Scottish Information Commissioner
Operational Plan 2012/13

This Operational Plan 2012/13 sets out the activities which my staff and I will undertake towards achievement of our six strategic aims relating to:

- Case closure efficiency
- Compliance and practice improvement
- Proactive transparency
- Professional exchange and public awareness
- FOI Development
- Working with reduced resources

We aim to be the authoritative source of advice on access to information legislation in Scotland and to actively promote the identification and sharing of good practice. We will continue to maintain, develop and circulate material to assist authorities to deal with requests and reviews, and to inform applicants and their advisers about how to make effective information requests to authorities and appeals to my office. We will draw on a range of resources, including precedent-setting aspects of key decisions and good practice assessments. Our guidance will also help people to understand why information may have been properly withheld. We will continue to promote FOISA and the EIRs through a variety of media.

In dealing with appeals we will aim to secure, at the first instance, all necessary information from authorities and applicants to enable us to come to a reasoned and evidence-based decision. We are mindful that the usefulness of information requested often erodes through time so we will continue to focus on resolving cases in as short a time as possible, settling cases where possible without the need for a formal decision. In the light of experience, where a certain outcome is highly likely, we will indicate this to the applicant or authority inviting them to provide the information or withdraw the appeal as appropriate without issuing a formal decision.

We will promote initiatives to improve good practice by authorities. Where we identify good practice we will highlight this: where we identify failings within specific authorities we will support the authority and seek to remedy these through practice recommendations and advice. We will continue to perform regulatory checks of compliance outside the function of case specific investigations. We will keep abreast of good practice and consider the Scottish experience in dialogue with others in Scotland as well as internationally.

Rosemary Agnew
Scottish Information Commissioner

1. Strategic Aim: Case closures efficiency

Investigative capacity to be used to maintain the journey time to case closure

	Objectives	Activities	Measurement	Timescale
1.1	Safeguard the achievements in reducing the journey time to case closure, despite the upturn in the number of applications and the constraints on investigative capacity expected to occur as a result of reduction in funding. • For valid applications, case closure average of 20 weeks (4.7 months) • Increase cases closed without decision from 34% in 2011/12 to 37% in 2012/13	Processing of applications in line with policies and procedures	Data from investigations database	Monthly
1.2	Review and revise the approach to setting of targets and KPIs to enable a more value-adding approach to performance management and reporting	Analysis of current data and setting of indicative KPIs Monitoring and on-going review of indicative KPIs and performance against them Implementation of revised KPIs for management reporting and through personal targets and objectives	Indicative KPIs Management reports Revised KPIs	30.09.12 Monthly 31.03.13

2. Strategic Aim: Compliance and Practice Improvements

Investigate the practice of public authorities and identify measures to improve compliance with the FOISA, the EIRs and the Codes of Practice

	Objectives	Activities	Measurement	Timescale
2.1	Promote public authority compliance with FOISA, the EIRs, and the Codes of Practice	Carry out 11 good practice assessments of public authorities	Assessments completed and reports published	In line with plans agreed in March and September 2012
2.2	Develop downloadable support and training materials for public authorities	Establish the demand for such materials among authorities and audit existing provision As appropriate, identify partner organisations and accreditation routes As appropriate, publish first set of training materials	Support programme developed	March 2013
2.3	Improve the quality of FOI requests	Publish online guidance to applicants about making requests Promote the guidance to authorities for their use	Publication of guidance 15 authorities using the guidance	March 2013

3. Strategic Aim: Proactive Transparency

Encourage the proactive publication of information by authorities

	Objectives	Activities	Measurement	Timescale
3.1	Complete outstanding publication scheme approvals from previous years	Complete 33 approvals outstanding from 2009, or take enforcement action where appropriate	75% completed by September 2012 100% completed by December 2012	December 2012
3.2	Complete publication scheme approvals for authorities in Parts 1 and 2 of FOISA (due 1 June 2012)	Complete approvals according to procedures, or take enforcement action where appropriate	90% completed by August 2012 100% completed by December 2012	December 2012
3.3	Develop the approach for 2013 approvals with relevant sector representative groups and publish revised guidance and support materials	Agree approach to approvals with relevant sector groups Alert authorities to the need to comply, provide advice and guidance on notification / submission process Complete approvals according to procedures Produce Model Publication Scheme 2013	Publication of Model Publication Scheme 2013 Adoption of Model Publication Scheme 2013 by 75% of 2013 tranche	December 2012 June 2013
3.4	Publish two reports of publication scheme monitoring throughout the year	Consult on a draft monitoring strategy Publish two reports Review monitoring strategy and agree monitoring programme 2013/4	6 media reports of monitoring outcomes	March 2013

3.5	Publish guidance on the proactive publication of information about statutory planning processes	Research issues and draft guidance Host a round table meeting of interested parties to discuss draft guidance Publish guidance	Circulation of guidance to local authorities	October 2012 December 2012
3.6	Publish guidance for public authorities on the legislative framework for proactive publication	In collaboration with sector representative groups and other key stakeholders, produce guidance on the various statutes providing public access to information produced by public authorities (to include FOISA, EIRs, statutory registers, INSPIRE)	Publication of guidance	September 2013

