

# 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 2021/22 we received 28 FOI requests, and 2 formal complaints, compared with 22 FOI requests and 7 formal complaints in 2020/21. 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 28 FOI requests during 2021/22, which is 6 more than in 2020/21. We responded to all of these within 20 working days which meets the desired target of 100%. This is up on the 2020/21 reporting year when we responded to 20 out of 22 requests (91%) within 20 working days.
- 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 2 formal complaints during 2021/22 both of which were resolved at the frontline. The number of complaints decreased compared to the 2020/21 reporting period of 7 complaints. The complaints received were in relation to operational delivery (an accusation about the behaviour of FSS staff) and nutritional information & front of pack nutrition labelling.
- 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 in order to maintain 100% performance in 2022/23. 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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## Annex A

### Freedom of Information Requests

Chart 1

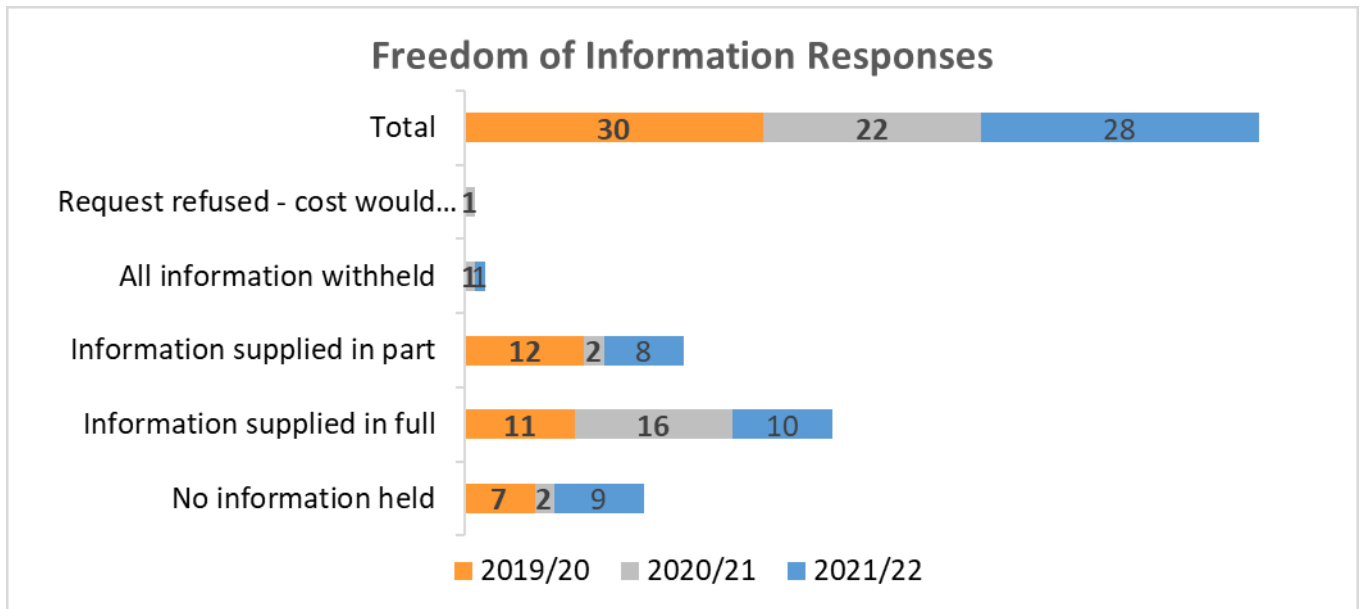


Table 1

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

\* Details of FOI requests in “other” category 2021/22:

1. Number of data protection breaches under GDPR recorded by Food Standards Scotland and number reported to the Information Commissioner’s Office.
2. Information about Covid 19 infected food.
3. Policy documents about the way Food Standards Scotland handles media requests and the publication of information.

4. List any public relations, communications, media consultancy or lobbying firms hired by FSS.
5. Information FSS holds, adverse or otherwise, on The Peckish Horse mobile coffee bar.
6. Number of complaints Food Standards Scotland received between 2017 and 2021 regarding the placement of Union Jack flags on Scottish food products.
7. Total number of unique correspondence for the areas of Data protection requests, Freedom of Information and Environmental Information Regulations, Complaints, Ministerial Correspondence, Parliamentary Questions and any other official correspondence type, such as enquiries, feedback or compliments which are logged and tracked.
8. Any correspondence Food Standards Scotland had with Anacail Ltd.
9. All correspondence FSS had to cease monitoring phytoplankton in Loch Creran, from July 2019.
10. Questionnaire for IT.
11. Number of dairy goats are commercially farmed in Scotland and number of commercial dairy goat farms there are in Scotland.
12. Number of goats slaughtered in Northern Ireland abattoirs, number of kid goats slaughtered in Northern Ireland abattoirs and the number of goats of any age killed on-farm within Northern Ireland.
13. Number of ducks killed in Scotland and the total number of geese killed in Scotland.
14. Number of goats slaughtered in Scottish abattoirs, number of kid goats slaughtered in Scottish abattoirs and the number of goats of any age killed on-farm within Scotland.
15. Number of dairy goats that are commercially farmed in Scotland and number of the commercial dairy goat farms there are in Scotland.

