

CODE OF PRACTICE ON ACCESS TO SCOTTISH EXECUTIVE INFORMATION REPORT ON THE CALENDAR YEAR 2000

PART 1

GENERAL CORRESPONDENCE VOLUMES

The number of formal Code request that have been received represents only a very small proportion of the amount of correspondence that is disseminated each year by public authorities. Examples of the general level of correspondence handled in 2000 are given below

- ◆ Scottish Executive (over 34,500 items of ministerial correspondence)
- ◆ Scottish Environment Protection Agency (185,000 items)
- ◆ Scottish Legal Aid Board (1,204,000 items)
- ◆ Scottish Public Pensions Agency (110,000 items excluding system generated information)
- ◆ Scottish Natural Heritage (70,000 items)

DETAILS OF FORMAL CODE REQUESTS RECEIVED

The Code applies to, and informs the handling of all requests for information – whether or not applicants specifically state that their request is under the Code. However for the purposes of monitoring Code requests are defined as those which specifically mention the Code; or for which a charge or standard fee is paid; or for which information is refused under one or more Code exemptions.

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|---------------------------------|------------------------------------|
| ◆ Number of Formal requests | 44 |
| ◆ Information provided | 37 (+ 2 requests partially met) |
| ◆ Information withheld | 7 (incl. 2 requests partially met) |
| ◆ Charges made | 25 |
| ◆ Requests dealt within 20 days | 38 |

Sources of requests

- | | |
|---------------|----|
| ◆ Individuals | 12 |
| ◆ Charities | 1 |
| ◆ Business | 31 |

Appeals against non-disclosure of information

Under the Code applicants can appeal against the way that the public authority has handled their request for information. In the first instance they should ask the public authority to review its decision. If the applicant is dissatisfied with the response from the public authority they can through a Member of the Scottish Parliament ask the Scottish Commissioner to investigate their complaint.

◆ Internal Reviews	6
◆ Outcome of Internal Reviews	decision upheld - 2 Information released - 4
◆ Cases investigated by Scottish Commissioner	0

Examples of Information Provided under the Code

- ◆ Fisheries management, fish stocks affecting environmental issues relating in the main to oil exploration in the North Sea.
- ◆ Details of an individual's superannuation history.
- ◆ Details of cereal certification.

Examples of Information withheld under the Code

- ◆ Information relating to a public appointment.
- ◆ Information whose disclosure is prohibited under another enactment.

PART II

Other Code Provisions: Information volunteered by Public Authorities

The Code of Practice on Access to Scottish Executive Information commits public authorities to volunteer information, as well as answering requests. This part of the report provides examples of the proactive release of information or other open government developments.

Facts and Analysis with Major Policy Announcements

Scottish Executive

- Budget documents supporting the Budget Bill and documents supporting Budget revisions;
- The text of responses (and analysis of the responses) to the consultation paper *Improving Scottish Family Law*;
- As background to the Minister for Transport and the Environment's statement on 27 April 2000 that ferry services currently operated by Caledonian MacBrayne will be put to competitive tender two reports by Deloitte and Touche on "Options for Gourock- Dunoon" were placed in the public domain;
- Review of Scottish Executive support to Local Learning Partnerships published on 31 March 2000;
- Guidance on the implementation in Scotland of the EC Habitats and Birds Directives published to coincide with the Ministerial list of proposed Special Areas of Conservation under the Habitats Directive;
- Scottish Climate Change Programme – copies of programme and summary published on day of announcement in Parliament;
- Review of the Regulatory Burden: IACS and Inspections in Scotland – Report by the Scottish Red Tape Review Panel published with News Release
- "The Way Forward for Care " Policy Position paper published in July 2000;
- Action plan for dental service in Scotland published;
- Social Justice annual report – separate technical document published providing more detailed data, definitions of indicators and background information;
- Publication of the report on the quality Improvement Review of Cervical Screening Call/Recall arrangements in Scotland

Scottish Environmental Protection Agency

- SEPA Planning protocol –*Development at Risk of Flooding* – Advice and consultation;

Scottish Natural Heritage

- Corporate Strategy and summary leaflet published in September 2000;

General Register Office for Scotland

- Executive notes published for Census (Scotland) Order 2000, Census (Scotland) Regulations 2000, Census (Amendment) (Scotland) Order 2000 and the Census (Amendment) (Scotland) Regulations 2000.

Reasons with decisions

Scottish Executive

- When sites are classified as Special Protection areas under the EC Birds Directive or proposed as Special Sites of Conservation under the EC Habitats Directives, reference is made to the relevant directive as the reason for the decision;
- Explanations are provided in relation to allocations of funding under the Rough Sleepers Initiative;

Crofters Commission

- All decisions made under the Crofters (Scotland) Act 1993 are accompanied by reasons;

Scottish Legal Aid Board

- Detailed reasons are given for refusal of criminal applications.

Publication of Internal Guidelines

Scottish Executive

- The Scottish Ministerial Code;
- A Guide to Collective Decision Making;
- Internal guidance relating to consents under section 34 of the Coast protection act 1949;

Scottish Environmental Protection Agency

- Guidance on web-site includes material on new contaminated land regime and Ponds, Pools and Lochans –joint publication with Pond action as part of Habitat Enhancement Initiative;

Scottish Public Pensions Agency

- Guide to the Agency's Internal Dispute Resolution procedures;

Crofters Commission

- All policy on interpretation of the Crofters (Scotland) Act 1993 is subject to consultation and subsequently made available to interested parties;

Scottish Legal Aid Board

- Criminal accounts assessment manual (solemn cases and non fixed payment summary cases)- Advice and Assistance Guidelines;

Other Open Government developments during 2000

Scottish Executive

- Development of a web-site for the Homelessness Task Force. All minutes and papers for the Task Force are published on the website;
- All documents of the Confidentiality and Security Advisory Group_for Scotland (which provides advice on the confidentiality and security of personal health related information to the Scottish Executive, health care professionals and the public) are published;
- In April 2000 the discussion document "*A Forward strategy for Scottish Agriculture*" was published. This was a discussion document to promote debate and discussion about the wide area of policy relating to agriculture and its wider role in Scotland. This was followed up by a major conference in June 2000 to discuss issues raised in the Document and a programme of 6 evening discussion groups around the country attended by the Minister for Rural Development.

Scottish Environmental Protection Agency

- Website redesigned to make information more accessible to public. 23 entries for environmental datasets placed on Government Information Asset register;

Scottish Natural Heritage

- Meetings of the Board and Committees of SNH have been held in public since November 1999. During 2000 two new developments were introduced. Board papers are now available on the SNH website 7 days in advance of the meeting. The public can now make written representations on agenda items in advance of the meeting. These are included in consideration of that item during the meeting;

General Register Office for Scotland

- Now contains a wide variety of information about the functions of GROS including Registration and Census;

Scottish Legal Aid Board

- The Board held open meetings in Edinburgh, Glasgow, Aberdeen, Inverness and Dumfries. Open meetings for Solicitors also held throughout Scotland.

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