Registers of Scotland

RoS Board

14 March 2023

Transparency Review: Board Paper Publication

Purpose

1.   To report on a review of RoS Board paper publication, covering papers submitted to Board meetings held September 2021 to September 2022 (inclusive), with comparisons to findings reported at the February 2022 EMT and March 2022 Board meetings.

Recommendation

2.   That the RoS Board note the findings of the review.

Background

3.   Following the conclusion of the RoS Transparency Project, a process to publish papers from RoS Board meetings was introduced, allowing for papers containing sensitive information to be 'taken in private' and not published.

4.   Publication began with papers from the February 2020 Board meeting which were published on the RoS website in June 2020. A review was carried out and reported to EMT in February 2022 where it was agreed this should be repeated annually.

Board Paper Publication Review

5.   For each paper taken in private, this review assessed 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 then used as a basis to note any patterns or inconsistencies in how the process is operating.

6.   Summary of main findings:

   a. The majority of papers (63%) were published in full or with annexes removed.
   b. Of the meeting papers reviewed, there were fewest (56%) papers published from the September 2021 meeting and most (83%) from the June 2022 meeting.
   c. Of the 29 papers taken entirely in private, 7 (24%) related to drafts or interim figures where the final draft or version was published.
   d. The most cited reason for not publishing papers is free and frank exchange of views.
   e. Exemptions were generally found to have been applied consistently.

7.   Reviewers agreed with 93% of decisions to take items in private, meaning two decisions were questioned. These were:
   a. A Corporate plan/roadmap update from September 2021 which contained no detail of the plan contents, but focussed on the methods to be used to create and monitor the plan.
   b. People statistics from December 2021. These were high level statistics which arguably could have been published with minimal risk – *This paper has now been identified as one of a set of annexes and therefore not suitable for publication in isolation.*

8.   During the timeframe covered by this review the Information Governance team received one request for advice relating to the publication of a paper being drafted.

9.   Statistics on page views for published papers are summarised in Annex A. Viewing figures are relatively low compared with other pages on the RoS website. The Communications team have estimated that two days of resource were required for the publication process for the most recent set of Board papers. This may not be considered to provide a good return on investment, but as the papers are published to comply with the Scottish Information Commissioner's (SIC) Model Publication Scheme, this is not the main consideration.

10.   There have been no instances of further requests, such as Freedom of Information (FOI) requests, being received as a direct result of publishing Board papers.

11.   There has been one instance where the Information Governance team were able to include a link to a published paper to provide information requested under FOI.

Comparison to previous review

12.   Results of this review were compared to results previously reported, including comparisons of publication from equivalently timed meetings. No significant patterns were found, although the statistics do show that, to date, the February/March and May/June meetings tend to have more papers published than meetings held during the rest of the year.

13.   Since publication began, the proportion of papers published in whole or in part ranges from 53% to 85%, with the highest and lowest figures coming from the period of the previous review. The overall average proportion of papers published from Board meetings is 69%. This demonstrates that the majority of papers are regularly being published.

Process improvements

14.   Improvement actions recommended at the last review are now complete, these are:
   • Amendments to exemptions information in the RoS writing for publication guidance
   • Amendments to the Board paper cover sheet to include options to indicate that papers can be published:
      o With annexes removed
      o After a stated date

15.   Due to the level of resource currently required to publish each set of Board papers, the Communications team will look at their process for this to investigate opportunities for streamlining and will work with the Head of Information Governance on any proposals that would affect publication, such as grouping papers rather than publishing each individually.

Conclusion

16.   Since the process for publication was introduced, a large proportion of Board papers have been published. This demonstrates compliance with the SIC Model Publication Scheme and our commitment to openness and transparency.

17.   The review found that in most cases authors appropriately chose when to take items in private based on the sensitivity of the information within the paper.

18.   No significant trends or patterns have been noted, but it is possible that these will emerge over time.

Head of Information Governance
23 February 2023

Annex A: Statistics relating to Board paper publication

Breakdown of number of papers published by meeting

Meeting	Papers submitted	Published in full	Published in part	Taken in private (TIP)	TIP - final draft published
Sept 2021	16	7	2	6	1
Dec 2021	19	10	1	6	2
Mar 2022	16	6	4	4	2
June 2022	12	5	5	2	0
Sept 2022	16	8	2	4	2
Totals	**79**	**36**	**14**	**22**	**7**

Reasons cited for non-publication

Reason	Times cited
Free and frank provision of advice or exchange of views	17
Information intended for future publication	4
Paper contains third party proprietary information	1
ARC papers	7

Review of exemptions applied

Meeting	Papers taken in private (full or part)	Decision upheld on review
Sept 2021	7	6
Dec 2021	8	7
Mar 2022	6	6
June 2022	2	2
Sept 2022	6	6
Totals	**29**	**27**

Unique page views of published Board papers by meeting (figures to January 2023)

Meeting	Papers	Minutes
Sept 2021	43	67
Dec 2021	44	0
Mar 2022	77	0
June 2022	14	46
Sept 2022	23	24
Total	**201**	**137**

Comparison of publication from equivalently times 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
May/June	2020	17	14	82
	2021	17	11	65
	2022	12	10	83
Aug/Sept	2020	17	9	53
	2021	16	9	56
	2022	16	10	63
Nov/Dec	2020	12	9	75
	2021	19	11	58