

Registers of Scotland

RoS Board

14/15 March 2024

Transparency Review: Board Paper Publication

Purpose

1. To report on a review of RoS Board paper publication, covering papers submitted to Board meetings held December 2022 to September 2023 (inclusive), with comparisons to previous years.

Recommendation

2. RoS Board to note the findings of the review.
3. Where annexes are withheld and the covering paper does not cover matters of substance, both the paper and annexes should be withheld from publication.

Background

4. In support of the RoS commitment to openness and transparency, papers submitted to meetings of the RoS Board have been published since June 2020 (previously only minutes were published). Where a paper contains sensitive information, an exception is available whereby the paper is noted as 'taken in private' and withheld from publication. This requires an appropriate Freedom of Information (Scotland) Act exemption to be cited.

5. A review is carried out annually to report on the operation of this process and whether exemptions used to take papers in private are being applied appropriately.

Board Paper Publication Review

6. Each paper taken in private was assessed to see whether the content of the paper could be considered sensitive enough to create risk if it was published, and whether the cited exemption was relevant to the subject of the paper. This assessment was used to note any patterns or inconsistencies in how the process is operating.

7. Summary of main findings:
 - The majority of papers (65%) were published in full or with annexes removed.
 - The highest proportion of papers were published from the December 2022 meeting (73%) and the lowest from the September 2023 meeting (55%).
 - Of the 25 papers taken entirely in private, 6 related to drafts or interim figures where the final draft or version would be published.
 - The most cited reason for not publishing papers is free and frank exchange of views.
 - Exemptions were found to have been applied consistently.

8. On review, all decisions to take papers in private were supported. However, some inconsistency was found when withholding annexes.

9. The inconsistency is apparent where the paper is purely presenting the annexes, with no points of substance included in the body of the paper. In some instances, the paper and annexes are both withheld and in others only the annexes are withheld. In these cases, the paper itself offers minimal value compared with the information provided in the title of the agenda item and the minutes of the meeting (which are published in full). It is therefore recommended that in these cases the paper and annexes are both withheld.

10. Page view numbers are given in Annex A. Board minutes have higher viewing figures than papers and the highest viewing figures were for the March meeting. Based on the topics covered at that meeting, there is no obvious rationale for the higher figures.

11. There have been no instances of further requests, such as Freedom of Information requests, being linked to publishing Board papers.

Analysis over time

12. Since Board paper publication began, over half of papers from each meeting have been published, with proportions ranging from 53% from the August 2020 meeting to 85% from the February 2020 meeting. The overall average percentage of papers published from Board meetings is 67.

13. A comparison of the statistics from each meeting showed that the August/September meetings have the lowest percentage of papers published. These meetings tend to have a high proportion of agenda items focussed on planning and reporting on the previous year's effectiveness.

Process improvements

14. The last review noted that Communications colleagues wished to streamline the publication process to reduce the resource time required. Some automation has been introduced into the process, but Communications intend to make additional changes to further reduce the time required.

Conclusion

15. The high proportion of papers being published from Board meetings demonstrates RoS commitment to openness and transparency, and our compliance with the Freedom of Information (Scotland) Act.

16. Authors appropriately chose when to take items in private based on the sensitivity of the information within the paper.

17. No significant trends or patterns were found.

Head of Information Governance

7 February 2024

Annex A: Statistics relating to Board paper publication

Number of papers published by meeting:

Meeting	Papers submitted	Published in full	Published in part	Taken in private (TIP)	TIP - final draft published
Dec-2022	15	7	4	3	1
Mar-2023	18	12	0	6	0
Jun-2023	19	11	2	6	0
Sep-2023	20	8	3	9	0
Totals	72	38	9	24	1

Reasons cited for non-publication:

Reason	Times cited
Free and frank provision of advice or exchange of views	16
Information intended for future publication	6
Paper contains third party proprietary information	3
ARC papers	6
No exemption quoted	2

Review of exemptions applied:

Meeting	Papers taken in private (full or part)	Decision upheld on review
Dec 2022	7	7
Mar 2023	6	6
Jun 2023	7	7
Sep 2023	12	12
Totals	32	32

Page views of published Board papers by meeting (figures from publication to 5 February 2024)*:

Meeting	Papers	Minutes
Dec 2022	63	154
Mar 2023	78	215
Jun 2023	31	81
Sep 2023	**	**
Total	54	223

**Figures shown here are higher than previous reviews. This is in part due to a change in the analytics used to gather the statistics which has increased the accuracy of the figures.*

***Papers from the September meeting had not yet been published at the time of the review.*

Comparison of publication from equivalently timed Board meetings

Meeting	Year	Papers submitted	Published (full or part)	% Published
Feb/March	2020	13	11	85
	2021	18	14	78
	2022	16	10	63
	2023	18	12	67
May/June	2020	17	14	82
	2021	17	11	65
	2022	12	10	83
	2023	19	11	58
Aug/Sept	2020	17	9	53
	2021	16	9	56
	2022	16	10	63
	2023	20	11	55
Nov/Dec	2020	12	9	75
	2021	19	11	58
	2022	15	11	73