

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 year 2020/21 we received 22 FOI requests, and 7 formal complaints, compared with 30 FOI requests and 3 formal complaints in 2019/20. 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 22 FOI requests during 2020/21, which is 8 fewer than in 2019/20. We responded to 20 of these (91%) within 20 working days. This is down on the 2019/20 reporting year when we responded to 29 out of 30 requests (97%) within 20 working days. This falls short of the desired target of 100% which was last achieved in 2017/18. Both of the responses that were issued late, each by 4 days, were due to additional work pressures in the Operations Branch, as a result of EU Exit and COVID-19, and the large amounts of data which needed to be reviewed prior to release. A new process is now in place which displays data in a different format and will make reviewing future FOI data for release simpler.
- 4.3 There are no distinguishable patterns to the type of FOI requests received and they do not fall easily into 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. 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 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 are 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 7 formal complaints during 2020/21. Five complaints were resolved at the frontline and 2 were referred to Senior Management for further investigation. The outcome was that one complaint was not upheld and the other was partially upheld. The number of complaints has increased compared to the 2019/20 reporting period of 3 complaints. The complaints received were all in relation to operational delivery and were specifically related to:
- charge out rates for official controls (3 complaints);
 - concerns about animal welfare (2 complaints);
 - accusations about the behaviour of FSS staff (2 complaints).

- 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 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 and are aiming to regain our previous 100% performance in 2021/22. 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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15 September 2021

Annex A

Freedom of Information Requests

Chart 1

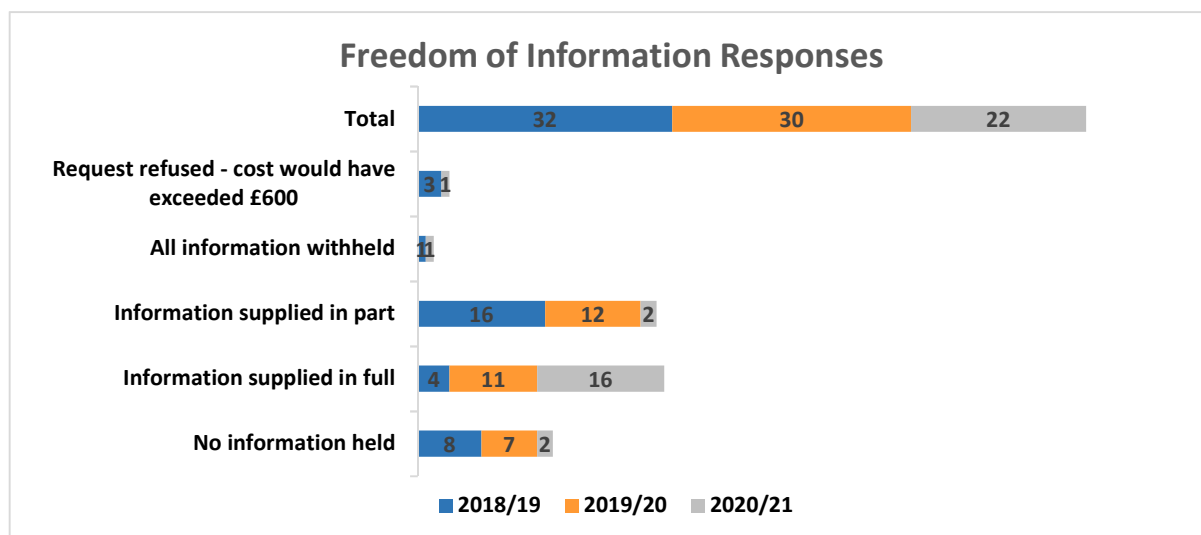


Table 1

Topics	2018/19	2019/20	2020/21
Animal Welfare	3	4	2
EU Exit	2		
Financial Information	3	4	7
Food Crime/Authenticity/Investigatory powers	8	8	5
Food Hygiene Inspections	2	1	
Food Incidents	1	1	
Healthy Eating Campaign			
Salmon Farming	2	3	2
Shellfish Classification			
Other*	11	9	6
Total	32	30	22

* Details of FOI requests in “other” category 2020/21:

1. Communication with Local Authorities on Cannabidiol (CBD) as a novel food
2. Review of Race Equality Policy in Scotland
3. Crown Commercial Services Non-Clinical Temporary and Fixed Term Staff Framework
4. Bed & breakfasts in Scotland
5. Gender balance on Public Boards in Scotland
6. Technology used and services outsourced to third parties

