

# 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 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs); and
- formal complaints made regarding the service provided by Food Standards Scotland (FSS).

1.2 The Board is asked to:

- **note** the information provided.

## 2 Strategic aims

2.1 Our handling of Freedom of Information (FOI) requests and complaints supports FSS in the delivery of all its strategic objectives, contributing in particular to Strategic Outcome 5 - FSS is trusted and influential.

## 3 Background

3.1 In the financial year 2022/23 we received 36 FOI requests, and no formal complaints, compared with 28 FOI requests and 2 formal complaints in 2021/22. Information on our performance in handling these, and on the range of topics covered, is provided below and in **Annexes A** and **B**.

3.2 Our handling of FOI requests and complaints supports the commitments to transparency and accountability which we made in our Statement on Performance of Functions.

## 4 Freedom of Information

4.1 Under the FOISA and the 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 36 FOI requests during 2022/23, which is 8 more than in 2021/22. We responded to all of these within 20 working days which meets the desired target of 100%. This maintains our meeting of the 20 working day target.
- 4.3 There continues to be no distinguishable patterns to the type of FOI requests received and they do not fall easily into categories. In 2022/23, however, we continued to receive enquiries from campaigning organisations on animal welfare and salmon farming, and there continues to be an interest in food authenticity and food crime. There has also been a continuation of the consistent interest in FSS financial information. Please see **Annex A** for information on the topics covered by the FOI requests, and the exemptions applied.
- 4.4 During 2022/23 we also received a number of thank you letters from requestors for the service we provided and also processed 6 complex requests. No FSS FOI responses were uploaded on the 'what do they know' website and there are no long overdue requests.
- 4.5 The FOISA requires authorities to adopt an approved publication scheme and proactively 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. A reference and link to our [Open Data portal](#) is included in Our Guide to Information. All responses to FOI requests continue to be published on our [website](#).

## 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 no formal complaints during 2022/23. The number of complaints decreased, compared to the 2021/22 reporting period of 2 complaints.

## 6 Equality Impact Assessment and Fairer Scotland Duty

- 6.1 Completion of an Equality Impact Assessment (EQIA) and a Fairer Scotland Duty Assessment are not required for this paper.

## 7 Conclusion/Recommendations

- 7.1 We continue to raise awareness of FOI requests among staff in order to maintain our 100% performance in 2023/24, including a lunch and learn session on FOIs within FSS. We will continue to monitor formal complaints to identify trends and learning points.
- 7.2 The Board is asked to:
- **note** the information provided.

Please direct queries to:

