

## ANNUAL REPORT: FREEDOM OF INFORMATION REQUESTS AND COMPLAINTS

### 1 Purpose of the paper

1.1 This paper provides information on:

- requests made for information under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004; and
- formal complaints made regarding the service provided by Food Standards Scotland.

1.2 The Board is asked to:

- **Note** the information provided.

### 2 Strategic Aims

2.1 Our handling of FOI requests and complaints supports Food Standards Scotland (FSS) in the delivery of all its strategic objectives, contributing in particular to Strategic Outcome 5 (FSS is a trusted organisation) and Strategic Outcome 6 (FSS is efficient and effective). It also supports the commitments to transparency and accountability which we made in our Statement on Performance of Functions.

### 3 Summary

3.1 In the year 2017/18 we received 32 Freedom of Information requests, and 2 formal complaints, compared with 36 FOI requests and 41 formal complaints in 2016/17. Information on our performance in handling these, and on the range of topics covered, is provided below and in Annex A.

### 4 Freedom of Information

4.1 Under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs) everyone has the right to ask for information that we hold. Any person who makes a request for information must be informed whether FSS holds that information and, subject to exemptions, be provided with it, or be given reasons why it is not being provided, within 20 working days. Requests may be declined if the cost of providing the information would exceed a limit of £600 (although in such cases the requestor is likely to receive advice from FSS on how they can narrow their request to fall within these cost limits).

4.2 We received 32 Freedom of Information requests during 2017/18 (compared with 36 in 2016/17), and responded to 32 of these within 20 working days (100% which is an improvement on our 80% response rate in 2016/17, and is a return to our 100% achievement in 2015/16). In 15 cases, information was only partially provided, and in 4 of these cases this can be attributed to no data being available prior to 01/04/2015. In those cases requesters were advised to contact FSA for the information. We received 0 requests for reviews. None of our decisions have been

the subject of an appeal to the Scottish Information Commissioner (SIC). There are no distinguishable patterns to the type of FOI requests received. Please see Annex A for information on the topics covered by the FOI requests, and the exemptions applied.

4.3 The FOISA requires authorities to adopt an approved publication scheme and pro-actively publish information as well as respond to requests. We have adopted the Scottish Information Commissioner's Model Publication Scheme, and have published on our website a Guide to Information, that sets out the classes of information we make available, how the public might access that information, and whether or not it is available free of charge. We reviewed and updated our Guide to Information in 2017 in line with the Commissioner's updated Model Publication Scheme, and have included a reference and link to our [Open Data Publication Plan](#).

## 5 Complaints

5.1 FSS has adopted the Model Complaints Handling Procedure as published by the Scottish Public Services Ombudsman (SPSO), and we have published the procedure and an associated Guide for Customers on our website.

5.2 We received 2 formal complaints during 2017/18, compared with 41 in 2016/17. The significant decrease in complaints is attributed more to a higher than normal number of complaints in 2016/17 specifically due to concerns raised over our healthy eating campaign which accounted for 39 of the 41 complaints. Both of the complaints received during period 2017/18 were resolved at stage 1 of the complaints handling process with neither of the complaints being upheld. No trends are distinguishable from the 2017/18 complaints data. The decrease in numbers however demonstrates an improved approach by FSS in ensuring that the objectives being conveyed during media campaigns are transparent. Please see Annex B for information on the topics covered.

5.3 The SPSO is the final stage for complaints against FSS. A member of the public may ask the SPSO to look at their complaint if they are not satisfied with our decision or the way that we have handled the complaint. We have not been contacted by the SPSO regarding any complaints about our service.

## 6 Forward look

6.1 A sharp increase in number and complexity of FOI requests in 2016/17 resulted in a decline in terms of timeliness of response. We reviewed our handling process in response, and are pleased to report that our performance in 2017/18 is much improved, all requests having received a response within the 20 day deadline. We aim to maintain this level of performance.

6.2 The Board agreed in August 2017 that FSS should publish its responses to all FOI requests. This project was delayed due to pressures on staff resource and the need to build a dedicated page on the FSS website. We have, however, commissioned the latter work, and expect to have all of our FOI responses published by June.

6.3 We will continue to monitor formal complaints to identify trends and learning points.

## 7 Conclusion

7.1 The Board is asked to:

- **Note** the information provided.

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**ANNEX A****Table 1 - Freedom of Information requests**

<b>Topics</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
Animal welfare		6	5
Financial information	2	4	4
Food crime/Authenticity/Investigatory powers	1	5	10
Food incidents	2	7	1
Food hygiene inspections		3	1
Healthy Eating campaign		2	0
Salmon farming		6	2
Shellfish classification		1	0
Other		2	9
<b>Total</b>	<b>5</b>	<b>36</b>	<b>32</b>

**Table 2 - Responses**

<b>Responses</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
No information held	1	8	10
Information supplied in full	1	8	7
Information supplied in part	3	14	15
All information withheld	0	4	0
Request refused - cost would have exceeded £600	0	2	0
<b>Total</b>	<b>5</b>	<b>36</b>	<b>32</b>

**Table 3 - Internal Reviews**

<b>Internal reviews</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
FSS decision upheld in full	0	0	0
FSS decision upheld in part	0	1	0
FSS decision not upheld	0	1	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>0</b>

**Table 4 - Exemptions**

<b>Exemptions applied in whole or in part</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
Information reasonably accessible (Section 25)		4	4
Commercial interests (Section 33)		5	1
Investigations by public authorities (Section 34)	1	3	5
Prejudice to public authority functions (Section 35)		1	0
Personal information (Section 38)		7	5
Health and safety (Section 39)		2	3

**ANNEX B****Table 1 - Complaints handling performance**

	2015/16	2016/17	2017/18
<b>Total number of complaints received</b>	<b>10</b>	<b>41</b>	<b>2</b>
Complaints considered at frontline resolution	7	40	2
Complaints closed at frontline resolution within 5 days	7	40	1
Complaints closed at frontline resolution over 5 days	0	0	1
Outcome of complaints closed at frontline resolution:			
• Upheld	2	0	0
• Partially upheld	1	19	
• Not upheld	4	21	2
<b>Average time (working days) taken to resolve complaints at frontline resolution</b>	<b>2.5</b>	<b>1</b>	<b>8.5</b>
Complaints considered at investigation stage	3	1	0
Complaints considered at investigation stage within 20 days	1	1	
Complaints considered at investigation stage over 20 days	2	0	
Outcome of complaints considered at investigation stage:			
• Upheld	0	1	
• Partially upheld	2	0	
• Not upheld	1	0	
<b>Average time (working days) taken to resolve complaints at investigation stage</b>	<b>39</b>	<b>20</b>	<b>N/A</b>

**Table 2 - Complaints by topic**

<b>Topics</b>	<b>2015/16</b>			<b>2016/17</b>		
	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld
Campaigns/communication			1	0	19	20
Customer service timing	1					
Enforcement		1				
Food alerts communication	1					
Operations delivery		2	1	1		1
Nutrition policy			2			
Use of Gaelic logo			2			
<b>Total</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>19</b>	<b>21</b>

<b>Topics</b>	<b>2017/18</b>		
	Upheld	Partially upheld	Not upheld
Campaigns/communication			
Customer service timing			
Enforcement			1
Food alerts communication			
Operations delivery			1
Nutrition policy			
Use of Gaelic logo			
<b>Total</b>			<b>2</b>