Table 2

Responses	2018/19	2019/20	2020/21
No information held	8	7	2
Information supplied in full	4	11	16
Information supplied in part	16	12	2
All information withheld	1	-	1
Request refused - cost would have exceeded £600	3	-	1
Total	32	30	22

Table 3

Internal reviews	2018/19	2019/20	2020/21
Review requests received	-	-	-
FSS decision upheld in full	-	-	-
FSS decision upheld in part	-	-	-
FSS decision not upheld	-	-	-
Total	0	0	0

Table 4

Exemptions applied in whole or in part	2018/19	2019/20	2020/21
Upper cost (Section 12)	3		1
Information reasonably accessible (Section 25)	2	1	
Information intended for future publication (Section 27)	1	2	1
Prejudice to effective conduct of public affairs (Section 30)	2	1	
International relations (Section 32)			1
Commercial interests (Section 33)	3	3	
Investigations by public authorities (Section 34)	1		
Law enforcement (Section 35)	1		1
Personal information (Section 38)	9	3	1
Health and safety (Section 39)			1

Annex B

Complaints Handling Performance

Chart 1

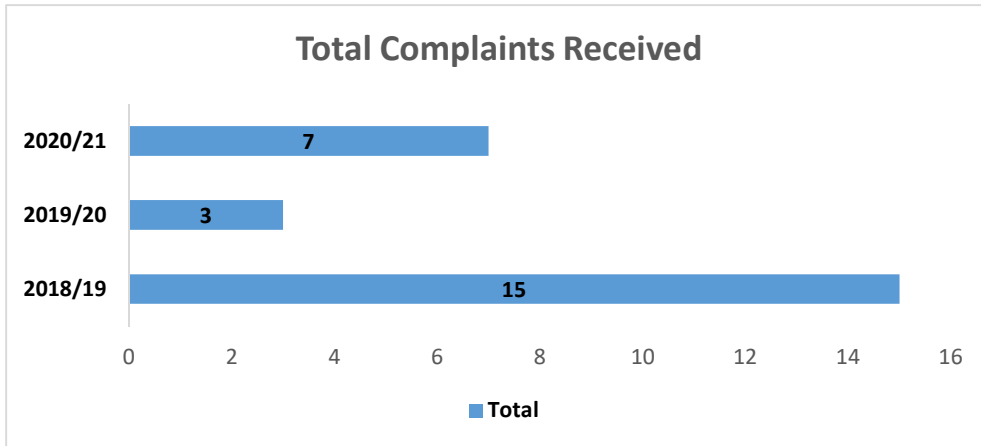


Chart 2

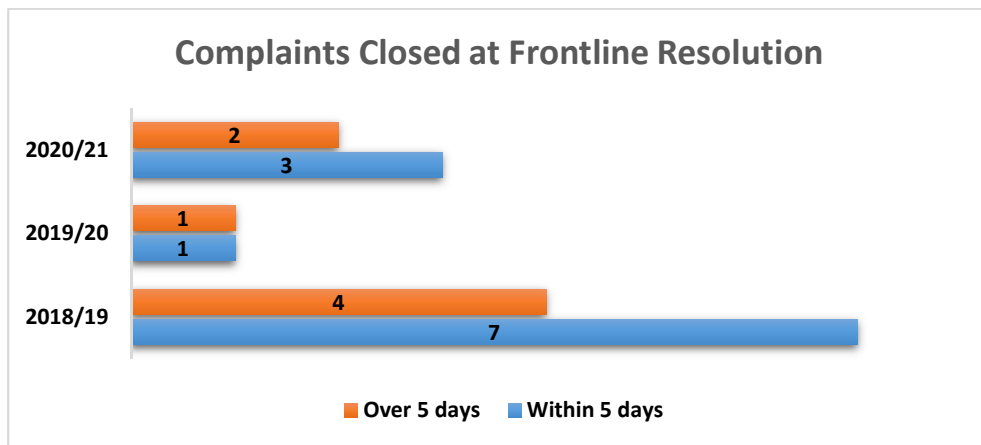


Chart 3

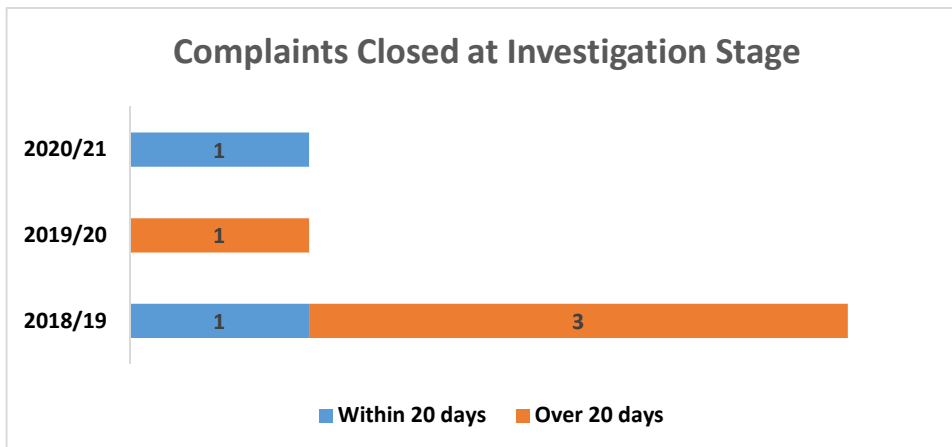


Chart 4

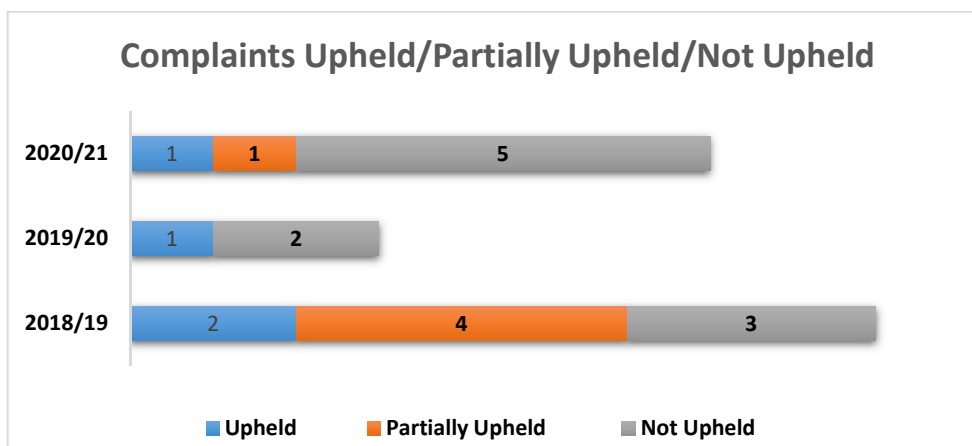


Table 1 – Total number of complaints received by year

	2018/19	2019/20	2020/21
