

Annual Report: Freedom of Information Requests and Complaints

1 Purpose of the paper

- 1.1 This paper provides information, covering the financial year 2025/26, 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 and discuss** the information provided.

2 Strategic priorities

- 2.1 Our handling of Freedom of Information (FOI) requests and complaints supports FSS in the delivery of its three strategic priorities, particularly the third priority 'providing an effective public service for the people of Scotland'.

3 Background

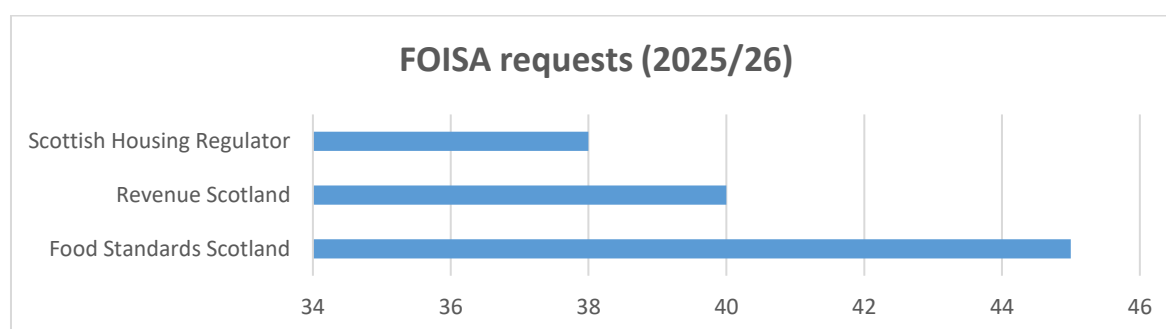
- 3.1 In the financial year 2025/26 we received 45 FOI requests, and 0 formal complaints, compared with 31 FOI requests and 0 formal complaints in 2024/25. 45 FOI requests is the highest number of requests received since FSS came into being in 2015. Information on our performance in handling these, and on the range of topics covered, is provided below and in **Annexes A and B**.
- 3.2 During 2025/26 we also received 1 EIR request. EIR requests relate specifically to recorded information concerning environmental matters and are managed in accordance with the Environmental Information (Scotland) Regulations 2004. It was responded to within the 20-working day deadline. This was the first instance of the team overseeing an EIR in the absence of the Records Management Officer. Such requests are rare, with only four EIRs received by FSS since its establishment in 2015. Before EIR 04, the previous EIR had been received in 2024.
- 3.3 Our handling of FOI requests and complaints supports the commitments to transparency and accountability which we made in our Statement on Performance of Functions.
- 3.4 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).

- 3.5 Building resilience and omnicompetence across the Business Management & Performance Unit (BMPU) remains a focus for the management team to ensure we meet our statutory targets and continue our performance levels.
- 3.6 In addition, the Private Office has recently reintroduced the centralisation of handling Ministerial Correspondence, including public correspondence and complaints. This has established a more consistent and robust approach to the recording, allocation and monitoring of correspondence, supporting improved oversight and performance against response targets

4 Freedom of Information

- 4.1 We received 45 FOI requests during 2025/26, which is 14 more than in 2024/25 and 15 more than the annual average of 30. We responded to 44 of these requests within 20 working days, with an average of 13 days response time across the year. One request was out with the 20-working day period. This was due to it being received by a non-Corporate Services member of staff directly rather than it coming into the openness mailbox. An internal review of this case has been undertaken and since then briefing note to all staff on recognising an FOI has been circulated and FSS are liaising with L&D colleagues in making the formal SG FOI training mandatory for all staff.
- 4.2 In terms of benchmarking the number of FOI requests, against other similar sized organisations, is displayed below (data taken from the FOI statistics portal).



- 4.3 In 2025/26 top categories identified were food safety related (31%), corporate (29%) and finance (20%). The remaining 20% were animal welfare, salmon farming, communications and marketing and one classified as 'other'. Please see **Annex A** for information on the topics covered by the FOI requests, and the exemptions applied.