4. Strategic Aim 4: Professional Exchange and Public Awareness

Continue to promote professional exchange in relation to FOI and public awareness of the right to information

	Objectives	Activities	Measurement	Timescale
4.1	Publish the Commissioner's Communications Strategy 2012 - 18	Develop a framework, in consultation with key stakeholders Issue a revised operational plan, incorporating communications objectives to achieve the strategy	Strategy developed Revised operational plan published	September 2012
4.2	Publish the Commissioner's Annual Report 2011/12	Publication and promotion of the report	Circulation of the report Coverage of the report in three press and broadcast news	October 2012
4.3	Organise four seminars at the Centre for Freedom of Information	Agree seminar approach with partners Evaluate participant experience	Minimum mean attendance 50	March 2013

5. Strategic Aim 5: FOI Development

Promote the strengthening and clarification of FOI legislation

	Objectives	Activities	Measurement	Timescale
5.1	Contribute evidence, as appropriate, to the passage of the Freedom of Information (Scotland) Amendment Bill	Contribute evidence in response to calls by the committee Contribute consultation responses as required	Extent to which contributions are acknowledged and implemented	March 2013
5.2	Make proposals to Scottish Government for the designation of additional bodies under FOISA or deletion of bodies under jurisdiction.	Submit an annual proposal to the Scottish Government under s43(4) of FOISA	Proposals made Extent to which proposals are acknowledged and implemented	March 2013

6. Strategic Aim: Governance – Working with Reduced Resources

Ensure SIC governance arrangements are robust and reflect best practice

	Objectives	Activities	Measurement	Timescale
6.1	Review of governance practice to ensure compliance with guidance and legislation	Review internal planning and reporting arrangements Review of Risk Management and "Best Value" and 3E arrangements Revise Risk Management and Governance policies and procedures and present to Advisory Audit Board	Implemented and published polices and arrangements	Publication September 2012
6.2	Implement draft Framework Agreement between SIC and SPCB, and review Financial Memorandum Manual	Finalise and implement Framework Agreement between SIC and SPCB Develop revised Manual aligned with Framework Agreement	Framework Agreement implemented and revised Manual produced	In line with budget approval arrangements (TBC)
6.3	Ensure organisational policies and other key documents remain comprehensive, and in line with current legislation and practice	Update register of policies and key documents, and align with publication scheme categories Carry out reviews of policies and key documents, updating as appropriate	Register updated Reviews carried out and policies updated as appropriate	As determined in register
6.4	Ensure Business Continuity processes remain fit for purpose	'Desktop' test of emergency scenario Review of on-going appropriateness of IT contingency plans and test of IT recovery plan	Completion of desktop test Successful IT recovery test	December 12 March 13
6.5	Implementation of Information Management systems and procedures	Revised retention and disposal arrangements applied and new Information Management procedures implemented	Implementation completed	March 13

6.6	Review of IT provision and systems to inform planning and budgeting	Benchmark with similar public bodies	Action Plan presented to Management Team	December 12
		Seek external input as appropriate		
		Preparation of report and costed action plan		
6.7	Ensure staff performance is recognised, managed and developed in line with policy and timescales	Learning & Development plan developed and adopted	Plan adopted	June 12
		Line management workshop	Workshop held	October 12
		Staff appraisals completed	Appraisals completed	May 13
				June 13
		Report to management team – review of appraisal process outcomes for 12/13	Annual review report of appraisal process	

Enforcement: Core Activities

Mandatory Requirement	Description
Yes	Investigations management: Ensuring that all applications made to the Commissioner are dealt with effectively, that investigations are carried out efficiently and that valid cases are closed speedily, either as a result of settlement or the issue of good quality decisions
	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 with the Commissioner's powers
	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

Mandatory Requirement	Description
Yes	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
Yes	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: conducting research on current issues to inform our own work and engagement with stakeholders
	External relations: ensuring regular engagement with other organisations, including liaison with Parliament and Government, public authorities, the Information Commissioner and the Keeper of the Records of Scotland
	Promoting the Commissioner's experience: organising seminars for the Centre for Freedom of Information and publishing Inform newsletter
Yes	Annual report: producing the Commissioner's annual report

Operational Management: Core Activities

Mandatory Requirement	Description
Yes	Budget: Development of annual submission to Scottish Parliament Corporate Body (SPCB) and monitoring of expenditure
Yes	Sustainable Development: Implementation of our Environmental policy
	HR: Refinement and implementation of the Performance Management System; terms and conditions of employment; CPD
Yes	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
Yes	External Audit: Preparation of statutory accounts for external audit including compliance with relevant legislation and SPFM
	Information Management: Ensuring development and implementation of effective Information Management systems and procedures
	Administration: Office administration including PA function, IT and building management