

ANNUAL REPORT: FREEDOM OF INFORMATION REQUESTS AND COMPLAINTS

1 Purpose of the paper

1.1 This paper is for information, and 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;
- **Agree** that we publish our responses to all Freedom of Information (FOI) requests; and
- **Confirm** that it would like to receive an annual report on FOI and Complaints handling performance.

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 2016/17 we received 36 Freedom of Information requests, and 41 formal complaints, compared with 5 FOI requests and 11 formal complaints in 2015/16. Information on our performance in handling these, and on the range of topics covered, is provided below and in Annex A.

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 36 Freedom of Information requests during 2016/17 (compared with 5 in 2015/16), and responded to 29 of these within 20 working days (80% compared with 100% in 2015/16). We received 2 requests for review, and internal reviews were completed within 20 days, with our original decision being upheld with modifications in one case, and the challenge upheld in the other. None of our decisions have been the subject of an appeal to the Scottish Information Commissioner (SIC). Please see Annex A for information on the topics covered by the FOI requests, and the exemptions applied.
- 4.3 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 have developed an Open Data Publication Plan, and are now at the implementation stage.

5 Complaints

- 5.1 FSS has adopted the Model Complaints Handling Procedure as published by the SPSO, and we have published the procedure and an associated Guide for Customers on our website.
- 5.2 We received 41 formal complaints during 2016/17, compared with 11 in 2015/16. The substantial increase was due to a number of complainants expressing concerns regarding references to diabetes in the initial wave of our healthy eating campaign. We addressed these concerns by adjusting the material used in the campaign. No other trends are evident from our complaints data. Despite the increase in numbers, our performance in handling complaints has improved compared with 2015/16. Please see Annex B for details.
- 5.3 The Scottish Public Services Ombudsman (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 A sharp increase in number and complexity of FOI requests this year resulted in a decline in terms of timeliness of response. However, we have reviewed our handling process, and confidently expect our performance in 2017/18 to be much improved; so far we have received 7 FOI requests, all of which have received responses within the 20 day deadline.
- 6.2 The Scottish Government recently introduced a policy to publish its response to every FOI request received. The Board is asked to agree that we mirror that policy, beginning with current FOI requests and with a programme which will achieve publication of our 'back catalogue' by the end of 2016/17. We will also

review our Guide to Information this year, and continue with implementation of our Open Data publication plan.

6.3 We will continue to monitor formal complaints to identify trends and learning points.

6.4 The Board is asked to confirm that it would like to receive an annual report on FOI and Complaints handling performance at its first meeting following the close of the financial year.

7 Conclusion

7.1 The Board is asked to:

- **Note** the information provided;
- **Agree** that we publish our responses to all Freedom of Information (FOI) requests; and
- **Confirm** that it would like to receive an annual report on FOI and Complaints handling performance.

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ANNEX A

Freedom of Information requests

Topics	2015/16	2016/17
Animal welfare		6
Financial information	2	4
Food crime/Authenticity/Investigatory powers	1	5
Food incidents	2	7
Food hygiene inspections		3
Healthy Eating campaign		2
Salmon farming		6
Shellfish classification		1
Other		2
Total	5	36

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

Internal reviews	2015/16	2016/17
Review requests received	0	2
FSS decision upheld in full	0	0
FSS decision upheld in part	0	1
FSS decision not upheld	0	1
Total	0	1

Exemptions applied in whole or in part	2015/16	2016/17
Information reasonably accessible (Section 25)		4
Commercial interests (Section 33)		5
Investigations by public authorities (Section 34)	1	3
Prejudice to public authority functions (Section 35)		1
Personal information (Section 38)		7
Health and safety (Section 39)		2

ANNEX B

Complaints handling performance

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

Topics	2015/16			2016/17		
	Upheld	Partially upheld	Not upheld	Upheld	Partially upheld	Not upheld
Campaigns/communication			1	0	19	20
Customer service timing	1					
Enforcement		1				
Food alerts communication	1					
Operations delivery		2	1	1		1
Nutrition policy			2			
Use of Gaelic logo			2			
Total	2	3	6	1	19	20