- 4.4 In 2025/26 2 FOI reviews were requested (the first 2 since 2016/17) and were responded to within the 20 working days. Reviews requested were due to the level, or consistency, of information FSS provided in the FOI responses.
- 4.4.1 Review 1: Grounds for review was due to the level of information provided. The review outcome determined this was upheld. During the review new information, relevant to the request, was discovered that was not identified during the initial search (this was due to records being miscategorised).
- 4.4.2 Review 2: Grounds for review was due to the level and consistency of the information provided. The review outcome determined this was partially upheld. During the review a small amount of additional information was found which was not retrieved during the original search. The additional material did not alter the substance of the original response but rather provided supplementary context.
- 4.5 Given this was the first time the BMPU had coordinated FOI reviews, a lesson learned exercise of the FOI review process was undertaken. The conclusion of the exercise was that FOI reviews were handled in good faith and in line with statutory requirements. However earlier evidence gathering, and consistent use of standard tools are essential to reduce risk, improve efficiency, and ensure defensible, timely outcomes.
- 4.6 As a result of the exercise the BMPU have identified a number of improvements which have been embedded into the process which will ultimately strengthen transparency and confidence in the FOI review process going forward.
- 4.7 During 2025/26 we also received 2 thank you letters from requestors for the service we provided and processed 1 complex request.
- 4.8 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 continue to be published on our [website](#).

5 Environmental Information Regulations (EIR)

- 5.1 We received 1 EIR request during 2025/26, which is 1 more than in 2024/25. We responded to the request within 20 working days

6 Complaints

- 6.1 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.
- 6.2 We received no formal complaints during 2025/26. In the previous reporting periods of 2022/23, 2023/24 and 2024/25 we also received no complaints.
- 6.3 FSS has recognised, alongside many other public sector organisations, that fraud, bribery and corruption could become more prevalent if not monitored properly which could lead to complaints against our staff. As a result of this FSS established the Counter Fraud Group (CFG) with representatives from within FSS as well as external input from Scottish Government. The primary purpose of this group is to raise organisational awareness of what criminality such as fraud, bribery and corruption looks like and how it could manifest itself within FSS. The vigilance of staff is paramount and should be reported via official reports to line managers or by means of whistleblowing.
- 6.4 During the reporting period an update on the Civil Service Code and Whistleblowing was delivered to staff via a Head Office meeting and subsequently cascaded to field staff later in the year. The update has now also been developed into an e-learning that was launched in 2025/26.

7 Equality Impact Assessment and Fairer Scotland Duty

- 7.1 Completion of an Equality Impact Assessment (EQIA) and a Fairer Scotland Duty Assessment are not required for this paper (**Annex C**).

8 Consumer Duty

- 8.1 This paper supports oversight of customer outcomes by providing transparency on the volume, nature and trends of FOI requests and complaints. Monitoring complaints data assists the organisation in identifying potential areas of consumer harm, barriers to understanding, service deficiencies, or issues affecting vulnerable customers. The information supports ongoing compliance with the Consumer Duty requirement to deliver good outcomes for customers and to take appropriate action where trends indicate potential detriment. Complaints and customer feedback remain an important source of management information in assessing customer outcomes

9 Conclusion/Recommendations

9.1 The Board is asked to:

- **note and discuss** the information provided.

