

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 2018/19 we received 32 Freedom of Information requests, and 15 formal complaints, compared with 32 FOI requests and 2 formal complaints in 2017/18. Information on our performance in handling these, and on the range of topics covered, is provided below and in Annexes A and B.

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 2018/19, which is identical to the number received in 2017/18. We responded to 30 of these (94%) within 20 working days which is a slight drop in our performance from the 100% achievement of 2017/18. One response was issued one day late; another was 11 days late. In the latter case, the request related to a procurement exercise, and involved consultation with an affected third party, careful consideration of possible exemptions on the grounds of commercial interests, and extensive redaction. We received no requests for reviews. None of our decisions have been the subject of an

appeal to the Scottish Information Commissioner (SIC).

4.3. There are no distinguishable patterns to the type of FOI requests received and they do not fall into easy categories. However, we continued this year 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 were also 2 requests for information regarding preparations for Brexit. In addition, some requests are driven by individual commercial interests. Please see Annex A for information on the topics covered by the FOI requests, and the exemptions applied.

4.4. 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 February this year, in line with the Commissioner's updated Model Publication Scheme, and have included a reference and link to our [Open Data portal](#).

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 15 formal complaints during 2018/19, of which 2 were upheld at the front line and one following investigation. The increased number of complaints cannot be categorised easily, with a variety of topics arising and no distinguishable pattern which pointed to an area of concern in our service delivery. The complaints could be summarised as mainly Operational and Communications related with topics ranging from a complaint over the Food Hygiene Information Scheme search facility; an incorrect pdf document on the FSS website; to a complaint for Official Veterinary charges. Overall, 3 complaints were upheld, one was dissatisfaction with the time it took to respond to an enquiry, and the other two were attributable to human error.

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. We intend to review our handling of FOI requests, and to raise awareness of among staff in 2019/20, and are aiming to regain our previous 100% performance. We will continue to monitor formal complaints to identify trends and learning points.

7. Conclusion

7.1. The Board is asked to:

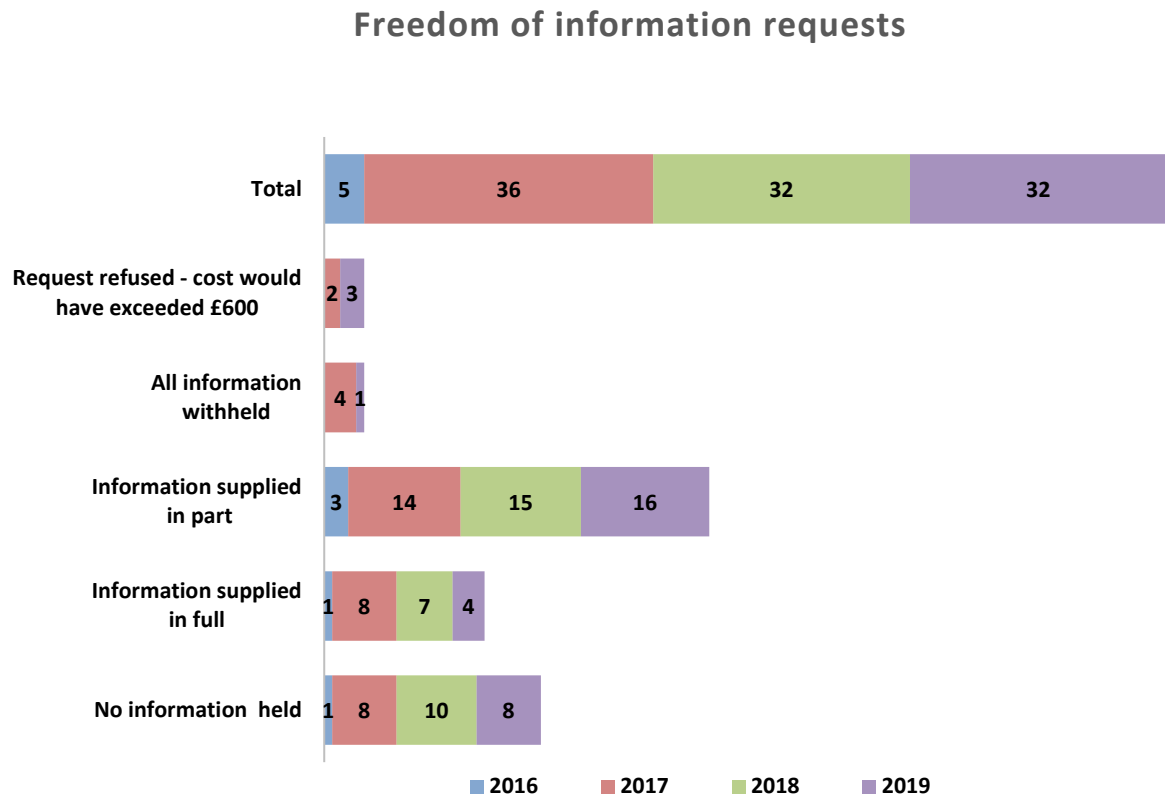
- **Note** the information provided.

