SCOTTISH INFORMATION COMMISSIONER DRAFT ACTION PLAN

COMMISSIONER RECOMMENDATION	PROPOSED OBJECTIVE	TIME LINE
Recommendation 1: Clearance procedures Clear, formal, transparent and detailed procedures for the clearance of information requests. Specifying:		
The Scottish Government will bring forward a revised case-management process, setting out clearance processes and criteria for decision-making, and specifying the roles of all those involved.		
(i) the roles of case-handlers, senior managers, special advisers and Ministers (ii) when Ministers' clearance of the response is required and, where it is not required, who should take the decision on the response (iii) procedures for case-handlers to respond to special advisers' advice, particularly: (a) what they should do when they disagree with the advice, and (b) when they should approach the FOI Unit for advice to Ministers	• A body of designated case-handlers will be established, based at an appropriate organisational level (usually Directorate) with appropriate training and dealing with cases on a regular basis. • Nominated senior staff (Band C or SCS), appropriately trained, will provide assurance and clear all requests. • Directors will be required to assess, monitor and certify that arrangements are in place to ensure caseload is being dealt with by competent practitioners • Criteria will be developed to define sensitive or exceptionally complex cases. • A new FOI Unit receiving process will undertake an initial triage assessment to identify sensitive or exceptionally complex cases. This process will be subject to confirmation via case handling procedures to enable Ministers or SPADs to engage early to identify sensitive cases requiring comment. • Cases identified as sensitive or exceptionally complex will, after clearance, be referred to SPADs and Ministers for comment. • FOI Unit role in providing expert corporate advice to support decision-making will be formally set out. • Guidance will be prepared that sets out explicitly the roles of all staff involved in FOI.	• September 2018 - September 2019 for whole SG (PID and project plan to be developed on approval of action plan). • Rolling out from October 2018 • Rolling out from October 2018 • October 2018 • Rolling out from October 2018 to January 2019 • Aligns with new triage process. • October 2018 • October 2018
(iv) clear rules for recording decision-making in request files, including the rationale for the decision and any	Improve our record of decisions taken by implementing a new standardised process to capturing relevant	

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departures from specialist advice	information: • A mandatory 'statement of compliance' will record actions and decisions at each stage of the case. • A mandatory FOI submission template will record advice, including differences of view in those cases where Ministers require to comment.	• From the introduction of the revised case handling model process.
(v) the role of the Communications Team in information requests	• The guidance on roles will be clear that, except in requests relating to their business area, the role of Comms is restricted to developing press lines or handling plans *in parallel* with clearance. Guidance will be reviewed to ensure it accurately and unambiguously reflects that role.	• September 2018
(vi) a consistent approach to meeting the statutory time for compliance.	• The current process map for handling cases is an appropriate and useful tool that has helped to improve SG performance. We will review the detail to ensure it is clear that a reply must be issued promptly and that 20 days is the upper limit, rather than a target.	• October 2018
Recommendation 2: Quality assurance Introduce a quality assurance process to ensure:		
The Scottish Government will take active steps to improve the quality of its case-handling and its replies to FOI requests.		
(i) learning from reviews results in action taken to prevent recurrence	• FOI Unit will produce bi-monthly reports from the FOI tracker to identify reviews modifying initial replies, assess any issues and ensure action is taken as necessary to implement lessons learned. • Incorporate mirror reports in MiCase and maintain bi-monthly process.	• October 2018 • October 2018 - January 2019
(ii) quality assurance is undertaken at the appropriate business level	• Quality assurance issues in relation to **all** cases will be included in learning material and incorporated in objectives for appropriately trained senior staff, identified in recommendation 1.	• September 2018 - September 2019
Recommendation 3: Clearance of media requests		
The Scottish Government will adopt a common process for handling requests, based solely on sensitivity or complexity, without reference to the nature of		