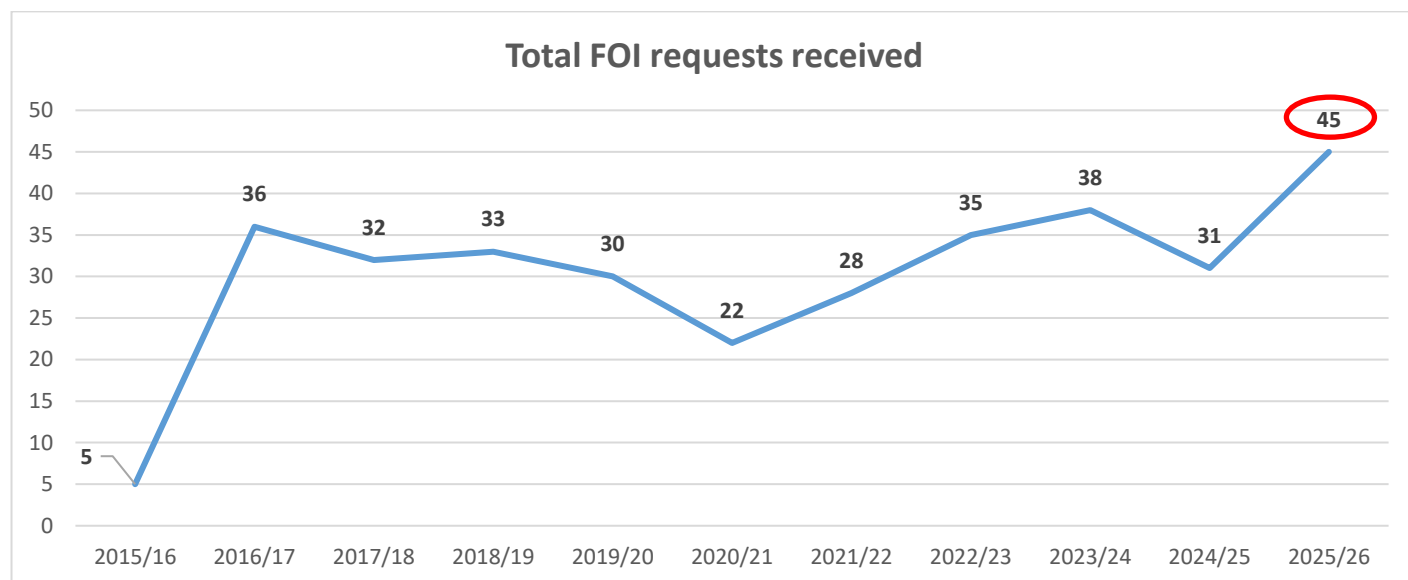
Please direct queries to:

Natalie Greenland, Head of Corporate Support
Natalie.greenland@fss.scot

23 August 2026

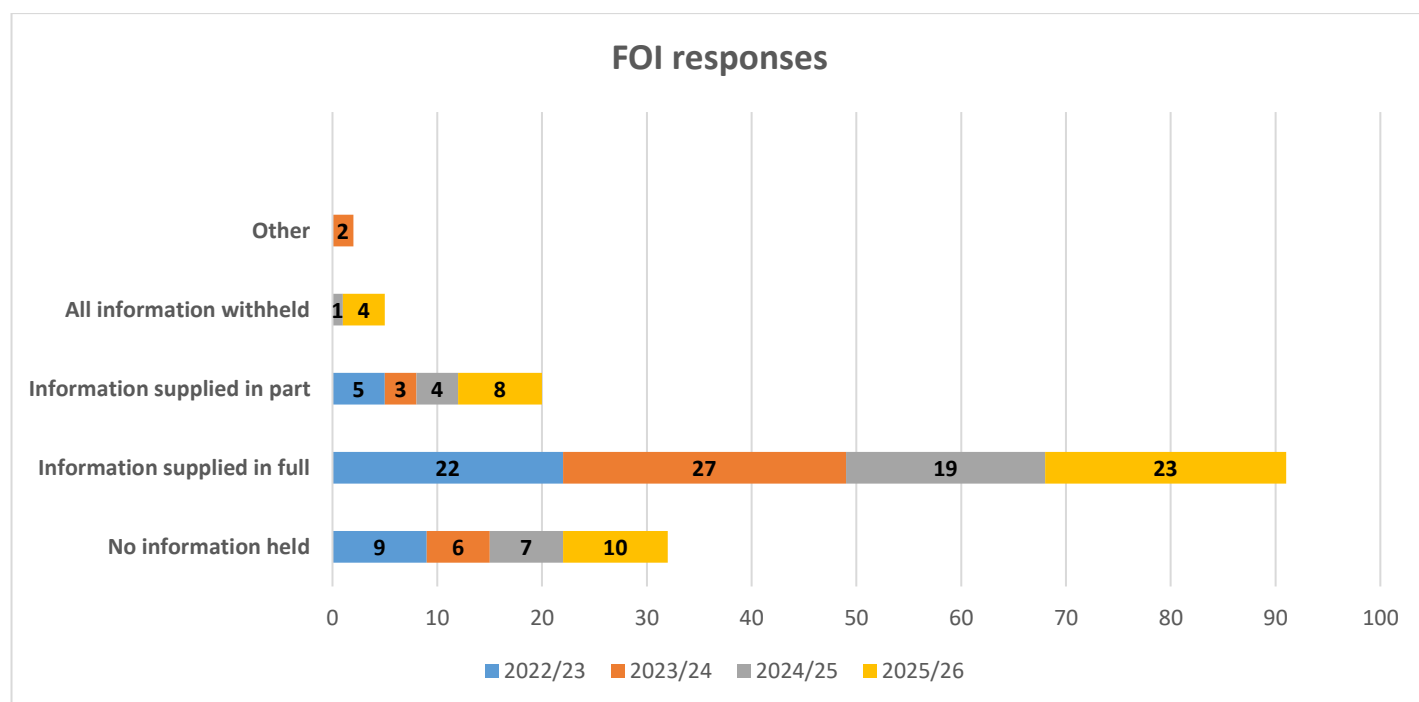
Annex A: Freedom of Information Requests