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16 August 2023

## Annex A

### Freedom of Information Requests

Chart 1

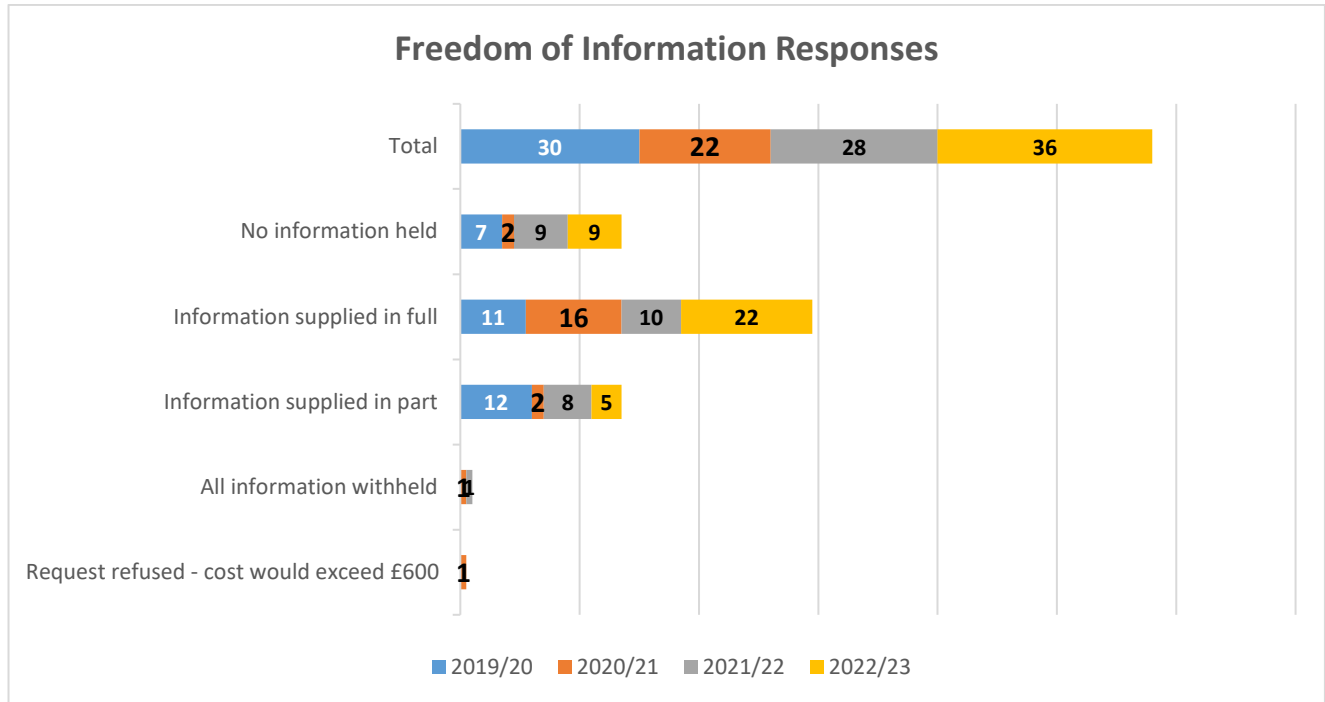


Table 1

Topics	2019/20	2020/21	2021/22	2022/23
Animal Welfare	4	2	7	5
EU Exit	-	-	-	0
Financial Information	4	7	2	6
Food Crime/Authenticity/Investigatory powers	8	5	2	5
Food Hygiene Inspections	1	-	-	-
Food Incidents	1	-	-	-
Healthy Eating Campaign	-	-	-	-
Salmon Farming	3	2	2	1
Shellfish Classification	-	-	-	-
Other*	9	6	15	19
<b>Total</b>	<b>30</b>	<b>22</b>	<b>28</b>	<b>36</b>

\* Details of FOI requests in “other” category 2022/23:

- Number of dairy goats & commercial dairy goat farms in Scotland
- A list of all food authorities in Scotland that enforce food standards legislation
- Research for increase in orders on online compared to before covid
- Multi-Functional devices and printing/scanning services contract(s)
- FOI request - due diligence
- Freedom of information request on contact with Aker BioMarine
- Number of newly restored Thai restaurants in Scotland for the last 5 years and the total number of newly registered restaurants for the last 5 years
- Communication led to the shutdown of the farm Memory Mushrooms Ltd
- Information request for a member of staff
- FSS involvement in a search warrant at a premises
- Social media management tool
- Information on collaborative messaging apps and non-work / social spaces
- FOI request about various IT systems
- Update on microplastics
- Equality Impact Assessment or Equality and Human Rights Impact Assessment
- Request for consultation responses
- FOI Request - Scottish slaughterhouses
- Contacts with tobacco industry

**Table 2**

<b>Responses</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
No information held	7	2	9	9
Information supplied in full	11	16	10	22
Information supplied in part	12	2	8	5
All information withheld	-	1	1	0
Request refused - cost would have exceeded £600	-	1	-	0
<b>Total</b>	<b>30</b>	<b>22</b>	<b>28</b>	<b>36</b>

**Table 3**

<b>Internal reviews</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Review requests received	-	-	-	-
FSS decision upheld in full	-	-	-	-
FSS decision upheld in part	-	-	-	-
FSS decision not upheld	-	-	-	-
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 4**

<b>Exemptions applied in whole or in part</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Information otherwise accessible (S.25)	1		5	2
Information intended for future publication (S.27)	2	1	1	0
Formulation of Scottish Administration policy etc. (S.29)			1	0
Prejudice to effective conduct of public affairs (S.30)	1			0
International Relations (S.32)		1		0
Commercial interests and the economy (S.33)	3		1	1
Investigations by Scottish public authorities and proceedings arising out of such investigations (S.34)			1	1
Law enforcement (S.35)		1		0
Confidentiality (S.36)			1	0
Personal information (S.38)	3	1	2	6
Health, safety and the environment (S.39)		1	1	-

