(b) of FOISA would apply if a request were, at this stage, to be made for the information.