

**REPORT TO:** TAYSIDE VALUATION JOINT BOARD – 26 AUGUST 2019  
**REPORT ON:** FREEDOM OF INFORMATION & ENVIRONMENTAL INFORMATION  
**REPORT BY:** ASSESSOR  
**REPORT NO:** TVJB 19-2019

## **1 PURPOSE OF REPORT**

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

## **2 RECOMMENDATIONS**

- 2.1 The Joint 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 2018. 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 to the 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 2018 to 31 March 2019 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 included “Number of Council tax proposals received for each financial year from 01/04/2013 and the outcome of each”, “Number of times QC has appeared for Assessor in a Council Tax VAC case in the years 2014/15 to 2017/18 and the cost”, “Number of 2017 appeals lodged; Number of 2017 appeals resolved and Number of 2017 appeals still outstanding”. 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 FREEDOM OF INFORMATION REQUESTS AND RELATED ISSUES**

- 7.1 The Assistant Assessor & ERO for East Division has been appointed by the Assessor as the officer responsible for the Board’s Freedom of Information and Environmental Information. In addition, the Assessor is represented on the Scottish Assessors’ Association Governance Committee which considers Freedom of Information and Environmental Information matters as they affect Assessors on a Scotland wide basis. The Assistant Assessor will continue to monitor Freedom of Information and Environmental 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 Environmental Information 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 The Assessor will continue to report regularly to the Board on any issues arising in respect of Freedom of Information and Environmental information, 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 2019**

**TAYSIDE VALUATION JOINT BOARD**  
**Freedom of Information**  
**Statistical Information**  
**1 April 2018 to 31 March 2019**

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	2	0	1	1	0	0	0
Dundee	1	0	1	0	0	0	0
Perth & Kinross	1	1	0	0	0	0	0
Tayside	6	5	0	0	1	0	0
Totals	10	6	2	1	1	0	0