## Annex B

### Complaints Handling Performance

Chart 1

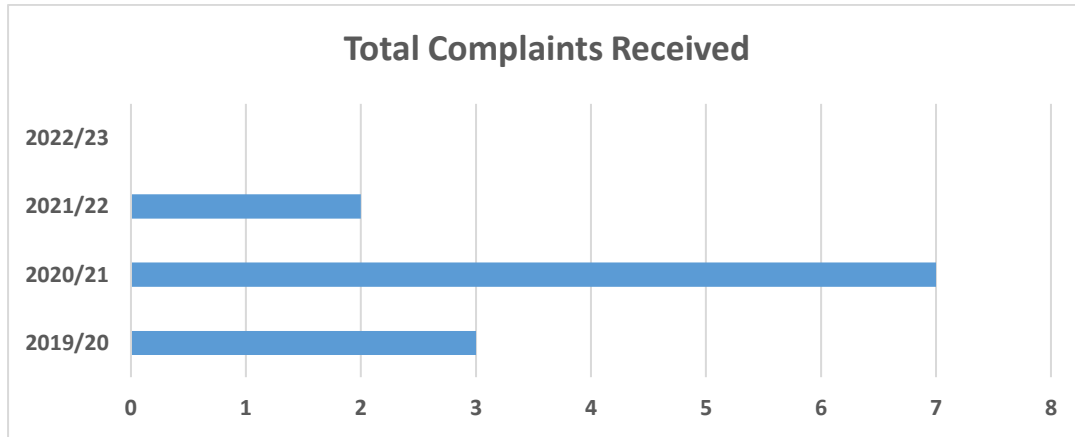
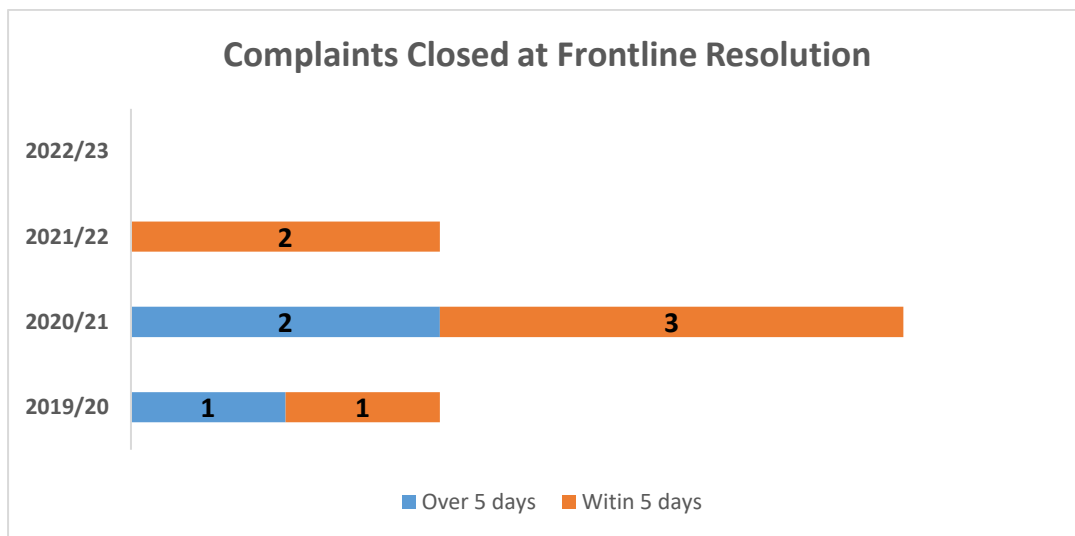
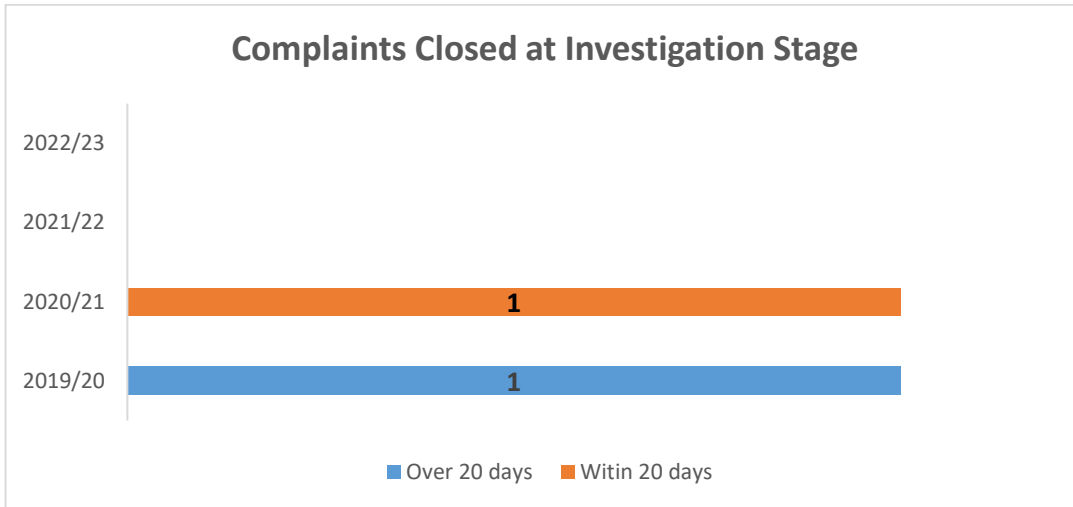