Total FOI requests received since 2015

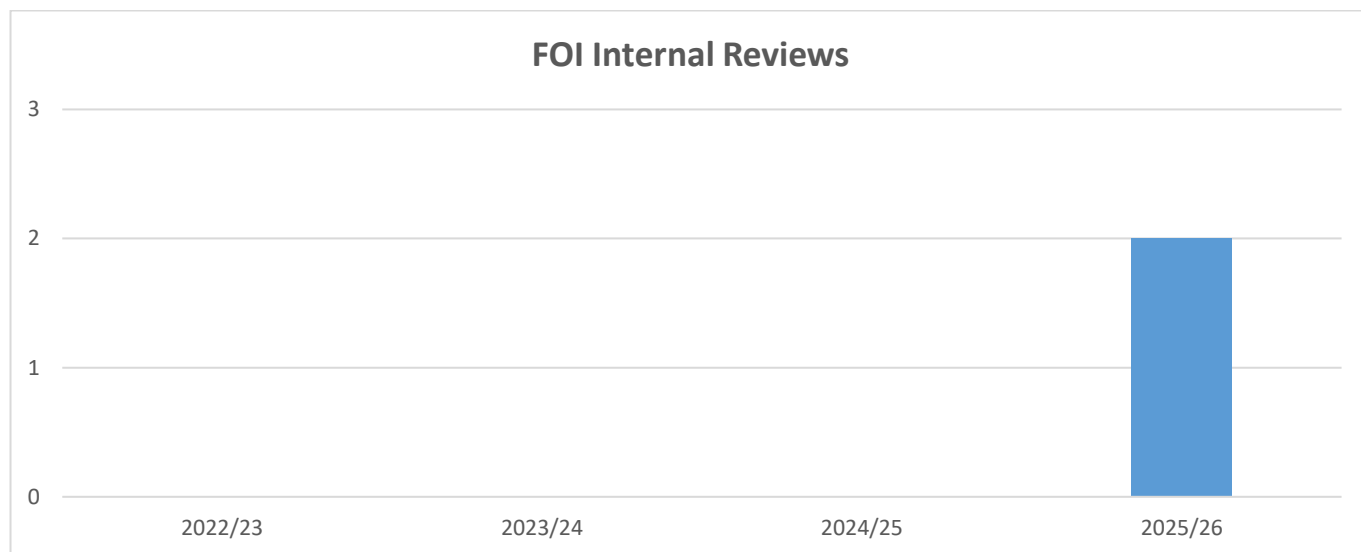


More detailed information for FOI requests over the last 4 financial years

FOI responses – level of information provided



Internal reviews



Category of FOI request received

Topics	2022/23	2023/24	2024/25	2025/26
Financial Information	6	11	9	9
Corporate (IT, HR, staffing, recruitment facilities, contracts, risks, travel etc.,)	5	7	4	13
Approved Establishments	1	5	-	-
Animal Welfare	5	3	3	2
Food Safety	1	3	-	14
Food Crime / Authenticity / Investigatory powers	5	2	4	-
Salmon Farming	1	1	4	2
Comms & Marketing	2	1	3	4
Other*	9	5	4	1
Total	35	38	31	45

* Details of FOI requests in “other” category 2025/26:

- Request for all correspondence related to Oldhall PPC permit application which was under consideration by SEPA. The requester believed that SEPA had consulted with FSS.

