

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 2019/20 we received 30 Freedom of Information requests, and 3 formal complaints, compared with 32 FOI requests and 15 formal complaints in 2018/19. 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 30 Freedom of Information requests during 2019/20, which is 2 fewer than in 2018/19. We responded to 29 of these (97%) within 20 working days which is an improvement of 3% on the 2018/19 reporting year, however this falls short of the desired target of 100% which was achieved in 2017/18. One response was issued late due to the complexity of the enquiry which was related to nitrates in meat, and the time taken to review the documentation related to this taking longer than expected.

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. 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. 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 3 formal complaints during 2019/20, 1 was upheld and 2 were not upheld. The number of complains has decreased significantly compared to the 2018/19 reporting period of 15 complaints. The complaints received are all related to Operational delivery, specifically one regarding communication issues related to delivery of an audit in a meat plant, and the other two being linked complaints regarding the same issue, namely the seizure of IT equipment in the course of an investigation.
- 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 continue to raise awareness of among staff and are aiming to regain our previous 100% performance in 2020/21. 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.

For queries contact:

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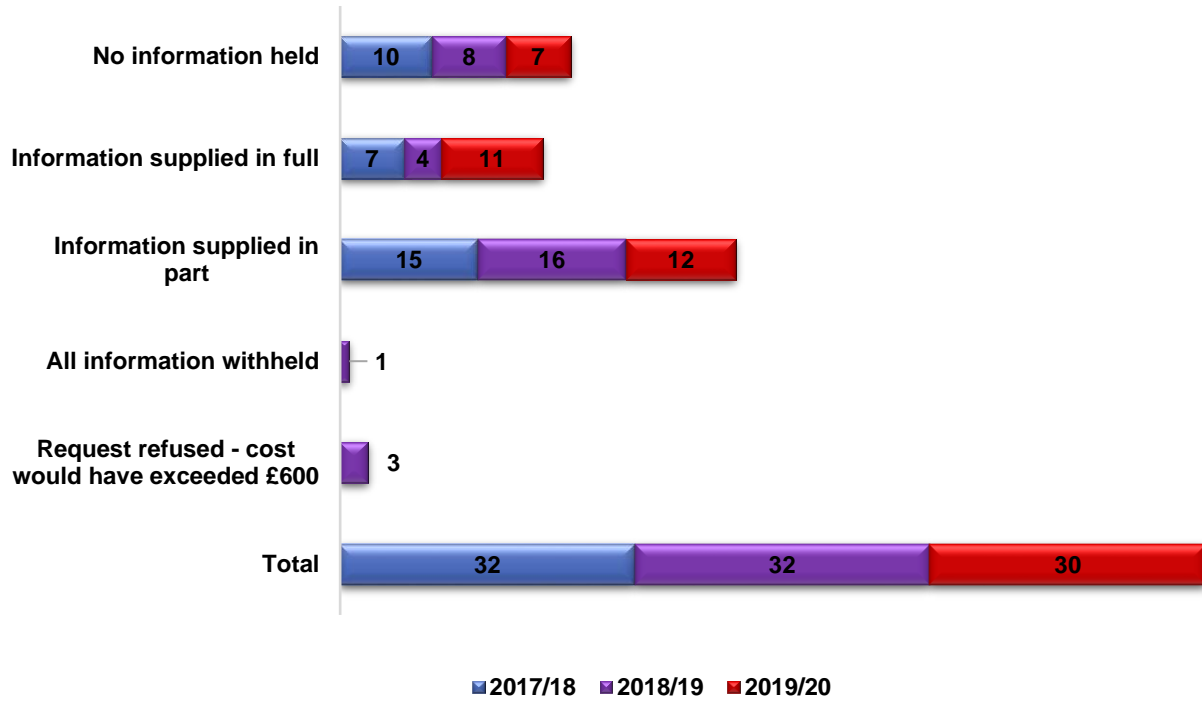
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ANNEX A

Freedom of Information requests

Chart 1 - Freedom of Information Responses



ANNEX A

Table 1

Topics	2017/18	2018/19	2019/20
Animal welfare	5	3	4
Brexit		2	0
Financial information	4	3	4
Food crime/Authenticity/Investigatory powers	10	8	8
Food hygiene inspections	1	2	1
Food incidents	1	1	1
Healthy Eating campaign	0	0	0
Salmon farming	2	2	3
Shellfish classification	0	0	0
Other	9	11	9
Total	32	32	30

Table 2

Responses	2017/18	2018/19	2019/20
No information held	10	8	7
Information supplied in full	7	4	11
Information supplied in part	15	16	12
All information withheld	0	1	0
Request refused - cost would have exceeded £600	0	3	0
Total	32	32	30

Table 3

Internal reviews	2017/18	2018/19	2019/20
FSS decision upheld in full	0	0	0
FSS decision upheld in part	0	0	0
FSS decision not upheld	0	0	0
Total	0	0	0

