

Scottish Information Commissioner
Minutes of the Quarterly Senior Management Team Meeting
27 April 2023 (Part 1) & 24 May 2023 (Part 2) – by MS Teams

NOTE TO READER:

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27 April 2023 Part 1

Present: Scottish Information Commissioner - Daren Fitzhenry (DF) (Chair)
 Head of Corporate Services - Helen Gardner-Swift (HGS)
 Acting Head of Policy & Information – Claire Stephen (CMS)
 Finance and Administration Manager – Liz Brown (LB) (Minutes)
 Robin Davidson, Head of Information Governance and Data Protection
 Officer (DPO), Scottish Parliament (RD) (agenda items 1, 2, 3, 4, 5, 10 & 11
 only)

Apologies: Head of Enforcement - Margaret Keyse (MK)
 Finance and Administration Manager - Kim Berry (KB)

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 – 29/03/2023</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"> BSL Action Plan 2019-2023 CMS confirmed that there is no statutory reporting requirement but the plan needs to be reviewed, updated and published by October 23 <p>1.3 Matters outstanding</p> <ul style="list-style-type: none"> No matters outstanding 			Yes	Minutes published in full
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2. Information Requests and Reviews, including Assurance Statement

<ul style="list-style-type: none"> • The SMT noted the CR, including the assurance statement, and the following: <ul style="list-style-type: none"> ○ all KPIs met in 2022-23 ○ the information in the CR has been uploaded to the FOI and EIR Statistics Platform • The SMT agreed the publication 			Partial	<p>CR 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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3. Subject Access Requests

<ul style="list-style-type: none"> • The SMT noted the CR and the following: <ul style="list-style-type: none"> ○ all KPIs met in 2022-23 ○ the information in the CR regarding the number of subject access requests received has been uploaded to the FOI and EIR Statistics Platform • RD commented: <ul style="list-style-type: none"> ○ the Commissioner has a comprehensive approach to data protection and this is reflected in CR. ○ the DPO can provide assistance with any complex subject access requests • The SMT agreed the publication recommendations 			Partial	<p>CR 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. UK GDPR Report

<ul style="list-style-type: none"> • The SMT noted the CR and the following: <ul style="list-style-type: none"> ○ low number of data incidents was highlighted ○ the key document C5 Data Protection Policy and Handbook is due to be reviewed in Q1 and the HGS has started work on this review ○ the training provided to all staff, the lessons learned from any data incidents and regular reminders all help to reduce data incidents 			Partial	<p>CR published in full</p> <p>GDPR Implementation Plan 2019-20 withheld – Exemption s30(b)(ii), s30(c) and s39(1)</p>
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<ul style="list-style-type: none"> • The SMT agreed the publication recommendations • RD also provided an update on the data protection online training that will soon be available to SPCB staff: <ul style="list-style-type: none"> ○ it is hoped that the training will be available in the next few weeks ○ the training will also be made available to Officeholders and their staff at no additional cost 				
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5. Enquiries Service

<ul style="list-style-type: none"> • The SMT noted the CR and the following: <ul style="list-style-type: none"> ○ all KPIs met in 2022-23 ○ this service is an important function for the general public and public authorities and all teams are involved in responding to enquiries ○ the increase in enquiries relating to the submission of statistics may be explained by the change in the related procedures whereby a password is now needed to submit quarterly statistics and, as a result, the number of enquiries relating to this increased • The SMT agreed the publication recommendations 			Yes	CR published in full
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6. Website

<ul style="list-style-type: none"> • Deferred to QSMTM Q4 Part 2 			N/A	N/A
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7. Quality Assurance – Investigations

<ul style="list-style-type: none"> • Report not required for 2022-23 but remains in Governance Reporting Arrangements (GRA) and QSMTM agendas until re-started in 2024-25 			N/A	N/A
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8. Key Documents

<ul style="list-style-type: none"> • Updates were provided by each Head of Department on the progress being made with the reviews • It was noted that there are a large number of key documents due for review 			Partial	Report published with the exception of comments column –
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<ul style="list-style-type: none"> DF noted that, if necessary, review dates can be changed The SMT agreed that the report is published with the exception of the column containing comments 				Exemptions s30(b)(ii) and s38(1)(b)
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9. Strategic Risk Register 2022-23

<ul style="list-style-type: none"> The SMT reviewed the Strategic Risk Register 2022-23 and updates were discussed and noted DF will provide Q4 commentary and HGS will update the register 	DF/HGS	31/05/23	No	Strategic Risk Register withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
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10. Service Standards – Compliments/Complaints

<ul style="list-style-type: none"> The SMT noted the CR and the following: <ul style="list-style-type: none"> it is hoped that our increase in resources and changes in investigation procedures will see the casework backlog decrease it is important to learn from the complaints we receive partially upheld complaints mainly related to complaints about case work delays The SMT agreed the publication recommendations. 			Partial	CR published in full Record of Compliments and Record of Complaints reports not published – Exemption s38(1)(b)
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11. Publication Schemes (PAs)