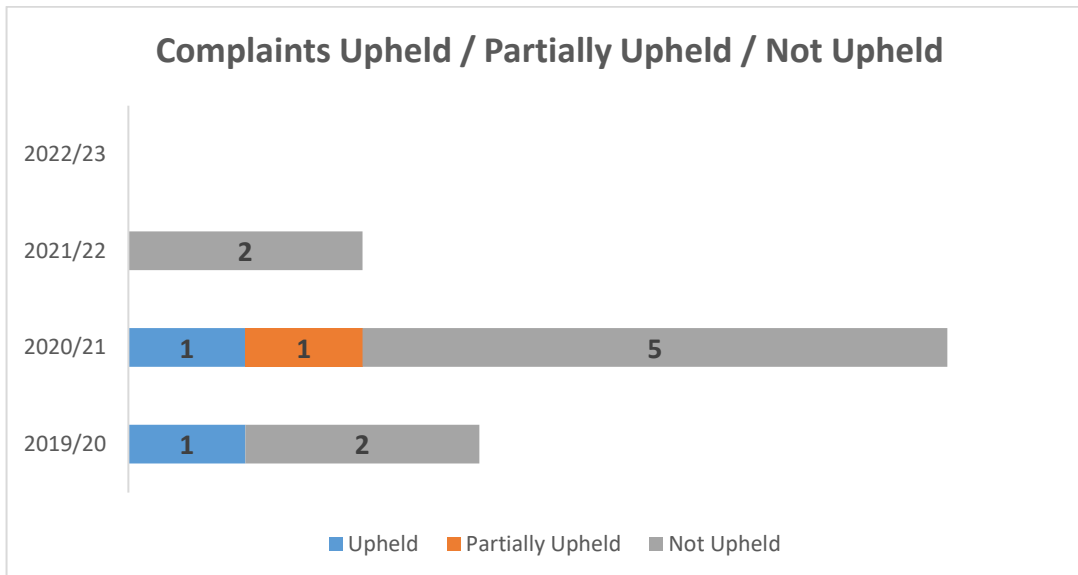
Chart 2



**Chart 3**



**Chart 4**





**Table 1 – Total number of complaints received by year**

	2019/20	2020/21	2021/22	2022/23
<b>Total number of complaints received</b>	<b>3</b>	<b>7</b>	<b>2</b>	<b>0</b>
Complaints considered at frontline resolution	2	5	2	-
Complaints transferred to investigation	1	2	-	-
Complaints closed at frontline resolution within 5 days	1	3	2	-
Complaints closed at frontline resolution over 5 days	1	2	-	-
Outcome of complaints closed at frontline resolution:				-
• Upheld	-	1	-	-
• Partially upheld	-	-	-	-
• Not upheld	2	4	2	-
<b>Average time (working days) taken to resolve complaints at frontline resolution</b>	<b>7</b>	<b>6</b>	<b>2.5</b>	<b>-</b>
Complaints considered at investigation stage	1	2	-	-
Complaints considered at investigation stage within 20 days	-	2	-	-
Complaints considered at investigation stage over 20 days	1	-	-	-
Outcome of complaints considered at investigation stage:				-
• Upheld	1	-	-	-
• Partially upheld	-	1	-	-
• Not upheld	-	1	-	-
<b>Average time (working days) taken to resolve complaints at investigation stage</b>	<b>33</b>	<b>15</b>	<b>-</b>	<b>-</b>

Table 2 - Topics of complaints – 2019/20 to 2021/22

Topics	2019/20			2020/21			2021/22			2022/23		
	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld
Campaigns/communication	-	-	-	-	-	-	-	-	-	-	-	-
Customer service timing	-	-	-	-	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-	-	-	-	-
Operations delivery	1	-	2	1	1	5	-	-	1	-	-	-
Nutrition labelling	-	-	-	-	-	-	-	-	1	-	-	-
<b>Total</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>