Report to:	Quarterly Senior Management Team Meeting
Report by:	Head of Policy and Information
Meeting Date:	13 November 2025
Subject/ Title:	Interventions Activity Reporting Q1 2025-26 (VC 211475)
Attached Papers	

Purpose of report

1. To report on interventions activity and statistical trend analysis by the Scottish Information Commissioner ('the Commissioner') in Q1 2025-26 to the Senior Management Team (SMT), as required by the Commissioner's Governance Reporting Requirements.

Recommendation and actions

2. I recommend that the SMT:

    (i) Note the attached report and activity it sets out

    (ii) Note that a budget submission has been made to SPCB to secure resource for this activity

    (iii) Agree that this Committee Report can be published as set out in the publication section below.

Executive summary

Interventions

3. The Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 both give the Scottish Information Commissioner ("the Commissioner") the power to act where a public authority is not complying with requirements they set out, or with the Scottish Ministers' Codes of Practice. These powers include:

    • promoting good practice

    • assessing whether an authority is following good practice

    • issuing practice recommendations where it appears to the Commissioner that an authority is not complying with the Codes of Practice

    • issuing enforcement notices where the Commissioner is satisfied that a public authority has failed to comply with FOI law.

4. An "intervention" is the term used to describe the action which the Commissioner will take proactively to improve the practice of individual authorities more generally, rather than in relation to the outcome of a specific information request via an application investigation. The Commissioner's Intervention Procedures set out the specific detail of how and when interventions will be conducted.

Open Intervention caseload 2025-26

5. Intervention activity remains restricted to due resource pressures. Lack of performance improvements necessitated escalation to Level 3 for two interventions putting significant pressure on existing resource to monitor and complete existing intervention activity. Resourcing issue aside, our intervention work is having a significant impact on performance

6. The table below sets out Level 2 or above interventions open in Q1/2 2025-26 – this should be read in conjunction with a significant number of Level 1 interventions being conducted:

Authority	Level of intervention and reason	Status
NHS Greater Glasgow and Clyde	Level 3 – compliance with timescales.	Significant improvements made – monitoring phase, potential closure before end of year.
NHS Forth Valley	Level 3 – compliance with timescales	Significant performance improvements. Last action to be completed by end of December – entering monitoring phase in 2026.
Scottish Fire and Rescue Service	Level 2 – compliance with timescales	SFRS provided recent updated – staffing issues and public consultation has impacted performance, but improvements made and performance to be monitored.
Clackmannanshire Council	Level 3 – searches and records management	Significant improvements made.
Perth and Kinross Council	Level 2 – Records Management	Recently opened. Information gathering.
Comhairle nan Eilean Siar	Level 2 – Support following cyber incident	Closure imminent
Scottish Ministers (performance)	Level 3 – in final assessment phase	Final assessment delayed due to resource constraints.
Scottish Ministers (non-corporate messaging)	Level 3 – delayed due to resource restrictions	Draft report to be ready by December 2025

7. Ordinarily, Intervention work is spread across both Enforcement and P&I functions – this has not been possible again in 2025/26, with the bulk of substantive Intervention activity undertake by the P&I Team due to caseload in Enforcement. However, we have submitted a budget bid for dedicated Intervention resource again for 2026/27 – we await SPCB's response to this bid.

Statistical trends

8. We have gathered and analysed statistical performance data for Q1 (Q2 collection closed on 7 November- currently under review). We launched a new collection method in Q1 which has resulted in a lower response rate, but we are confident return rates will return to previous levels. Some key findings from Q1 data:

- Request numbers continue to increase – 102,000 in last 12 months. Total of 27,166 in Q1.

- 3% increase in FTRs reported

- Review rate is increasing (from 2.52% to 3.22%)

- Performance in health sector starting to improve overall – suspect in part due to our interventions in this sector

Risk impact

9. Timely and accurate reporting on enforcement activity is necessary to ensure the Commissioner demonstrates good practice and governance and mitigate strategic risk to the Commissioner's reputation and public confidence in the role.

10. Reporting on interventions also contribute to mitigation of operational risks, including by supporting efforts to ensure the Commissioner demonstrates robust and defendable

Equalities impact

11. There are no direct equalities impacts arising as a result of the recommendations in this report.

Privacy impact

12. There is no new direct privacy impact arising from this committee report or attached paper.

Resources impact

13. Interventions are delivered within planned operational resources (though no specific or dedicated resources are provided or allocated for this function). Intervention work is to be spread across both Enforcement and Policy Teams. As they are provided within existing resource, then at a time of high caseloads (as we are currently experiencing) the resource which can be applied to interventions is necessarily more limited. Furthermore, fulfilling the intervention function will necessarily divert resource away from other workstreams, including applications casework.

Operational/ strategic plan impact

14. Reporting on intervention activity is required as set out in the current operational plan, and governance reporting arrangements.

15. Reporting on intervention activity contributes to the following strategic objectives as set out in the Strategic Plan 2024-28:

    (i) Enable and support high standards of FOI law, policy and practice (Strategic Aim 2)

    (ii) Be recognised as an organisation of independent and trusted experts that is run efficiently, governed effectively and is open and transparent (Strategic Aim 6)

Records management impact (including any key documents actions)

16. None identified – other than any updates required to the Commissioner's Governance Reporting Arrangements.

Consultation and Communication

17. The report will be published on the Commissioner's website and content highlighted in the Commissioner's newsletter where appropriate.

Publication

18. I recommend that this committee report and attached report be published in full.