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29th April 2019

ANNEX A

Chart 1 - Freedom of Information requests



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

Topics	2015/16	2016/17	2017/18	2018/19
Animal welfare		6	5	3
Brexit				2
Financial information	2	4	4	3
Food crime/Authenticity/Investigatory powers	1	5	10	8
Food hygiene inspections		3	1	2
Food incidents	2	7	1	1
Healthy Eating campaign		2	0	0
Salmon farming		6	2	2
Shellfish classification		1	0	0
Other		2	9	11
Total	5	36	32	32

Table 2 - Responses

Responses	2015/16	2016/17	2017/18	2018/19
No information held	1	8	10	8
Information supplied in full	1	8	7	4
Information supplied in part	3	14	15	16
All information withheld	0	4	0	1
Request refused - cost would have exceeded £600	0	2	0	3
Total	5	36	32	32

Table 3 - Internal Reviews

Internal reviews	2015/16	2016/17	2017/18	2018/19
FSS decision upheld in full	0	0	0	0
FSS decision upheld in part	0	1	0	0
FSS decision not upheld	0	1	0	0
Total	0	2	0	0

Table 4 – Exemptions

Exemptions applied in whole or in part	2015/16	2016/17	2017/18	2018/19
Information reasonably accessible (Section 25)		4	4	2
Information intended for future publication (Section 27)				1
Prejudice to effective conduct of public affairs (Section 30)				2
Commercial interests (Section 33)		5	1	3
Investigations by public authorities (Section 34)	1	3	5	1
Prejudice to public authority functions (Section 35)		1	0	1
Personal information (Section 38)		7	5	9
Health and safety (Section 39)		2	3	0