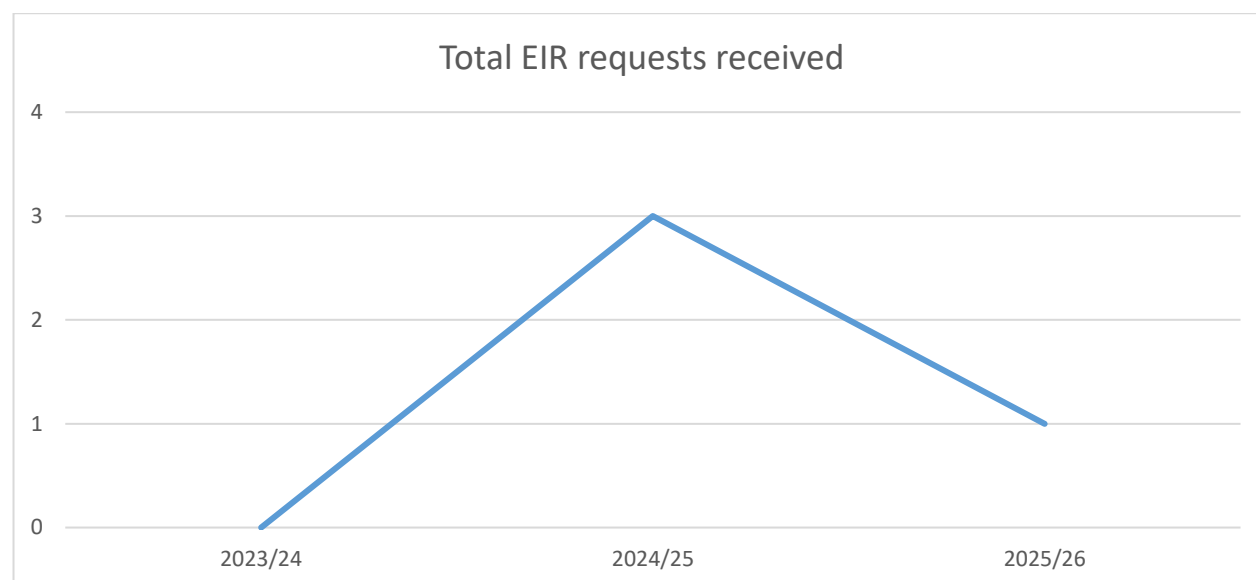
Exemptions applied in whole or in part

Exemptions applied	2022/23	2023/24	2024/25	2025/26
S.25: Information otherwise accessible	2	-	-	
S.27: Information intended for future publication	-	-	-	
S.29: Formulation of Scottish Administration policy etc.	-	-	-	
S.30: Prejudice to effective conduct of public affairs	-	-	1	
S.32 International Relations	-	-	-	
S.33: Commercial interests and the economy	1	-	-	1
S.34: Investigations by Scottish public authorities and proceedings arising out of such investigations	1	-	-	
S.35: Law enforcement	-	-	3	
S.36: Confidentiality	-	-	-	2
S.38: Personal information	6	1	4	3
S.39: Health, safety and the environment	-	-	-	-
TOTAL	10	1	8	6

