

Safeguarding Success

Strategic Plan 2012-2016



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The Scottish Information Commissioner's Strategic Plan 2012-2016

Introduction

The Scottish Information Commissioner, Kevin Dunion, completes his second and final term in post on 23 February 2012. The Freedom of Information (Scotland) Act 2002 requires that, by 31 March 2012, the Commissioner lays before the Scottish Parliament a strategic plan.

This strategic plan provides the incoming Commissioner, Rosemary Agnew, with a sound platform to take forward when she takes up her appointment on 1 May 2012.

Freedom of Information: At a Crossroads

Progress towards the vision for Fol in Scotland, as set out in the 2008-2012 Strategic Plan, is readily apparent

- Across Scottish society there is a general acceptance that releasing information held by public authorities is to be expected.
- More information is readily being made available by authorities e.g. regarding contracts and expenses.
- Where there is a dispute the decisions of the Commissioner are accepted and guidance on interpretation is generally followed.
- Cases are being closed more quickly.
- Where the Commissioner finds deficiencies in authorities' practice and systems there is a general willingness to put these right
- Scotland is highly regarded for the practical application of freedom of information laws.

However there remain areas where progress has not been as evident

- Assessments of authorities still find a basic lack of staff training and inadequacies in organisational systems which affect their ability to properly respond to requests
- The number of cases coming to the Commissioner because of technical deficiencies in the response by the authority e.g. failing to respond in time or not at all remains relatively high
- The proportion of cases capable of informal resolution is declining
- There is evidence that some voluntary organisations fear that making an Fol request will harm their relationship with an authority
- Designation of additional bodies has not taken place; as a result Fol rights are being lost as public services are out-sourced or delivered by arms-length organisations.



We are moving into a time of change and some uncertainty

- The next Commissioner, Rosemary Agnew, will take up her appointment on 1 May 2012
- Financial constraints mean that the resources available to the Commissioner will reduce in real terms, and will lead to a further reduction in staff numbers
- The number of appeals being made to the Commissioner is rising and is likely to continue to rise.
- The Scottish Government has indicated that FOISA will be subject to an Amendment Bill, the terms of which are still to be made known and consulted upon. The effect of legislative change on the number and nature of appeals to the Commissioner cannot be gauged at this point.

In the light of this, the overarching strategic theme of this plan is to safeguard the success achieved since FoI came into effect.

Organisational Strategic Aims

The Scottish Information Commissioner aims to be an authoritative source of advice and highly responsive in action. We will maintain, develop and circulate material to assist authorities to establish the correct response to requests and to inform applicants and their advisers. We will highlight precedent-setting aspects of key decisions and good practice assessments. We will give applicants guidance on making requests and help them to make valid appeals to the Commissioner. Our guidance will also help people to understand why information may have been properly withheld. We will continue to promote FOISA and the EIRs, including through social media.

We will be mindful that the usefulness of information requested often erodes through time. As such, we will continue to focus on resolving cases in as short a time as possible. 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 decision. Informally settling cases, without the need for a formal decision, will feature prominently in closing cases. 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 actively promote initiatives to improve good practice by authorities- where we identify failings within specific authorities we will proactively seek to remedy these using practice recommendations if appropriate. We also 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.

The Key Strategic Themes

The overarching theme of Safeguarding Success will be pursued through six strategic themes which will drive the individual annual operational plans for the next four years.

- **Case closure efficiency**

Investigative capacity will be efficiently used to safeguard the achievements in reducing the journey time to closure, despite the upturn in applications which is being experienced and the constraints on investigative capacity which are expected to occur as a result of reduction in funding. A new case management system will be introduced and the disposition of staff resources will be reviewed. Settlement is likely to be prominent in resolving disputes.



- **Compliance and Practice improvements**

Even more comprehensive assessments of the practice of public authorities will be conducted, using the resources available to the Commissioner to secure improvements in compliance and good practice. Increasingly in- depth consideration will be given to key issues of compliance and practice which if not addressed would adversely affect the entitlement of applicants.

- **Proactive transparency**

The proactive publication of information by authorities will be promoted. Encouraging the uptake of the Commissioner's model publication scheme and the development of high quality guides to information will increase the amount of information available, whilst reducing the burden on authorities of conforming to the statutory requirement to secure approval of such schemes.

- **Professional exchange and public awareness**

We will make more widely available material circulated for our own professional development. A strategic plan for the Centre for Freedom of Information will be developed in conjunction with Dundee University.