**Table 2**

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

**Table 3**

<b>Internal reviews</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</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>

Table 4

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

Annex B

Complaints Handling Performance

Chart 1

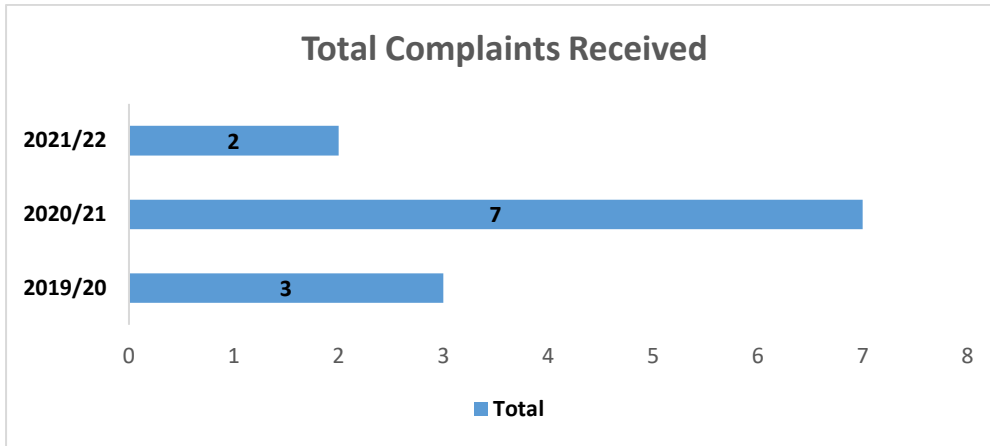


Chart 2

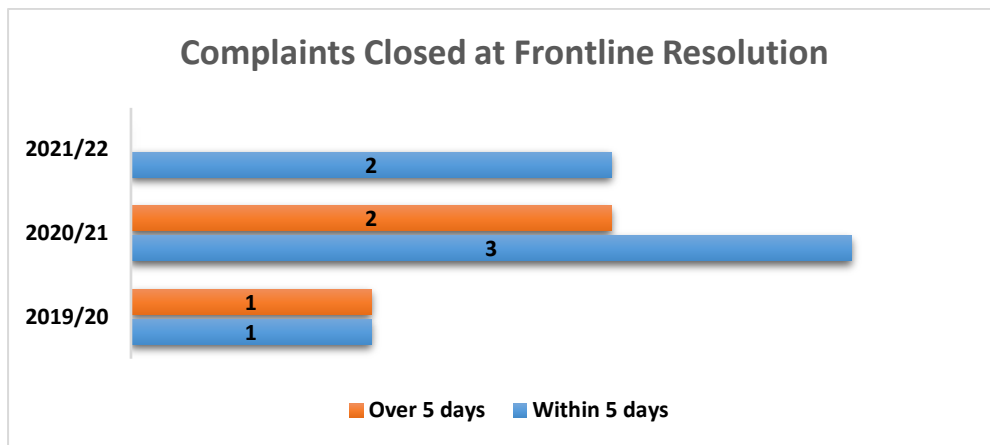


Chart 3

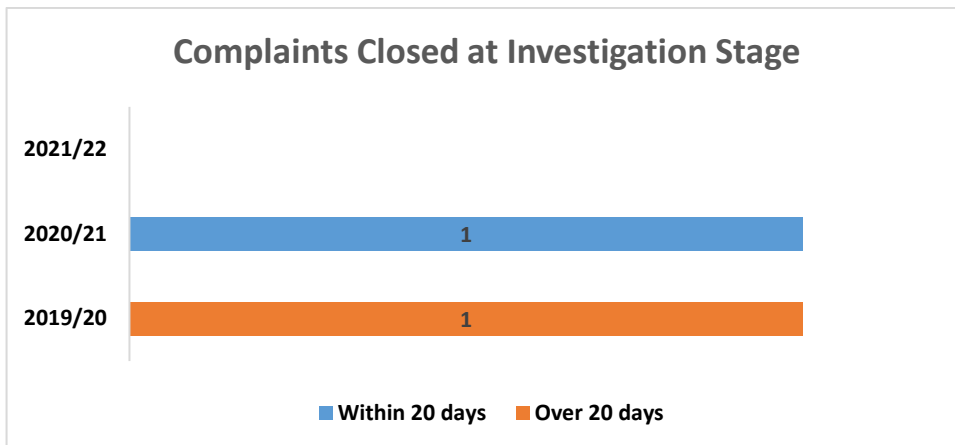


Chart 4

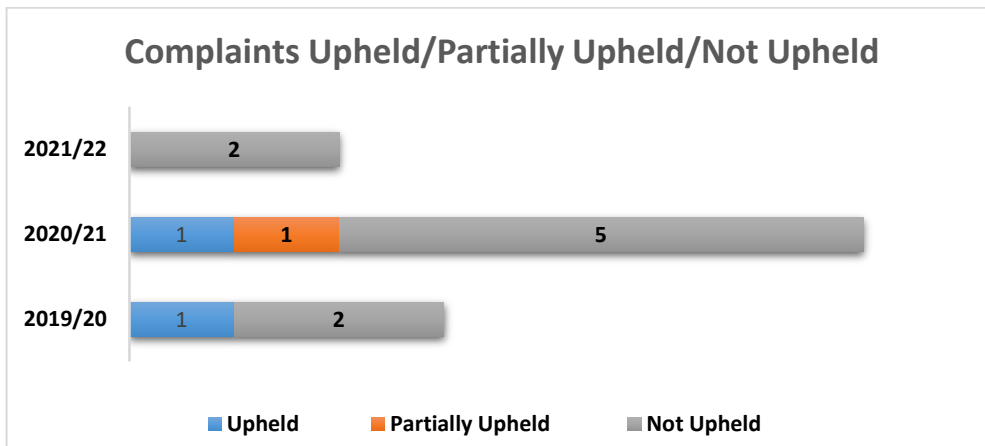


Table 1 – Total number of complaints received by year

	2019/20	2019/20	2021/22
<b>Total number of complaints received</b>	<b>3</b>	<b>7</b>	<b>2</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>
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>



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

Topics	2019/20			2020/21			2021/22		
	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>