Table 4

Exemptions applied in whole or in part	2017/18	2018/19	2019/20
Information reasonably accessible (Section 25)	4	2	1
Information intended for future publication (Section 27)		1	2
Prejudice to effective conduct of public affairs (Section 30)		2	1
Commercial interests (Section 33)	1	3	3
Investigations by public authorities (Section 34)	5	1	0
Prejudice to public authority functions (Section 35)	0	1	0
Personal information (Section 38)	5	9	3
Health and safety (Section 39)	3	0	0

ANNEX B

Complaints handling performance

Chart 1 - Total Complaints Received

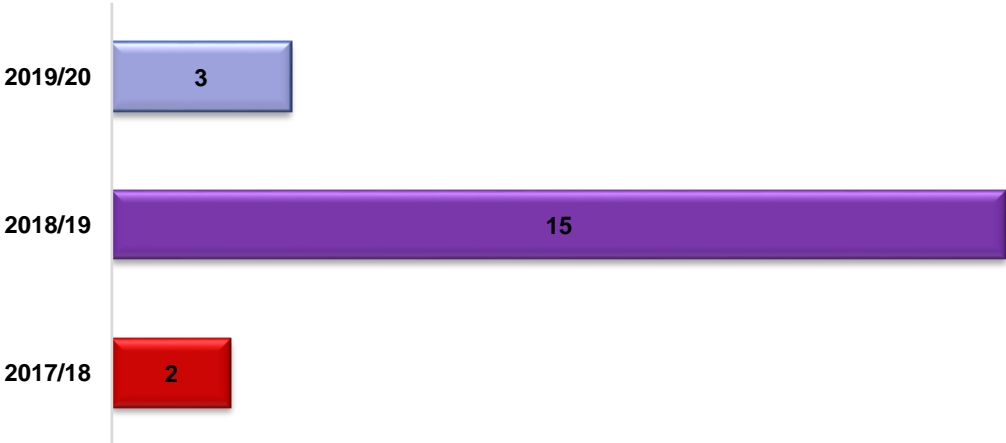


Chart - 2 Complaints Closed at Frontline Resolution

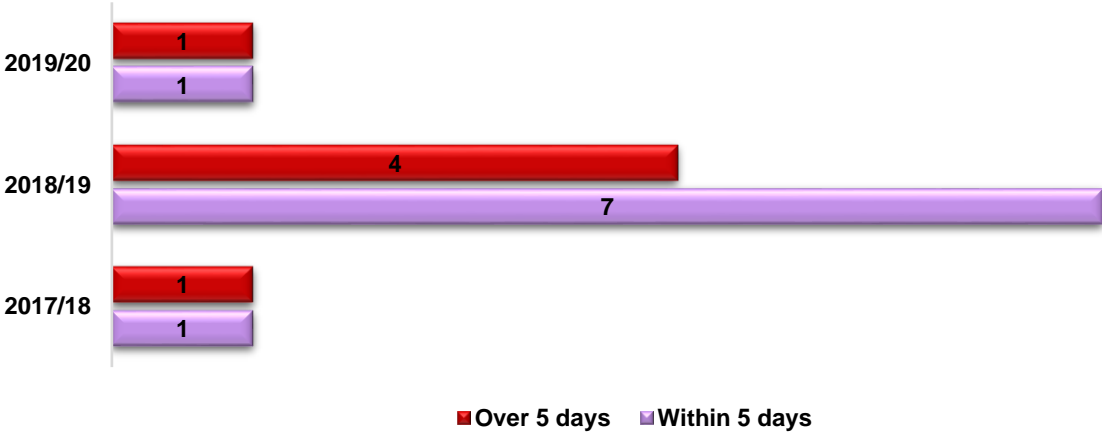


Chart 3 - Complaints Upheld/Partially Upheld/Not Upheld

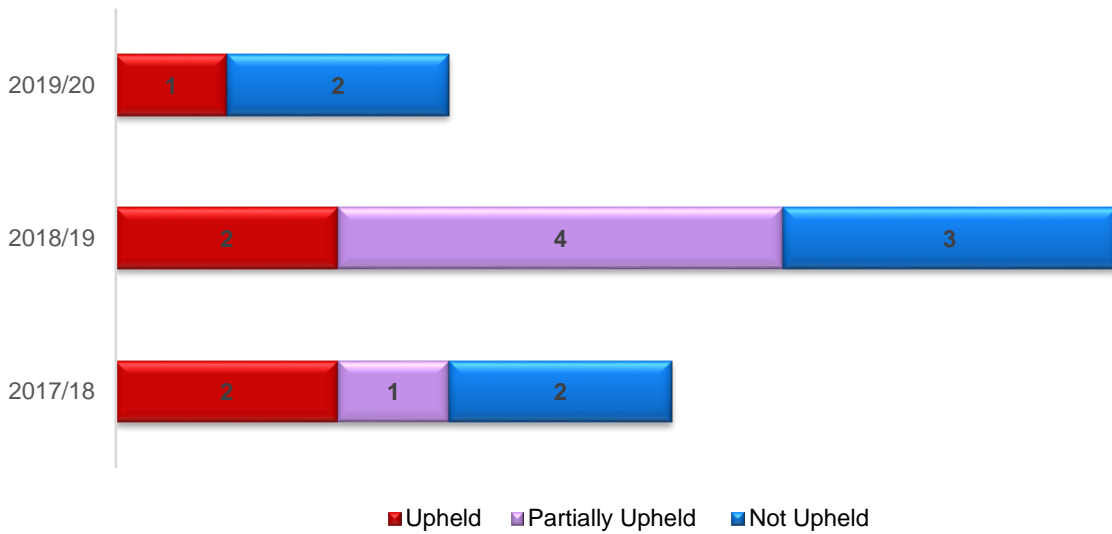


Chart 4 - Complaints Closed at Investigation Stage

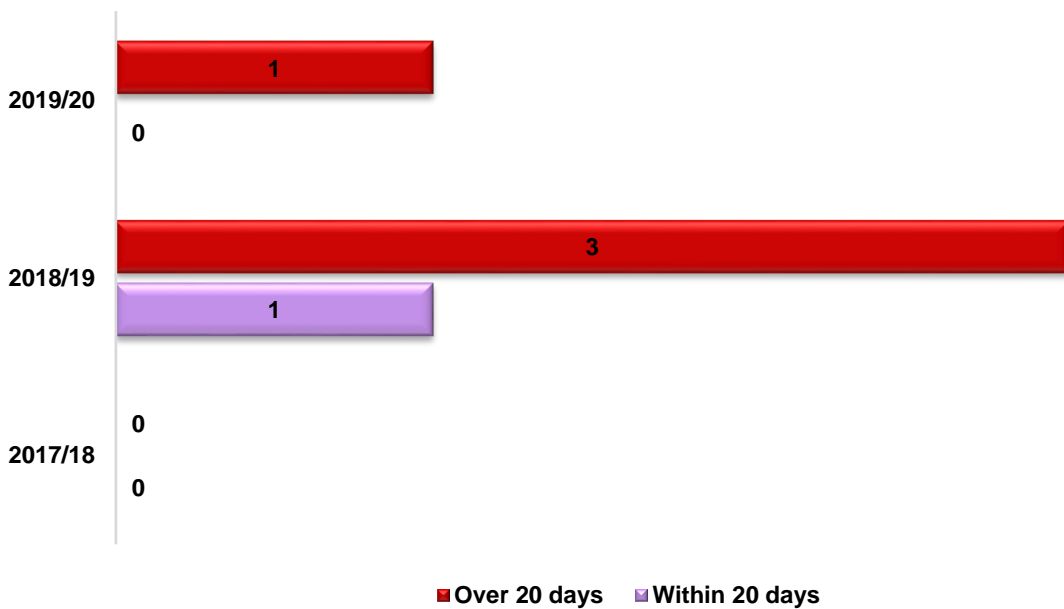


Table 1 – Total number of complaints received by year

	2017/18	2018/19	2019/20
Total number of complaints received	2	15	3
Complaints considered at frontline resolution	2	14	2
Complaints transferred to investigation		3	1
Complaints closed at frontline resolution within 5 days	1	7	1
Complaints closed at frontline resolution over 5 days	1	4	1
Outcome of complaints closed at frontline resolution:			
• Upheld	2	2	
• Partially upheld		0	
• Not upheld		9	2
Average time (working days) taken to resolve complaints at frontline resolution	8.5	6	7
Complaints considered at investigation stage	0	4	1
Complaints considered at investigation stage within 20 days		1	
Complaints considered at investigation stage over 20 days		3	1
Outcome of complaints considered at investigation stage:			
• Upheld		1	1
• Partially upheld		0	
• Not upheld		3	
Average time (working days) taken to resolve complaints at investigation stage	N/A	35	33

Table 2 - Topics of complaints – 2017-2019

Topics	2017/18			2018/19		
	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld
Campaigns/communication						5
Customer service timing				2		
Enforcement	1					1
Food alerts communication						
Operations delivery	1			1		6
Nutrition policy						
Use of Gaelic logo						
Total	2			3		12

Table 3 – Topics of complaints – 2019-2020

Topics	2019/20		
	Upheld	Partially upheld	Not upheld
Campaigns/communication			
Customer service timing			
Enforcement			
Food alerts communication			
Operations delivery	1		2
Nutrition policy			
Use of Gaelic logo			
Total	1		2