We will continue to promote awareness of the public's rights to information, including through social media. Case studies of how these rights have been used in practice will continue to feature in the outreach activities and publications of the Commissioner. Further investment will be made in the Commissioner's website. We will promote the Commissioner's decisions and assessment reports to contribute to the improvement of public services.

- **FoI Development**

In the light of proposed amendment to FOISA, the Commissioner will contribute to the Ministerial consultative process and Parliamentary scrutiny procedures with a view to strengthening and clarifying the legislation. Further proposals will be made to Ministers as to the designation of additional authorities.

- **Working with reduced resources**

A focus on continuously seeking to increase the efficiency, effectiveness and economy of the Commissioner's office will be integral to the development of the operational plans through which the Strategic Themes will be delivered.

Strategic Plan Approach

Investigations

We will:

- Use investigative capacity to continue to speed up case closure, whether by decision or informal resolution;
- Increase the proportion of cases informally resolved;
- Increase the proportion of cases determined within four months;
- Ensure that no case takes longer than 12 months to resolve;
- Secure necessary information from the public authority at first request;
- Utilise the new case management system to improve investigative capacity wherever possible and to improve reporting mechanisms.

Compliance and good practice

We will:

- Continue to improve recognition of the scope and application of Environmental Information (Scotland) Regulations (EIRs) by public authorities;



- Assess authorities' practice and take action in line with the Commissioner's Enforcement Strategy, where appropriate, including using formal notices and securing undertakings from by public authorities;
- Promote the findings of the SIC's decisions and assessments, including league tables for specific sectors
- Promote best practice in publication schemes through the Model Publication Scheme
- Monitor the operation of the model publication schemes by public authorities
- Improve quality of requests to authorities by issuing guidance to applicants;
- Reduce the number of invalid applications to the Commissioner;
- Continue to promote freedom of information rights to the public through a range of activities, including use of social media
- Promote guidance to applicants to improve the quality of requests to public authorities

Scope of FOISA

We will:

- Make recommendations to Ministers, to strengthen and clarify FOISA, including identification of additional bodies to which FOISA should or could apply.

Operational performance

We will:

- Continue to demonstrate good practice as an open and accountable organisation through the publication of substantial information about our plans, performance, governance and finance (visit www.itspublicknowledge.info/home/AboutSIC)
- Use limited resources flexibly to maximise their impact and reduce costs
- Identify and mitigate risks to the functions of the Commissioner; ensure high levels of staff competency.

Timetable and Estimated Costs

Overview

The Scottish Information Commissioner is responsible for enforcing and promoting Scotland's freedom of information laws.

The Commissioner has a statutory function to consider applications and a statutory obligation to come to a decision on all applications no matter how many are received. There is no provision in law to refuse applications or decline to come to a decision on valid appeals.

The Commissioner also has a statutory role to inform the public of their rights; to promote good practice amongst authorities; and to review and approve publication schemes for all Scottish public authorities.



Timetable

The Strategic Themes set out in the Plan reflect the Commissioner’s core functions, and the activities through which they will be delivered will be on-going and constant throughout the period covered by the Plan.

Strategic Themes	2012-13	2013-14	2014-15	2015-16
Case Closure Efficiency	✓	✓	✓	✓
Compliance and Practice Improvements	✓	✓	✓	✓
Proactive Transparency	✓	✓	✓	✓
Professional exchange & public awareness (including FoI Development)	✓	✓	✓	✓
Working with reduced resources	✓	✓	✓	✓

Estimated Costs

Estimated and indicative budgetary information is provided below (Appendix I). The budgets for the first two years of the Plan have previously been provided to the Scottish Parliamentary Corporate Body. Indicative budgets for the latter half of the Plan period are also provided which are intended to illustrate that it is anticipated the Plan’s objectives can be achieved with the resources reduced to the level projected in the 2013-14 budget. These indicative budgets may need adjustment in time to reflect changing economic circumstances, pay settlements and so on. The allocation of salary and other costs detailed in Appendices I & II reflects the current disposition of staffing, and is provided for illustrative purposes

The number of applications received so far by the Commissioner in 11/12 is 35% higher than for the same period in 10/11 and it is anticipated that demand will continue at a high level. The Commissioner’s office consists of just 22 staff and, recognising that at this time additional resources will not be forthcoming, it is essential that the Commissioner retains discretion to manage the deployment of resources, including staff, and to prioritise strategic objectives as required to respond flexibly to a changing environment.

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