

Scottish Information Commissioner
Minutes of the Monthly Senior Management Team Meeting
3 February 2022 – by video conference

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 will make it clear why not.

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Tel: 01334 464610

Fax: 01334 464611

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Present: Scottish Information Commissioner - Daren Fitzhenry (DF) (Chair),
 Head of Corporate Services - Helen Gardner-Swift (HGS),
 Head of Enforcement - Margaret Keyse (MK),
 Acting Head of Policy & Information - Claire Stephen (CMS),
 Finance and Administration Manager – Liz Berry (LB)
 Finance and Administration Manager – Kim Berry (KB) (Minutes)

Apologies:

Details	Action By	Target Completion Date	Publish Yes / No	Comments
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1. Minutes, action points update and matters outstanding

<p>1.1 Review of minutes – 16/12/2021</p> <ul style="list-style-type: none"> The minutes were approved and will be published with the relevant papers. <p>1.2 Action points update</p> <ul style="list-style-type: none"> No action points outstanding. <p>1.3 Matters outstanding</p> <ul style="list-style-type: none"> No matters outstanding. 			Yes	
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2. Finance Report

<ul style="list-style-type: none"> The Committee Report (CR) and the Financial Summary – Variance Analysis as at 31 December 2021 were noted by the SMT The SMT noted that, as far as the HOCS is aware, there were no instances of fraud affecting the organisation in Q3 and, also there have been no instances of fraud affecting the organisation to date in 2021-22. 			Yes	<p>CR published in full</p> <p>Financial Summary available here</p>
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<ul style="list-style-type: none"> The SMT agreed the publication recommendations 				
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3. Information Requests and Reviews

<ul style="list-style-type: none"> The SMT noted the following: <ul style="list-style-type: none"> the CR the Q3 Activity Report that the information in this CR has been uploaded to the FOI and EIR Statistics Portal the issue of time recording and the necessary reporting mechanism will be considered at a future date The publication recommendations as set out in the CR were agreed by the SMT. 			Yes	<p>Committee Report and exemptions/ exceptions table published in full</p> <p>Summary table published here (Class 7)</p> <p>Outcome of requests table not published – Exemption s38(1)(b)</p>
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4. Subject Access Requests

<ul style="list-style-type: none"> The SMT noted the CR The SMT noted that the information in this CR regarding the number of subject access requests received has been uploaded to the FOI and EIR Statistics Portal The publication recommendations as set out in the CR were agreed by the SMT. 			Partial	<p>Committee Report published in full</p> <p>Summary table published here (Class 7)</p> <p>Outcome of requests table not published – Exemption s38(1)(b)</p>
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5. Health & Safety

<ul style="list-style-type: none"> The SMT noted the following: <ul style="list-style-type: none"> the CR that the health and safety documentation has been reviewed by Worknest and a 100% compliance score was recorded with no remedial actions required The Commissioner noted the assurance provided by the HOCS that the Commissioner is meeting his statutory obligations in respect of employee health and safety, wellbeing and related training (where required) 			No	<p>Committee Report withheld</p> <p>Exemptions s30(b)(ii) and s39(1)</p>
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<ul style="list-style-type: none"> The publication recommendations as set out in the CR were agreed by the SMT. 				
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6. Investigation Performance

<ul style="list-style-type: none"> The CR was noted by the SMT The publication recommendations as set out in the CR were agreed by the SMT. 			Partial	<p>Committee Report and appendix published in full</p> <p>Dashboard reports withheld – Exemption s27(1)</p>
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7. Quality Assurance – Investigations

<ul style="list-style-type: none"> The following was noted: <ul style="list-style-type: none"> Quality Assurance – this work is currently paused due to resourcing of the Enforcement teams and the high number of cases we are dealing with DF commented that, until the situation stabilises, it is a risk the organisation is able to take MK will provide a committee report for the next meeting. 	MK	19/02/22	N/A	
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8. Operational Plan 2021-22 – Monitoring Report

<ul style="list-style-type: none"> The SMT reviewed the Operational Plan 2021-22 Monitoring Report and agreed it could be published once amendments made to take account of the following: <ul style="list-style-type: none"> Information Management – project 9 - Review of information requests and requests for review procedure to be c/f to Operational Plan 2022-23 Planning & Reporting – Following the UKSC judgment - project 5 - “UN Convention on the Rights of the Child (Incorporation) (Scotland) Act - Research and prepare to implement any changes required”, to be discontinued with a watching brief to be kept on this piece of legislation Communication, Engagement & Policy – project 3 - Review ‘Your Right to Know’ and 			Yes	<p>Report published in full – available here</p>
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<p>related resources to be c/f to Operational Plan 2022-23</p> <ul style="list-style-type: none"> ○ Quality Assurance – project 3 - Interventions, develop monitoring and quality assurance mechanism, to be c/f to 2022/23 ○ Resource Management – projects 4 and 5 are complete ○ Risk Management – BAU 3, update to risk register, “On Track” <ul style="list-style-type: none"> ● MK will update the report 				
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9. UK GDPR Report – 2021-22