Annex B Environmental Information Regulation requests

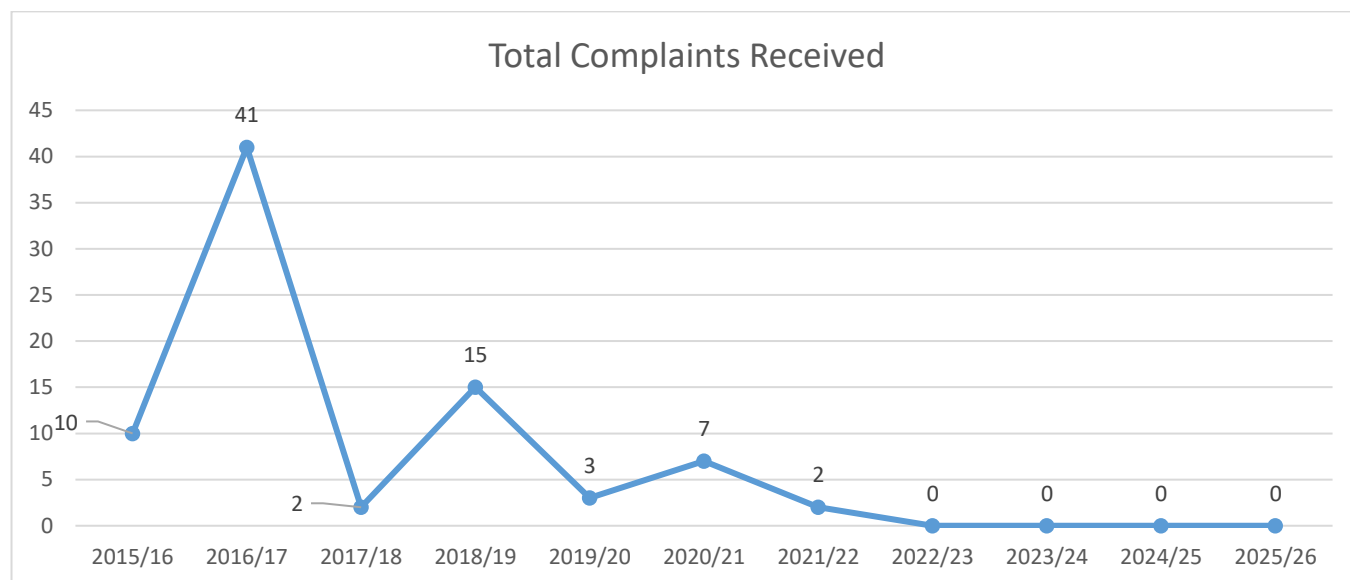
Total EIR requests received since 2023/24

No EIR requests were received prior to 2024/25



Annex B Complaints Handling Performance

Total complaints received since 2015



More detailed information for complaints received over the last 4 financial years

Section currently not relevant as no complaints received over the last 4 financial years.

Topics covered

- Complaints closed at front line resolution
- Complaints close at investigation stage
- Complaints upheld / partially upheld / not upheld
- Total number of complaints received by year
- Topics of complaints

Annex C

Equality Impact Assessment (EQIA) and Fairer Scotland Duty (FSD)

- 1.2 An EQIA has been considered and is not required. This paper is for information only and reports annual FOI and complaints statistics. It does not introduce or amend policy, processes, eligibility criteria or service provision. There are therefore no identified differential impacts on people with protected characteristics. FSS will continue to monitor FOI and complaints handling to ensure compliance with its obligations under the Equality Act 2010 and the Public Sector Equality duty.
- 1.2 A FSD Assessment has been considered and is not required. This paper is presented for information only and provides a summary of annual FOI and complaints statistics. It does not propose any changes to policy, strategy, service delivery, eligibility criteria, or resource allocation and therefore does not constitute a strategic decision under the FSD. Whilst a formal FSD Assessment is not required, the complaints process remains an important mechanism for identifying whether any groups experiencing socio-economic disadvantage encounter barriers in accessing services, information or support. Any emerging themes would be considered through the organisation's governance and service improvement arrangements.