

Scottish Information Commissioner
Minutes of Monthly Senior Management Team Meeting
2 October 2024

NOTE TO READER:

The Scottish Information Commissioner publishes the minutes of Senior Management Team (SMT) meetings and the papers considered at the monthly and quarterly meetings, unless he considers, at the time of publication, that the minutes and/or papers are exempt from disclosure under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004 (FOI law). Where minutes or documents are not published, the minutes indicate the exemption that is applied at the time of the decision

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Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS
Tel: 01334 464610
enquiries@foi.scot

Present: Scottish Information Commissioner – David Hamilton (DH) (Chair)
Head of Policy & Information – Claire Stephen (CMS)
Finance Head of Enforcement – Euan McCulloch (EM)
Finance and Administration Manager – Liz Brown (LB)
Finance and Administration Manager – Kim Berry (KB) (Minutes)
Data Protection Officer – Robin Davidson (RD)

Apologies: Head of Corporate Services - Helen Gardner-Swift (HGS)

Details	Action By	Target Completion Date	Publish Yes / No	Comments
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1. Update with Robin Davidson, Data Protection Officer

DH welcomed RD to the meeting and expressed his appreciation for his continuing advice and support. <u>RD update</u> <ul style="list-style-type: none">DPO Service Network continue to meet bi-monthly and, as part of the MOU, the DPO and SIC should meet at least once per year.Decisions on widespread personal data should be informed.Digital Reform –<ul style="list-style-type: none">The Data Protection and Digital Information Bill is no longer being progressed therefore the previous arrangements continue to ensure that the UK keeps an adequacy				
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<p>statement.</p> <ul style="list-style-type: none"> ○ The Data (Use and Access) Bill is progressing. Some of the changes proposed include the use of smart data and changes to the way the ICO operates. ● In June 2022 the ICO started a two-year trial of a revised approach to working with public authorities. The trial looked at, amongst other things, alternative ways of reporting, alternatives to fines for reprimand and enforcement. The trial period ended in June 2024, and we are waiting on the outcome. ● As discussed at DPO Network meetings, a checklist detailing the minimum requirements has been produced and will be circulated to Officeholders. ● Organisations should continue to ensure that DPA training is a mandatory requirement and should be carried out at least once per year. <p><u>DH enquired about:</u></p> <ul style="list-style-type: none"> ● Arrangements with other data controllers when relating to data as a service. Is having detail in the contract sufficient? <ul style="list-style-type: none"> ○ RD advised that agreement can be made as part of a contract e.g. Microsoft process personal data in terms of UK DPA; beyond the UK this is okay within the UKEUA; outwith that adequacy levels apply. End of life or when processing is completed should be considered. Joint data controller sharing information then need agreement in place. ● The position regarding hardware biometrics, for example on laptop or phone chips? <ul style="list-style-type: none"> ○ Depending on the controlling means and purpose then probably be a data controller. Especially if using special category data or can be identified from unique information (directly or inferred). There needs to be some form of processing. Carry out a DPIA which RD will review. ● Staff names on website? <ul style="list-style-type: none"> ○ If senior management and public facing then it is reasonable however should be kept to a minimum. Organisations should not process more than they need to and should prepare a business case. 				
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2. Minutes, action points update and matters outstanding

1.1 Review of minutes – QSMTM Q1, 06/09/24 <ul style="list-style-type: none"> The minutes were approved and will be published with the relevant papers. 1.2 Action points update <ul style="list-style-type: none"> Actions complete unless noted below 1.3 Matters outstanding <ul style="list-style-type: none"> Investigations Performance – DH will create a template covering the areas from the investigation performance monthly meeting which should be raised at a QSMTM Interventions Report - CMS will create a template covering the areas from the intervention monthly meeting which should be brought to QSMTM's Human Resourcing <ul style="list-style-type: none"> Overtime – the SMT discussed the potential provision of overtime and the creation of a policy. DH will discuss with KB. A Workforce Monitoring Plan will be discussed at the next MSMTM 	DH	31/10/24	Yes	Minutes published in full
	CMS	31/10/24		
	DH/KB	31/10/24		
	SMT	13/11/24		

3. Sickness Absence

<ul style="list-style-type: none"> Deferred to QSMTM Q2 				
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4. Operational Risk Register 2024-25 (ORR)

<ul style="list-style-type: none"> The SMT reviewed the ORR and noted: <ul style="list-style-type: none"> Risk 3 should be changed due to staff absence Risk 9 – DH will discuss the policy on taking leave with other Officeholders Risk 13 – other options will be explored Risk 14 – a review of information held will be carried out by EM DH will update the ORR 	DH		No	Operational Risk Register withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
	DH	11/10/24		
	EM	31/10/24		

5. Key Documents

<ul style="list-style-type: none"> The SMT considered the list of key documents due and forthcoming to 31 December 2024 Following discussion, it was agreed that the following changes should be made to the Key Document Register (KDR): 			Partial	Report published with the exception of comments column –
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<ul style="list-style-type: none"> ○ Risk Management Policy – change review to as required, ○ Internal Audit Policy – change review date to as required, ○ SMT biographies – remove from KDR, ○ MOU Crown Office and Polic Scotland – complete, EM will add to the Key Document Log (Log) ○ EM will prioritise the review of the Privacy Notice: investigations for law enforcement purposes, ○ Review of the Validation in the Validation Officer's Absence document is complete, EM to add to the Log, ○ Review date of Investigations Handbook to be changed to 08/2025 <ul style="list-style-type: none"> • KB to update the report as discussed • The SMT agreed that the report is published with the exception of the column containing comments 	EM	11/10/24		Exemptions s30(b)(ii) and s38(1)(b)
	EM	31/10/24		
	EM	11/10/24		

6. Register of Personal Data Processing & Privacy Notice

• To be reviewed regarding the use of Breathe HR.	SMT	31/10/24		
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7. Internal Audit Plan

• The internal audit plan is still being considered by the SMT	SMT	30/11/24		
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8. Performance and Development Framework

• Deferred to QSMTM Q2				
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9. Learning and Development Plan

• Deferred to QSMTM Q2				
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10. Publishing team meeting minutes

• Deferred to QSMTM Q2				
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11. Key Document – References Policy and Procedures

• DH carried out a review of the References Policy and Procedures.				
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<ul style="list-style-type: none"> SMT have reviewed and commented on the revised policy and procedures. SMT approved the revised References Policy and Procedures. <p>KB to carry out key document actions.</p>	KB	11/10/24		
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12. Key Document – Health & Safety Policy and Handbook

<ul style="list-style-type: none"> The H&S Policy and Handbook review was not signed off by SMT DH has reduced the content and broken it down to 3 documents and rewritten the policy using the HSE template LB to look at changes and refer back to the SMT. 	LB	30/11/24		
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AOB.

<ul style="list-style-type: none"> There was no AOB 			N/A	
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Signed off by:



Date: 13/11/2024