<ul style="list-style-type: none"> ● The SMT note the CR and the update provided by the HOCS. ● The publication recommendations set out in the CR were agreed by the SMT. 			Partial	<p>Committee Report published in full</p> <p>GDPR Implementation Plan 2019-20 withheld – Exemptions s30(b)(ii), s30(c) and s39(1)</p>
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10. Q3 Interventions Report

<ul style="list-style-type: none"> ● The CR and update provided were noted by the SMT. ● In particular it was noted that the Scottish Police Authority intervention was closed in December 2021 after the authority exceeded its intervention target by responding on time to all FOI requests received in the first 9 months of 2021 ● The publication recommendations set out in the CR were agreed. 			Yes	<p>CR and Intervention Activity Report Q3 2021-22 published in full</p>
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11. Operational Risk Register 2021-22

<ul style="list-style-type: none"> ● Deferred to next MSMTM 				
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12. Strategic Risk Register 2021-22

<ul style="list-style-type: none"> ● Deferred to next MSMTM 				
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13. Publication Scheme (SIC) Assurance Report

<ul style="list-style-type: none"> ● The SMT noted the CR and update provided by the HOCS. 			Yes	<p>CR published in full</p>
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<ul style="list-style-type: none"> • The Commissioner noted the assurance provided by the HOCS and the following: <ul style="list-style-type: none"> ○ we are publishing and making accessible as much information as possible in line with our published policies and procedures ○ the GTI has been reviewed to ensure that the information we are publishing is up to date and that we are publishing as much information as possible ○ the GRA requirements regarding assurance are met by way of this CR ○ the related objective in the Operational Plan 2021-22 to “Maintain a compliant publication scheme and guide to information” has been achieved. • The publication recommendations set out in the CR were agreed by the SMT. 				
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14. Self-Assessment Tools

<ul style="list-style-type: none"> • The CR was noted by the SMT • In particular it was noted that the Self-Assessment Toolkit as a concept and a resource continues to play a valuable role in supporting the Commissioner’s interventions and wider strategic aims to improve authority practice. • The publication recommendations as set out in the CR were agreed by the SMT. 			Yes	CR published in full
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15. Equality Monitoring – Service Users

<ul style="list-style-type: none"> • Report deferred pending the review of procedures 				
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16. Employment Policy update

<ul style="list-style-type: none"> • The SMT noted the CR. • The Commissioner noted the assurance provided by the HOCS and the following: <ul style="list-style-type: none"> ○ The Employee Handbook contains all relevant and up to date employment policies and, in the HOCS view, these are legally compliant ○ Worknest also provide regular employment law updates and advice on legal compliance when required • The publication recommendations as set out in the CR were agreed by the SMT. 			Yes	CR published in full
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17. Biodiversity Report

<ul style="list-style-type: none"> This report is due every three years – last report covered 2018-20, next report due in 2023. 				
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18. Investigations Handbook – updates and amendments to Scheme of Delegation

<ul style="list-style-type: none"> The SMT noted the content of the CR and the appendix The Commissioner agreed the proposed changes to the key document, C1 Scheme of Delegation The SMT agreed the proposed changes to the key document, C2 Investigations Handbook The publication arrangements as set out in the CR were agreed by the SMT The keys documents will be published on completion of the key document actions. 	HGS/MK	18/02/22	Yes	CR and appendix published in full
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19. Key Document ad hoc review – Interventions Procedures

<ul style="list-style-type: none"> Deferred to next meeting 				
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20. New Key Document – Communications and Engagement Framework

<ul style="list-style-type: none"> Deferred to next meeting 				
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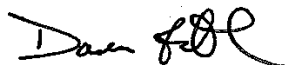
21. HR Matter

<ul style="list-style-type: none"> The SMT agreed the following: <ul style="list-style-type: none"> the business case for a full-time DHOE for a period of up to 9 - 12 months the preparation of a recruitment action plan by the Head of Corporate Services (HOCS)/the Finance and Administration Manager (FAM) with the aim of advertising the post internally to seek expressions of interest as soon as is practicable The CR is not published 			No	CR withheld - Exemptions 30(b)(ii) and 38(1)(b)
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22. AOB

<ul style="list-style-type: none"> No AOB 				
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Signed off by:



Date: 23 February 2022