

REPORT TO: TAYSIDE VALUATION JOINT BOARD – 15 JUNE 2015

REPORT ON: FREEDOM OF INFORMATION / DATA PROTECTION REPORT

REPORT BY: ASSESSOR

REPORT NO: TVJB 14-2015

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 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 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.
- 5.3 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.
- 5.4 The Board and the Assessor are 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 At its meeting on 28 January 2013 the Board noted that the Scottish Information Commissioner's Model Publication Scheme 2013 would be adopted by the Board and the Assessor. The Publication Scheme and Guide to Information are published on the Board's web-site.
- 5.6 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. In such cases, information is normally provided as appropriate on a "business as usual" basis without the necessity of formal recourse to the Act.
- 5.7 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.
- 5.8 A summary of the number of specific requests received by the Board and Assessor during the period 1 April 2013 to 31 March 2015 is contained in Appendix 1. It can be seen that relatively few formal requests for information in terms of the legislation have been received. 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.
- 5.9 Since April 2013 an online quarterly return of these statistics has been made to the Scottish Information Commissioner.
- 5.10 The Depute Assessor has been appointed by the Assessor as the officer responsible for the Board's Freedom of Information and Data Protection administration, and he is also Secretary to 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 Depute continues 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.
- 5.11 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.
- 5.12 It is noted that the Scottish Ministers, in consultation with the Scottish Information Commissioner, have prepared an updated "*Code of Practice on the discharge of functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004*". This code of practice was published on 10 December 2014 and regard must be taken of this guidance in dealing with requests.
- 5.13 The Governance Group is chaired by the Angus Assistant Assessor. Governance is a standing item on the agenda for the regular policy & strategy meetings. The Governance Group is currently considering the contents of the above mentioned code of practice and will update the Board's Freedom of Information Policy and staff guidance documentation as required.
- 5.14 In relation to Data Protection legislation, no issues have been raised with the Board or the Assessor during this financial year.
- 5.15 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

June 2015

TAYSIDE VALUATION JOINT BOARD
Freedom of Information
Statistical Information
1 April 2013 to 31 March 2015

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	4	3	0	0	1	0	0
Dundee	5	5	0	0	0	0	0
Perth & Kinross	5	5	0	0	0	0	0
Totals	14	13	0	0	1	0	0