

**REPORT TO: TAYSIDE VALUATION JOINT BOARD – 11 JUNE 2012**

**REPORT ON: FREEDOM OF INFORMATION/DATA PROTECTION – ANNUAL REPORT**

**REPORT BY: ASSESSOR**

**REPORT NO: TVJB 9-2012**

**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 the 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 all types of recorded information held by public authorities, sets out exemptions from that right and places a number of related obligations on public authorities including publication schemes and records management. 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 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 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. Both the Board and the Assessor have adopted and maintain publication schemes, 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 a publication scheme is to ensure that a significant amount of information is available without the need for a specific request. Schemes are intended to encourage organisations to publish more information proactively and to develop a greater culture of openness.

- 5.4 The revised Publication Schemes introduced by both the Board and the Assessor in 2009 extended the information which would be routinely provided on request. Additionally, more detailed information such as summary valuation details for a large number of non-domestic subjects are now widely available through the Scottish Assessors' Association's national website. Statistical information is also openly published and available through the websites and the press.
- 5.5 It should also be noted that the Assessor continues to receive requests for information on a regular basis, with these requests being made by applicants without reference to the Freedom of Information Act. In these cases, information is normally provided as appropriate on a "business as usual" basis without the necessity of formal recourse to the Act.
- 5.6 Where information is not available as indicated in 5.4 and 5.5 above, specific requests can be made. These must be responded to in terms of the current legislation, having regard to, amongst others, exemptions, time limits and review procedures.
- 5.7 Information in relation to specific requests received by the Board and Assessor during financial year 2011/12 is contained in Appendix A. It can be seen that relatively few formal requests have been received for information in terms of Freedom of Information legislation. It is considered that the extent of information routinely made available, as described above, has reduced the necessity for stakeholders to submit formal requests.
- 5.8 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 on a national basis to ensure that the Board's requirements in relation to these matters are properly represented.

- 5.9 The Department's in-house Governance Group remains responsible for dealing with 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 to the Assessor's Management Team meetings for consideration as appropriate.

The Group is chaired by the Angus Assistant Assessor. Governance is a standing item on the agenda for the monthly Management Team meetings.

- 5.10 In relation to Data Protection legislation, no issues have been raised with the Board or the Assessor during this financial year.
- 5.11 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.

**John M Galbraith FRICS  
Assessor**

**June 2012**

**TAYSIDE VALUATION JOINT BOARD**  
**Freedom of Information**  
**Statistical Information**  
**1 April 2011 to 31 March 2012**

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	1	1	0	0	0	0
Dundee	3	2	1	0	1	0	0
Perth & Kinross	1	0	1	0	0	0	0
Totals	6	3	3	0	1	0	0