Total number of complaints received	15	3	7
Complaints considered at frontline resolution	14	2	5
Complaints transferred to investigation	3	1	2
Complaints closed at frontline resolution within 5 days	7	1	3
Complaints closed at frontline resolution over 5 days	4	1	2
Outcome of complaints closed at frontline resolution:	-	-	-
• Upheld	2	-	1
• Partially upheld	-	-	-
• Not upheld	9	2	4
Average time (working days) taken to resolve complaints at frontline resolution	6	7	6
Complaints considered at investigation stage	4	1	2
Complaints considered at investigation stage within 20 days	1	-	2
Complaints considered at investigation stage over 20 days	3	1	-
Outcome of complaints considered at investigation stage:	-	-	-
• Upheld	1	1	-
• Partially upheld	-	-	1
• Not upheld	3	-	1
Average time (working days) taken to resolve complaints at investigation stage	35	33	15

Table 2 - Topics of complaints – 2018/19 to 2020/21

Topics	2018/19			2019/20			2020/21		
	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld
Campaigns/communication	-	-	5	-	-	-	-	-	-
Customer service timing	2	-	-	-	-	-	-	-	-
Enforcement	-	-	1	-	-	-	-	-	-
Food alerts	-	-	-	-	-	-	-	-	-
Operations delivery	1	-	6	1	-	2	1	1	5
Nutrition policy	-	-	-	-	-	-	-	-	-
Use of Gaelic logo	-	-	-	-	-	-	-	-	-
Total	3	-	12	1	-	2	1	1	5