

REPORT TO: TAYSIDE VALUATION JOINT BOARD – 28 AUGUST 2017

**REPORT ON: FREEDOM OF INFORMATION/ENVIRONMENTAL INFORMATION/
DATA PROTECTION**

REPORT BY: ASSESSOR

REPORT NO: TVJB 22-2017

1 PURPOSE OF REPORT

- 1.1 To present to the Board current statistical data and relevant background information in relation to matters arising in respect of Freedom of Information, Environmental Information and Data Protection issues.

2 RECOMMENDATIONS

- 2.1 The Board is asked to note the content of this report.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 POLICY IMPLICATIONS

- 4.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

5 BACKGROUND

- 5.1 The Freedom of Information (Scotland) Act 2002 gives a general right of access to recorded information held by Public Authorities, sets out exemptions from that general right and places a number of related obligations on Public Authorities including the requirement to create and maintain a Publication Scheme and a Records Management Plan. The Act applies to any records held by the authority no matter when they were created.
- 5.2 Individuals also have the right to request information about themselves under the Data Protection Act 1998. As far as public authorities are concerned, the Freedom of Information (Scotland) Act extends this right of access to non-personal information.
- 5.3 The Board and the Assessor are each separately listed as a Public Authority within Schedule 1 of the Freedom of Information (Scotland) Act 2002. Any person who makes a request to the Board or Assessor for recorded information must be informed whether the Board or Assessor holds that information and, subject to exemptions, must be supplied with that information.
- 5.4 The Board and the Assessor are also each required to adopt and maintain a Publication Scheme and a Guide setting out the classes of information that are available, the manner in which they intend to publish the information and whether a charge will be made for the information. The purpose of the Publication Scheme is to ensure that a significant amount of information is available without the need for a specific request.

- 5.5 In addition to the above, in terms of the Environmental Information (Scotland) Regulations 2004, both the Board and the Assessor are required to make certain environmental information available on request. The Re-Use of Public Sector Information Regulations 2015 impose further requirements on the Board and the Assessor.
- 5.6 The above provisions are reflected in a “Code of Practice on the discharge of functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information Regulations 2015” prepared by the Scottish Government and these have been embodied within an updated Model Publication Scheme prepared by the Scottish Information Commissioner.
- 5.7 At its meeting on 22 August 2016 the Board approved the updated Publication Schemes, Guides to Information and Policy and Procedure prepared in accordance with the Model Publication Scheme. The Publication Schemes and Guides to Information are published on the Board’s web-site.

6 INFORMATION REQUESTS

- 6.1 The Assessor continues to receive requests for information on a regular basis, with these requests frequently being made by applicants without reference to the Freedom of Information Act. Very few information requests are made to the Board.
- 6.2 In all instances requests for information will be considered and, where possible, information is normally provided on a “business as usual” basis without the necessity of formal recourse to the Act.
- 6.3 Where information is not otherwise available, any request must be responded to in terms of the Freedom of Information legislation, having regard to, amongst others, exemptions, time limits and review procedures.
- 6.4 A summary of the number of specific requests received by the Board and Assessor during the period 1 April 2016 to 31 March 2017 is contained within the attached Appendix. It can be seen that relatively few formal requests for information in terms of the legislation have been received and those that have are directed towards the organisation as a whole rather than to individual Divisional offices. Requests concerned topics such as “Council Tax Proposal statistics for 2014-2016”, “Examples of Return of Information forms for Energy subjects” and “Staff bonuses or performances related pay 2014/15 and 2015/16”. It is considered that the extent of information made available routinely as “business as usual” has reduced the necessity for stakeholders to submit formal requests.
- 6.5 Since April 2013 an online quarterly return of these statistics has been made to the Scottish Information Commissioner.

7.0 MONITORING OF FOI REQUESTS AND RELATED ISSUES

- 7.1 The Assistant Assessor for Dundee Division has been appointed by the Assessor as the officer responsible for the Board’s Freedom of Information and Data Protection administration. In addition the Assessor is represented on the Scottish Assessors’ Association Governance Committee which considers Freedom of Information and Data Protection matters as they affect Assessors on a Scotland wide basis. The Assistant Assessor will continue to monitor Freedom of Information and Data Protection issues on a national basis to ensure that the Board’s requirements in relation to these matters are properly represented.

- 7.2 The Assessor's in-house Governance Group remains responsible for dealing with routine Freedom of Information and Data Protection issues on behalf of the Assessor. The Group meets regularly and its proceedings are formally minuted, with minutes presented at meetings of the Assessor's Policy & Strategy Management Group for consideration as appropriate.
- 7.3 In relation to Data Protection legislation, whilst no issues have specifically been raised with the Board or the Assessor during this financial year, ongoing concerns relating personal data held by the Assessor, including that comprised within the Valuation Roll and Council Tax List, are being actively researched in conjunction with the Scottish Government and the Information Commissioner's Office.
- 7.4 The Assessor will continue to report regularly to the Board on any issues arising in respect of Freedom of Information or Data Protection, and will provide regular statistical information in relation to these items.

6 CONSULTATION

- 6.1 The Clerk and Treasurer to the Board have been consulted on this report.

7 BACKGROUND PAPERS

- 7.1 None.

ALASTAIR KIRKWOOD
Assessor

August 2017

TAYSIDE VALUATION JOINT BOARD
Freedom of Information
Statistical Information
1 April 2016 to 31 March 2017

Division	No. of Requests Received	No. where information provided		No. Refused	No. where information not held	No. of Reviews Requested	No. of Appeals to FOI Commissioner
		Full	In Part				
Angus	0	0	0	0	0	0	0
Dundee	0	0	0	0	0	0	0
Perth & Kinross	0	0	0	0	0	0	0
Tayside	11	10	1	0	0	0	0
Totals	11	10	1	0	0	0	0