<ul style="list-style-type: none"> The SMT noted the CR The SMT agreed the publication recommendation was agreed subject to a change to one of the figures in Table 1 			Yes	CR published in full
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<p>RD left the meeting and thanked the SMT for taking him through the papers and commented again that our data protection guidance and the procedures that are in in place are very good</p> <p>DF thanked RD for attending the meeting</p>			N/A	N/A
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12. Communication Strategy

<ul style="list-style-type: none"> Deferred to QSMTM Q4 Part 2 			N/A	N/A
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13. British Sign Language - Action Plan – report and review

<ul style="list-style-type: none"> Deferred to QSMTM Q4 Part 2 			N/A	N/A
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14. Key documents - visual identity guidance documents review dates

<ul style="list-style-type: none"> Deferred to QSMTM Q4 Part 2 			N/A	N/A
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15. AOB

<p>The MusicLicence</p> <ul style="list-style-type: none"> It has recently been drawn to our attention that if music is played in the office through office owned hardware then a licence would be required which could cost £1500 per year (approximately) The SMT agreed that as there was no budget for this, if staff wanted to play music in the office they should do so on their own personal devices and this will be communicated to all staff 			N/A	N/A
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<ul style="list-style-type: none"> CMS left the meeting 				
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15. AOB

<p>Head of Policy and Information (HOPI)</p> <ul style="list-style-type: none"> DF and HGS considered a CR relating to the permanent post for the HOPI and agreed recommendations The publication recommendation was agreed 			No	CR withheld – Exemptions s30(b)(ii), s30(c) and s39(1)
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26 May 2023 Part 2

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 - Kim Berry (KB) (Minutes)
 Finance and Administration Manager – Liz Brown (LB)

Apologies: None

16. Finance Report

<ul style="list-style-type: none"> The Committee Report (CR) provides the SMT with an update on the organisation spend against agreed 2022-23 budget as at 31 March 2023 The SMT noted the CR and that the HOCS and FAM are not aware of any instances of fraud instances The reasons for variances were discussed. The SMT agreed the publication recommendations 			Yes	<p>CR published in full</p> <p>Finance Report available here</p>
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17. III Health Absence

<ul style="list-style-type: none"> The SMT noted the CR HGS explained that due to the size of the staff compliment, any absence of a significant length can have an adverse effect on the overall absence levels The SMT agreed that: <ul style="list-style-type: none"> there were no issues arising in relation to absence levels which require noting and further action there were no issues in relation to the variance between the Commissioner's statistics and the national statistics which require further action The SMT agreed the publication recommendations. 			No	<p>Committee Report and attached papers withheld - Exemption s38(1)(b)</p>
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18. Statement of Expenditure – Public Services Reform Act 2010 (PSRA)

<ul style="list-style-type: none"> The SMT noted the CR. The SMT approved the following the PSRA Annual Expenditure Statement 2022-23 The SMT agreed the publication recommendations 			Partial	<p>CR published in full</p> <p>PSRA Annual Expenditure Statement 2022-23 withheld – Exemption s27</p>
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19. Investigations Performance

<ul style="list-style-type: none"> • The SMT noted the CR and the following: <ul style="list-style-type: none"> ○ we received almost 100 fewer applications in 2022-23 than in the previous year; the number received to more normal levels ○ currently there are approximately 200 cases to be allocated ○ 417 cases were closed in 2022-23 (110 fewer cases than the total number of applications received) ○ should start to see some improvement over 2023-24 as a result of additional cases being allocated to new investigators ○ although most KPIs have not been met there has been a substantial improvement towards the year end resulting in a better starting point for 2023-24 which is positive and shows we are heading in the right direction • The SMT agreed the publication recommendations. 			Yes	CR published in full
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20. Interventions Report

<ul style="list-style-type: none"> • Deferred to next MSMTM 			N/A	N/A
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21. Website

<ul style="list-style-type: none"> • The SMT noted the CR and the following: <ul style="list-style-type: none"> ○ the Website Statistics Report Q 2022-23 ○ performance figures remain healthy and as expected ○ the user, session and page views have all increased in Q4 ○ most viewed pages remain the same included the Homepage, Briefings and Guidance pages and the decisions database ○ there has been zero downtime with our website over the last year ○ bounce rate is higher but there are no concerns about this ○ will be moving to GA4 (google analytics) as soon as possible 				CR and Website Statistics Report Q4 2022-23 published in full
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<ul style="list-style-type: none"> ○ hoped that social media presence can be increased and work is planned to scope and consider a LinkedIn channel (in addition to using Twitter) ○ website manual is being finalised and will be submitted to the SMT for approval as soon as possible • The SMT agreed the publication recommendations 				
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22. Time take to pay suppliers

<ul style="list-style-type: none"> • The SMT noted the CR and the following: <ul style="list-style-type: none"> ○ this is the end of year report which will also form part of the 2022-23 annual reporting ○ all KPIs have been met which a very good achievement taking account of the fact that no Administrator in place for the majority of the year • The SMT agreed the publication recommendation in paragraph 19 			Yes	CR published in full
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23. Workforce Trends 2022-23

<ul style="list-style-type: none"> • The CR was noted by the SMT • The publication recommendation was agreed by the SMT. 			Yes	CR published in full
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24. Quality Assurance - Enquiries