ANNEX B

Complaints handling performance

Chart 1 - Total Complaints Received

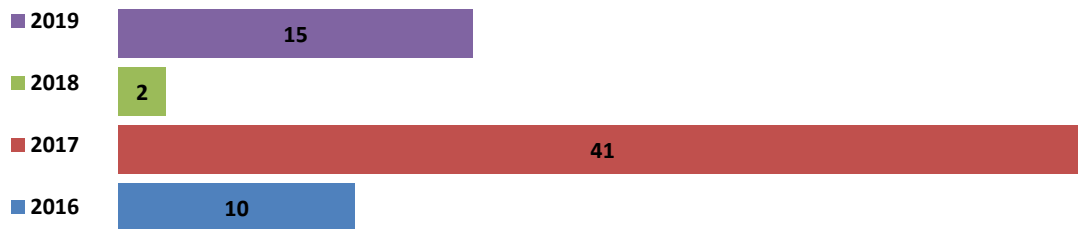


Chart 2 - Complaints Closed at Frontline Resolution

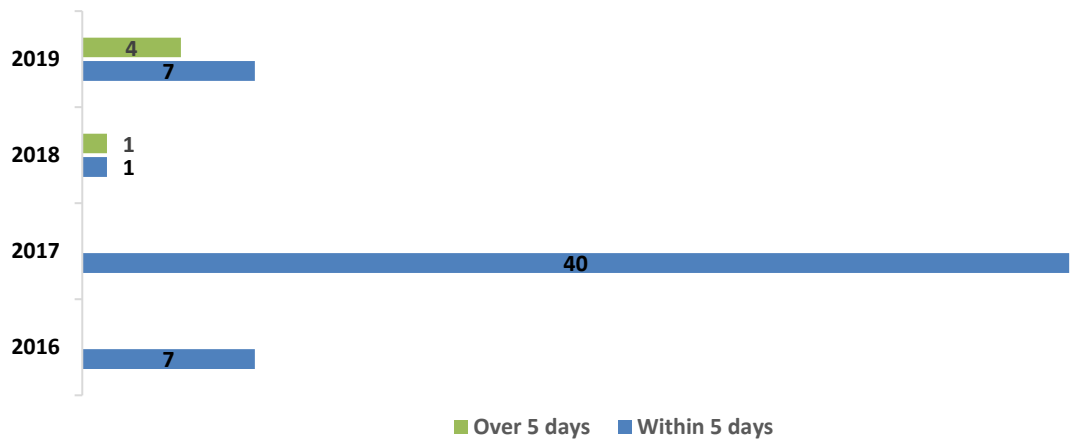
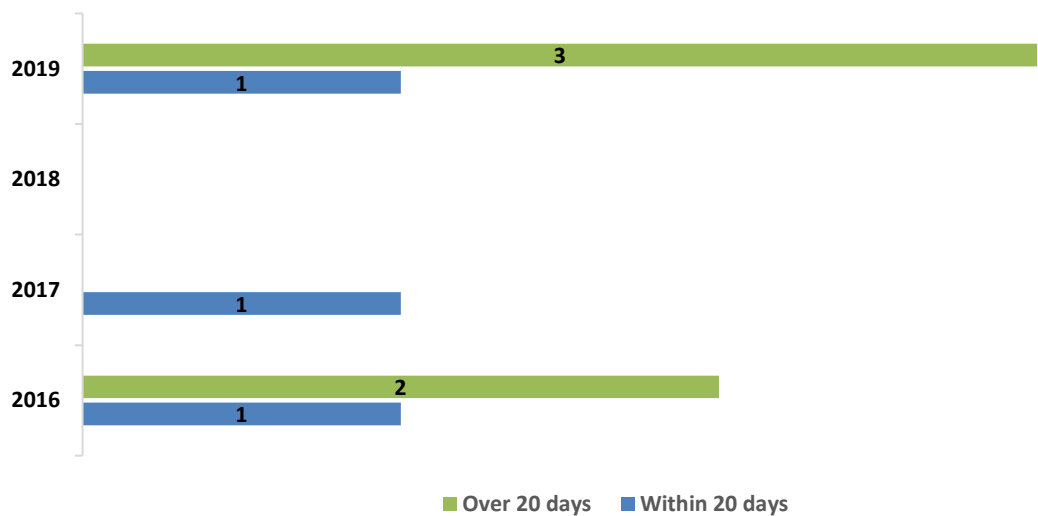
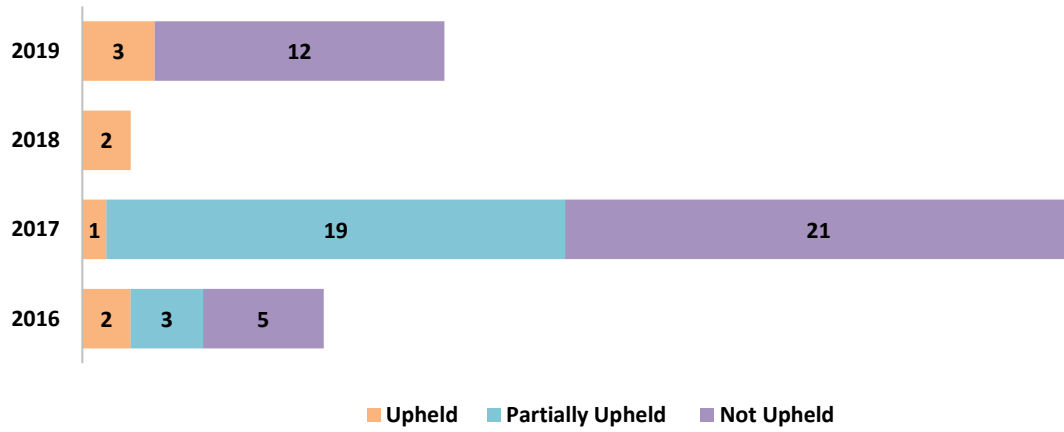


Chart 3 - Complaints closed at investigation stage



ANNEX B

CHART 4 - COMPLAINTS UPHELD/PARTIALLY UPHELD/NOT UPHELD



ANNEX B**Table 1**

	2015/16	2016/17	2017/18	2018/19
Total number of complaints received	10	41	2	15
Complaints considered at frontline resolution	7	40	2	14
Complaints transferred to investigation				3
Complaints closed at frontline resolution within 5 days	7	40	1	7
Complaints closed at frontline resolution over 5 days	0	0	1	4
Outcome of complaints closed at frontline resolution:				
• Upheld	2	0	2	2
• Partially upheld	1	19		0
• Not upheld	4	21		9
Average time (working days) taken to resolve complaints at frontline resolution	2.5	1	8.5	6
Complaints considered at investigation stage	3	1	0	4
Complaints considered at investigation stage within 20 days	1	1		1
Complaints considered at investigation stage over 20 days	2	0		3
Outcome of complaints considered at investigation stage:				
• Upheld	0	1		1
• Partially upheld	2	0		0
• Not upheld	1	0		3
Average time (working days) taken to resolve complaints at investigation stage	39	20	N/A	35