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the requester.		
Ensure that cases are referred for clearance on the basis of the complexity of the case and/ or the sensitivity of the requested information, not because of the personal characteristics of the requester.	We will ensure requests are not treated detrimentally due to the nature of requester: • Guidance amended to reflect the fact that the process clearance should be based on the sensitivity of the information sought or exceptional complexity of the case, rather than the type of requester. • A behaviour change project has been established, linking to MiCase introduction, and changes to training material will support this going forward.	• Delivered 13 June 2018 • September 2018 - September 2019 (timetable will depend on range of issues to be addressed).
Recommendation 4: Case file records management		
The Scottish Government will address all elements of this recommendation through introduction of a new case management and tracking system (MiCase) which is in finals stages of development - and through elements of the processes at recommendation 1.		
Ensure the handling of each request is properly recorded in the case file, to include: • searches carried out • decisions made, including the rationale for the decision • any notes of meetings and internal correspondence where recommendations were changed or exemptions relied on and advice sought from other officials and special advisers. • any discussions with applicants and third parties	• MiCase will automate recordkeeping and automatically save all case documents into eRDM. • The revised clearance process, Statement of Compliance and FOI submission template will also provide assurance around record-keeping and decisions made. • eRDM is also being upgraded to a new interface that will make it quicker and easier to save documents.	• October 2018 - January 2019 for 'beta' rollout, adding further functionality if necessary. • All new cases logged on MiCase from January. Current tracker will remain live for legacy requests until April 2019. • November 2018.
Recommendation 5: Case handling		
The Scottish Government revised case-management process will set out clear roles of all those involved. A new suite of learning products for staff, including targeted training and improved record keeping.		
(i) Review the approach to allocating requests to case handlers to ensure there are sufficient trained and experienced personnel to handle FOI requests	• Move to a more centralised case-handling model, focused primarily at Directorate level as identified at recommendation 1. • (As at rec 1) Directors will be responsible for	• September 2018 - September 2019 • September 2018 - September

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	certifying that staff have appropriate levels of training and experience to undertake their role. • FOI Unit to take responsibility for allocation of requests, assessing cases (including initial triage to identify sensitive or exceptionally complex cases) before allocation to reduce avoidable delay, compliance and quality issues.	2019 • January 2019 (end of MiCase rollout)
(ii)　　Review the FOI training system in the Scottish Government and maintain training records in an accessible format (other than in individual personnel records).	To deliver competent and consistent replies to all requests for information: • FOI e-learning package to be completed by all staff annually - to include capacity to issue reminders when training due and maintain an electronic record of completion. • Develop a training package tailored to support staff in the specific roles of case-handler, reviewer and approver to build FOI experience and capability. Staff will be required to complete training and maintain skills through practice standards (volume of caseload on a 6 monthly basis). • Review and streamline existing guidance and migrate the content to Saltire.	• Part of Digital Transformation Project on SG Learning (timings to be confirmed). • To be delivered in conjunction with implementation of the revised case-handling model. • Ongoing discussions with Corporate Comms
Recommendation 6: Monitoring FOI requests		
The Scottish Government's MiCase system will provide real-time monitoring and tracking information as well as providing Management Information reports to senior staff.		
(i)　　Ensure that FOI monitoring information: (a)　　Includes timescales for clearance (referral and response) (b)　　Is consistent with the s60 Code of Practice	• MiCase tracking of clearance/comments, which are saved into eRDM, will provide an audit trail and management information. • MiCase reports will be consistent with the s60 Code of Practice. • This also links to the proposed Statement of Compliance and FOI Submission template outlined for Recommendation 1 above.	• From October 2018. All new cases on MiCase from January 2019.

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(ii) Both the Executive Team and individual Directorates should monitor FOI performance.	The SG's revised Balanced Scorecard performance reporting provides: • 3 monthly rolling totals for each DG, comparing current and previous 3 months (inclusive of a two month overlap). Considered at bi-monthly Corporate Board meetings. • Directorate trends in previous 3 months, plus latest report of monthly performance. Discussed at quarterly DG Assurance meetings. • MiCase includes a dashboard providing real-time information on the status of cases, plus a facility to subscribe to performance reports. • The FOI Unit will engage with MiCase to consider how broader internal reporting, in line with part 2 of the s60 Code, might be achieved.	 • In place. • In place. • From October 2018, fully available after completion of rollout. • After MiCase rollout.
Recommendation 7: Reviews		
The Scottish Government will ensure its reviews are carried out on an impartial and objective basis.		
(i) Reappraise review procedures to reduce the risk that reviewers have had involvement in the handling of the original request.	• SG guidance on reviews already states that 'the reviewer should, where possible, be someone who was not involved in the original decision but has sufficient knowledge of the subject.' This policy and associated guidance is generally followed across the office, but will be reviewed and promoted through staff communications activity. • New case management process and roles, plus the proposed Statement of Compliance, will improve this further, with the aim of ensuring practice conforms with the s60 Code.	• Partly in place. Complete by November 2018 • September 2018 - September 2019