<ul style="list-style-type: none"> • The SMT noted the CR and the assurance provided • The SMT agreed the publication recommendation 			Yes	CR published in full
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25. Prescribed Persons (Reports on Disclosure of Information) Regulations 2017

<ul style="list-style-type: none"> • The SMT noted the CR • The SMT approved the report set out in Appendix A for publication • The SMT agreed the publication recommendations 			Yes	CR published in full Report in Appendix A available here
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26. Information and Records Management

<ul style="list-style-type: none"> The SMT noted the CR, the Information and Records Management Report 2022-23 (IRM Report 2022-23) and the assurance provided Subject to minor amendment of paragraph 31 (removal of reference to whistleblowing), the publication recommendations were agreed by the SMT 	HGS		Partial	<p>CR published in full</p> <p>Paragraphs 14, 15, 18, 35, 36 and 37 of the IRM Report 2022-23 and the Personal Data Processing Spreadsheet withheld - Exemptions s30(b)(ii), 30(c), 38(1) and s39(1)</p>
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27. Equalities and Diversity Monitoring – Service Users

<ul style="list-style-type: none"> The SMT noted the verbal update provided by the HGS who explained <ul style="list-style-type: none"> there was no report for 2022-23 as no surveys were carried out as the survey procedures are being reviewed project delayed due to other work priorities and this will be carried forward in 2023-24 			N/A	N/A
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28. Equalities and Diversity Monitoring – Staff

<ul style="list-style-type: none"> The SMT noted the CR, the Equality and Diversity Monitoring – Staff Report (EDM Staff Report) and the assurance provided The SMT confirmed that no policy areas needed to be refined in the light of the CR and the EDM Staff Report The SMT agreed the publication recommendations 			Partial	<p>CR published in full</p> <p>The EDM Staff Report withheld – Exemption s38(1)</p>
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29. Sustainable Growth Statement (PSR) and Sustainable Development Carbon Footprint

<ul style="list-style-type: none"> The SMT noted the CR The SMT approved the draft Statement on Sustainable Growth 2022-23 for publication The SMT agreed the publication recommendations 			Yes	<p>CR published in full</p> <p>Statement on Sustainable Growth 2022-23 published in full – available here</p>
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30. Operational Plan 2023-24

<ul style="list-style-type: none"> • The SMT noted the CR • The SMT approved the following: <ul style="list-style-type: none"> ○ the Operational Plan 2023-24 ○ the key document actions in paragraphs 13 and 14 ○ the Operational Plan Monitoring Report 2023-24 should be prepared using the approved plan • The SMT agreed the publication recommendation 			Partial	CR published in full Operational Plan 2023-24 (draft) withheld - Exemption s27(1)
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31. Communication Strategy

<ul style="list-style-type: none"> • Deferred to next MSMTM 			N/A	N/A
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32. British Sign Language - Action Plan – report and review

<ul style="list-style-type: none"> • Deferred to next MSMTM 			N/A	N/A
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33. Key documents - visual identity guidance documents review dates

<ul style="list-style-type: none"> • Deferred to next MSMTM 			N/A	N/A
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34. Key documents – FOISA Guidance: Vexatious or repeated requests; Frivolous or vexatious applications

<ul style="list-style-type: none"> • Deferred to next MSMTM 			N/A	N/A
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35. Performance and Quality Framework 2022-23

<ul style="list-style-type: none"> • The SMT noted the CR • The SMT approved <ul style="list-style-type: none"> ○ the Performance and Quality Framework 2023-24 subject to further clarification on the complaint timescales on page 4 (HGS and DF to consider) ○ the key document actions set out paragraph 15 • The SMT agreed the publication recommendation 			Partial	CR published in full Performance and Quality Framework 2023-24 withheld - Exemption s27(1)
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36. Workforce Plan

<ul style="list-style-type: none"> • The SMT noted the CR • The SMT approved <ul style="list-style-type: none"> ○ the draft Workforce Plan, subject to amendment on page 6 ○ the key document actions set out in paragraph 20 • The publication recommendation was agreed by the SMT 	HGS		Partial	<p>CR published in full</p> <p>Workforce Plan withheld</p> <p>- Exemption s27(1)</p>
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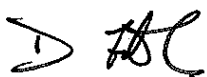
37. Risk Management Annual Assurance Report

<ul style="list-style-type: none"> • The SMT noted the CR and the assurance provided • The SMT approved the following: <ul style="list-style-type: none"> ○ the C1 Risk Management Policy 2023-24 ○ the C1 Strategic Risk Register 2023-24 (SSR 2023-24) ○ the C1 Operational Risk Register 2023-24 (ORR 2023-24) ○ the key document actions set out in paragraph 19 • The publication recommendations were agreed by the SMT. 			Partial	<p>CR published in full</p> <p>Risk Management Policy 2023-24 withheld – Exemption s27(1)</p> <p>SRR 2023-24 and ORR 2023-24 withheld</p> <p>- Exemption s30(b)(ii), s30(c) and s39(1)</p>
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38. AOB

None				
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Signed off by:



Date: 02/06/2023