

INTERNAL AUDIT SERVICES
REPORT REF No 2017/18 - 001
(November 2017)

**Loch Lomond & The Trossachs
National Park Authority**
**Freedom of Information &
Environmental Information Regulations
Audit**



West Dunbartonshire ~ from the banks of Loch Lomond to the shores of the Clyde



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Personnel referred to in this report :

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Laura Baird: Information Officer (Loch Lomond National & The Trossachs National Park Authority)

Michael Brennan: Internal Auditor (West Dunbartonshire Council)

Auditor: Michael Brennan

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1. **AUDIT REPORT SUMMARY**

1.1 General

An audit was conducted on Freedom of Information & Environmental Information Regulations and we are pleased to report that the systems examined are working effectively.

The review highlighted that opportunities exist to strengthen internal controls and enhance the service provided, the most important of which is listed below;

- Agree and approve the new policy on Freedom of Information as soon as possible.

The Audit also highlighted areas of good practice as follows;

- Appointment of Information Officer;
- New Website;
- Quality of Logs Maintained;
- Time scales consistently meet;
- Training Provided to all staff; and
- Favourable Comparisons with other Organisations.

Full details of these opportunities and any other points that arose during the audit are included in the Action Plan, which forms Section 3 of this report.

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2. MAIN REPORT

2.1 Introduction

An audit was carried out on compliance with Freedom of Information (FOI) and Environment Information Regulations (EIR) as legislated by the Scottish Government as part of Internal Audit's Planned Programme of Audits for 2017/18.

2.2 Scope and Objectives

2.2.1 An audit launch meeting was held with Jaki Carnegie, Catriona Morton, Laura Baird, Colin McDougall and Michael Brennan to agree the scope and objectives of the audit. The scope was signed off by Jaki Carnegie, Director of Corporate Services for Loch Lomond & The Trossachs National Park Authority. The scope is detailed below.

2.2.2 The policy and procedures documentation was reviewed to confirm robustness and completeness. The following documents were reviewed:

- Compliance of Policies & Procedures with Legislation;
- Publication Scheme FOI/EIR statistics and reporting processes;
- FOI/EIR Training); and
- Comparison of the Park to other organisations as regards the number of staff relative to the number of FOI/EIR requests, training provided to staff, and appeal of cases to Information Commission.

2.2.3 A review of the Park Authority's web site was carried out to establish compliance with Scottish Government legislation as regards publishing details of the Authority's policies on Freedom of Information and Environmental Information Regulations. This included an examination of the Park Authority's Publication Scheme and Guidance to ensure that they complied with the Model Publication Scheme published by the Scottish Information Commissioner which was adopted by the Park Authority.

2.2.4 A sample of Freedom of Information and Environmental Information Regulations requests made to the Park Authority were tested to establish if responses were made within the time limits set by legislation. The sample was also tested to ensure that, where information requested was not supplied or partially withheld, the exception applied for doing so was correctly applied.

2.2.5 A review of training provided to all staff of the Park Authority was completed. This was to ensure that all of the Park Authority's staff understood the importance of Freedom of Information and Environmental Information Regulations legislation when dealing with the public.

2.2.6 The qualifications of and work undertaken by the Information Officer was reviewed. This included an examination of the records maintained to ensure that all Freedom of Information and Environmental Information Regulation requests are logged and answered on time.

2.2.7 A comparison was made with other Public organisations, employing one Information Officer, similar to that of the Park Authority. The statistics compared included, number of requests received, responses made on time and number of reviews and appeals made.

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2.3 FINDINGS

- 2.3.1 The findings are based upon evidence obtained from sampling/substantive testing.
- 2.3.2 The audit was conducted in conformance with the Public Sector Internal Audit Standards (PSIAS).
- 2.3.3 This report details all points arising during the audit review, full details of which are included in the Action plan contained within Section 3 of this report. We stress that these are the points arising via the planned programme of work and are not necessarily all of the issues that may exist.
- 2.3.4 The factual accuracy of this report has been verified by the Officers involved in the audit.
- 2.3.5 In 2016/17 a total of 116 requests were received by the Park Authority consisting of 22 Freedom of Information requests and 94 Environmental Information Regulation requests. All of the requests were responded within the time limit set by the Scottish Information Commissioner. Exceptions were applied to 38 of the requests (35 EIR and 3 FOI). In the first quarter of 2017/18 up to the end of June there have being 22 requests received (16 EIR and 6 FOI).
- 2.3.6 Of the 94 EIR requests in 2016/17, 8 were subject to a review of which 7 were fully or partially upheld. One EIR review was appealed to the Scottish Information Commissioner and was partially upheld. One of the 22 FOI requests received in 2016/17 was subjected to review and was partially upheld. In the first quarter of 2017/18 7 of the 16 EIRs and 1 of the 6 FOIs requests received were subject to reviews. The result of one review was appealed to the Scottish Information Commissioner. The appeal was withdrawn on submission of additional information to the requester.
- 2.3.7 The audit established that there is comprehensive training on Freedom of Information and Environmental Information Regulations provided to all staff. All new staff are provided with training by the Information Officer as part of their induction to the Park Authority. The Park Authority has recently included on the Park Authority's Intranet an e/learning module which is available to all staff and which they are expected to access every two years. The auditor interviewed three of the Park Authority's staff and confirmed they had a good understanding of the importance of FOI/EIR requests and they were aware of the e/learning module available.
- 2.3.8 In the auditor's opinion there is an efficient system in place for recording and tracking requests received by the Park Authority. The logs maintained for EIR and FOI requests clearly show all requests received, information requested, exceptions if relevant and date response required and supplied. All logs were found to be up to date at the time the audit was carried out
- 2.3.9 The auditor was requested by the Park Authority to undertake a comparison of the Park Authority to other organisation as regards, the number of staff relative to number of requests, training provided to staff, appeal of cases with the Scottish Information Commissioner. The auditor compared the statistics of the Park Authority with six other Public Bodies for the calendar year 2016 from information publically

