

## Respondent Details

# Consultation on Climate Change Public Bodies Duties Reporting.



### RESPONDENT INFORMATION FORM

**Please note:** this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

##### Organisation Name

Scottish Information Commissioner

**Title** Mr  Ms  Mrs Miss  Dr  **Please tick as appropriate**

##### Surname

Rosemary

##### Forename

Agnew

#### 2. Postal Address

Kinburn Castle

Doubledykes Road

St Andrews

**Postcode** KY16  
9DS

**Phone** 01334  
464610

**Email**  
enquiries@itspublicknowledge.info

#### 3. Permissions - I am responding as...

**Individual**

/

**Group/Organisation**

**Please tick as appropriate**

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

Yes  No

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

Are you content for your **response** to be made available?

**Please tick as appropriate**

**Yes**    **No**

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

**Yes**

**No**

## CONSULTATION QUESTIONNAIRE

Question 1: Do you agree that the powers in the Climate Change (Scotland) Act 2009 should be used to improve climate change reporting by public bodies?

Yes  No

Comments

Question 2: Do you agree that standardised reporting will improve the quality and consistency of climate change information reported by public sector major players?

Yes  No

Undoubtedly. It is my experience, as the regulator responsible for the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, that the standardisation of published data across the public sector can bring significant benefits.

My role requires me to approve and monitor public authority 'publication schemes', a statutory requirement that public bodies publish a range of information which is of public interest, including environmental information.

I have developed a 'Model Publication Scheme', to assist public bodies in their fulfilment of their publication scheme duty. This model scheme sets out standardised 'classes' of information, with public authorities obliged to publish the information they hold which falls within those classes. Public bodies are also required to produce a "Guide to Information", explaining to the public how published information can be accessed.

Where data is published in a standardised format it commonly creates a range of benefits. For the public and other stakeholders, it ensures that information about authority performance can be more easily identified, accessed, compared and understood. And for public bodies, it allows the information they hold to be considered in the context of other organisations, allowing an authority to benchmark its own performance, to monitor performance against that of comparable peers, and to seek ongoing opportunities for improvement.

Question 3: Do you agree with the policy subjects and questions included in the proposed climate change reporting form (see Schedule 2 to the draft order)?

Yes  No

Comments

Question 4: What would you consider to be an appropriate deadline date for the annual submission of climate change public bodies duties reports?

Comments

Question 5: Based on your current level of climate change/sustainability reporting, are there any additional resource implications associated with the proposed reporting requirement?

Comments

Question 6: For public sector respondents only:

- Do you agree with the list of “major players” in Schedule 1 to the draft order?  
Yes  No

Comments

- Would you voluntarily provide additional climate change information if recommended by the Scottish Government?  
Yes  No

While not listed as a “major player” in Schedule 1 to the draft order, we would respond to any requests for environmental information we receive. In common with all organisations subject to the Environmental Information (Scotland) Regulations 2004, we have a statutory duty to respond to requests for the environmental information that we hold.

In terms of establishing a regular and ongoing reporting requirement, however, any such a requirement should be proportionate, recognising the nature and scale of the bodies concerned. For example, we employ just 23 staff and operate from a single, small site. As such, we fall significantly short of the “major player” criteria of having large estates, large numbers of staff, or large expenditure.

Nevertheless, our Environmental Policy (published at: [www.itspublicknowledge.info/home/SICPublicationScheme/PSGuidetoInfo.aspx#class5](http://www.itspublicknowledge.info/home/SICPublicationScheme/PSGuidetoInfo.aspx#class5)) demonstrates our commitment to carbon reduction. We fulfil our statutory responsibilities, including publishing an annual statement on sustainable growth. We monitor and, wherever possible, seek to reduce our carbon footprint.

We consider this level of activity and reporting is appropriate given our limited size, resources and impact.

Question 7: What guidance should be provided for climate change public bodies duties reporting?

Any guidance that is provided for public bodies should be published and readily accessible to the public, in order to ensure that the reporting process is fully open and transparent.

The publication of guidance will enable individuals and organisations to assess the quality of the data returned against the criteria set out in the guidance, allowing them to reassure themselves that returned reports are consistent with the principles and criteria in the overarching guidance.

I recommend (with reference to my response to Question 11 below) that the guidance makes explicit the need for individual authorities to publish their own reports so that they can be readily accessed by the public.

The guidance should also make clear that reports should be made available through the authority's Guide to Information (under the Commissioner's Model Publication Scheme) so that they are easily accessible.

Question 8: How do you think climate change public bodies duties reports should be monitored?

Comments

Question 9: What should the consequences be if a major player does not comply with the climate change public bodies duties?

Comments

Question 10: Do you believe climate change public bodies duties reports should be validated prior to submission?

Yes, independent  Yes, internal  Yes, peer to peer  Not needed

Comments

Question 11: Would you be content for your climate change public bodies duties report to be published annually on the Sustainable Scotland Network (SSN) website?

Yes  No

While not listed as a 'major player' in Schedule 1 to the order, it is nevertheless my view as Scottish Information Commissioner that any relevant reports should certainly be published.

The location of published reports should not be limited to only the SSN website, but publication of individual reports should also take place on the website of the authority submitting the report.

Under regulation 4(1) of the Environmental Information (Scotland) Regulations 2004, public bodies are required to actively disseminate the environmental information they hold, in an electronic format. In fulfilling this duty, public bodies are required, by regulation 4(2), to publish information such as:

- a) texts of international treaties, conventions or agreements, and of Community, national, regional or local legislation, on the environment or relating to it;
- b) policies, plans and programmes relating to the environment;
- c) progress reports on the implementation of the items referred to in sub paragraphs (a) and (b) when prepared or held by a Scottish public authority in electronic form;
- d) reports on the state of the environment;
- e) data or summaries of data derived from the monitoring of activities that affect or are likely to affect the environment;
- f) authorisations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found;
- g) environmental impact studies and risk assessments concerning those elements of the environment referred to in paragraph (a) of the definition of "environmental information" in regulation 2(1); and
- h) facts and analyses of facts which the authority considers relevant and important in framing major environmental policy proposals.

As such, it is clear that the proposed climate change reports would fall comfortably within the definition of information which should be proactively disseminated by authorities under regulation 4(2).

Indeed, public bodies which generate interim progress reports between annual reports should also be mindful of the fact that any such reports should also be published, in line with this duty.

In practice, the way in which authorities make their environmental information available is through their own individual 'Guide to

Information'. All Scottish public authorities have adopted the Commissioner's Model Publication Scheme, which requires the publication of a Guide. As noted in my response to Question 7 above, I also recommend that the Government's guidance makes explicit the need to publish the reports through the authority's Guide to Information.

On enactment of the Order, I would seek to update my own Guidance for public bodies in order to ensure that any relevant reports are published in accordance with that organisation's responsibilities under freedom of information law.

Question 12: How much time would your organisation expect to spend preparing a report in accordance with the draft order? (include any external consultancy time)

Comments

Question 13: With reference to the draft BRIA, do you think that the policy proposal presented may impact on business, the third sector (voluntary) or any other relevant areas?

It is my view that the policy proposal will bring benefits to a wide range of interests, by improving the availability, range, quality and comparability of environmental information to all of the above stakeholders.

Question 14: Do you think that the policy proposal presented may impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation, gender identity or marriage or civil partnership status? Could the proposals enhance equality or good relations? If so, please comment.

Again, I consider that the policy proposal will bring benefits by improving the availability, range, quality and comparability of environmental information that is available.

**End of Questionnaire**