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available from the Scottish Information Commissioner's office. Each of the Public Bodies employs one staff member to manage FOI and EIR requests as does the Park Authority.

	FOI	EIR	Total	Response on Time	Reviews	Review Wholly/Partially Upheld
National Museum of Scotland	24	1	25	25	1	1
Royal Botanic Gardens Edinburgh	10	0	10	10	0	0
Bòrd na Gàidhlig	12	0	12	12	3	3
Highlands & Islands Enterprise	73	5	78	73	4	3
Scottish Water	104	398	502	485	2	3
Visit Scotland	21	0	21	20	1	1
Park Authority	22	94	116	115	9	9

2.3.10 In 2016/17 The Park Authority had the result of one review appealed to the Scottish Information Commissioner which was partially upheld. The Botanic Gardens also had one review appealed to the Scottish Information Commissioner. That appeal was upheld. Scottish Water was the only one of the six Public Bodies compared to the Park Authority that receives more FOI/EIR requests than the Park Authority. The Park Authority has a greater number of its responses submitted to review than each of the other Public Bodies compared to it. A number of the reviews were partially upheld where clarification or additional information was requested. The level of reviews requested in the first quarter of 2017/18 was 8 from a total of 22 requests.

2.3.11 Audit would like to thank all staff involved in the audit process for their time and assistance.

3. Action Plan: National Park - Freedom of Info & Env Info Reporting S.024.18

Ref. No.	Finding	Recommendation	Priority	Management Comment	Manager Responsible	Date to be Completed
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1.	<p><u>FOI Policy</u> The Park Authority's Policy on Freedom of Information & Environmental Information issued in 2012 took the form of step by step procedures for individual staff to follow on receipt of an FOI request and how to respond to the request. The Park Authority's Information Officer has prepared a new Freedom of Information policy in draft form. This draft policy meets the requirements of the Scottish Information Commissioner's Office. A timetable has being prepared for this new policy to receive executive approval and be implemented by 7th December 2017.</p>	<p>It is important that the Parks Authority agree and approve the new policy on Freedom of Information as soon as possible.</p>	Low Risk	<p>The new FOI Policy has been assessed by the Policy Review Group. It will be signed off by the Executive Team and fully implemented in December 2017.</p>	Laura Baird	December 2017
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Appendix 1. Priority Levels

Recommendations have timescales for completion in line with the following priorities.

Priority	Expected implementation timescale
<p><u>High Risk:</u> Material observations requiring immediate action. These require to be added to the risk register of a Service (Council context).</p>	<p>Generally, implementation of recommendations should start immediately and be fully completed within three months of action plan being agreed</p>
<p><u>Medium risk:</u> Significant observations requiring reasonably urgent action.</p>	<p>Generally, complete implementation of recommendations within six months of action plan being agreed.</p>
<p><u>Low risk:</u> Minor observations which require action to improve the efficiency, effectiveness and economy of operations or which otherwise require to be brought to the attention of senior management.</p>	<p>Generally, complete implementation of recommendations within twelve months of action plan being agreed.</p>

Note: About this report

This Report has been prepared on the basis set out in the Memorandum of Understanding (MOU) between the National Park Authority as the Client and West Dunbartonshire Council (WDC) as the provider of Internal Audit services. Nothing in this report constitutes a valuation or legal advice. We have not verified the reliability or accuracy of any information obtained in the course of our work, other than in the limited circumstances set out in the MOU. This Report has been prepared for the benefit of the Client only. This Report has not been designed to be of benefit to anyone except the Client. In preparing this Report we have not taken into account the interests, needs or circumstances of anyone apart from the Client, even though we may have been aware that others might read this Report. This Report is not suitable to be relied on by any party wishing to acquire rights against WDC, other than the Client for any purpose or in any context. Any party other than the Client that obtains access to this Report or a copy (under the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 through the Client's Publication Scheme or otherwise) and chooses to rely on this Report (or any part of it) does so at its own risk. To the fullest extent permitted by law, WDC does not assume any responsibility and will not accept any liability in respect of this Report to any party other than the Client. In particular, and without limiting the general statement above, since we have prepared this Report for the benefit of the Client alone, this Report has not been prepared for the benefit of any other public sector body nor for any other person or organisation who might have an interest in the matters discussed in this Report, including for example those who work in the public sector or those who provide goods or services to those who operate in the public sector.