



**Office of the Comptroller and Auditor General**

**Arrangements for Freedom of Information: Follow-up**

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JERSEY AUDIT OFFICE

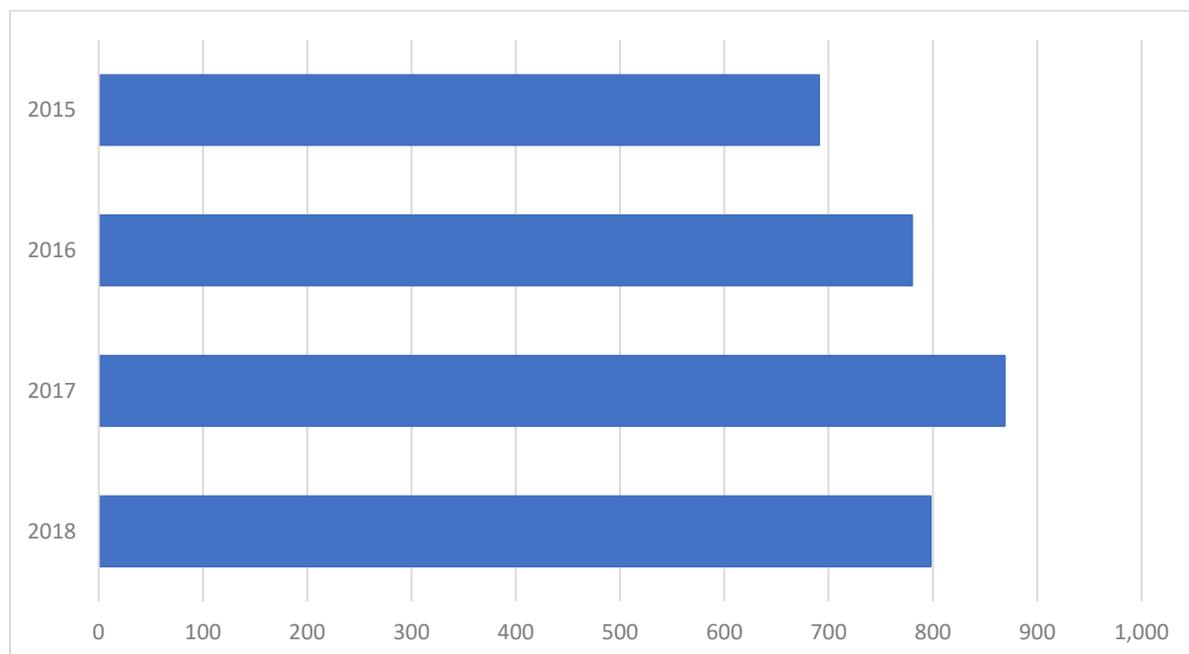
**R.61/2019**

## Arrangements for Freedom of Information: Follow-up

### Introduction

- 1.1 The Freedom of Information (Jersey) Law 2011 (the Law) came in to force on 1 January 2015 replacing the previous Code of Practice on Public Access to Official Information. The law was introduced to provide access to public information to individuals and organisations except when there is a good cause not to.
- 1.2 From 2015 to 2018 the States received a total of 3,138 Freedom of Information (Fol) requests, an average of 784 requests per year (see Exhibit 1).

### Exhibit 1: Number of Fol requests



Source: email from the Office of the Chief Executive, 3 May 2019

- 1.3 In March 2016 I reported the findings of my review of the arrangements for Fol. I concluded that the States had established arrangements that allowed substantial compliance with their statutory responsibilities under the Law and had improved document archiving. However, I also highlighted that:
  - Fol is one element of information management and cannot be seen independently of the other elements. Essential preconditions for effective Fol handling include good data and records management. I reported that in some of these areas the States had much work to do; and
  - effective Fol handling requires appropriate policies, procedures, systems, guidance and training. In my 2016 report I concluded that, in some areas, such as information systems, training and understanding costs, there was significant work to do. I reported that the reduction in the resources for the

central FOL team, and therefore the support for departmental staff, meant that:

- there was a need for a clear and documented understanding of the split of responsibilities between ‘the centre’ and the departments;
- clarity in processes, good guidance and effective training was even more important; and
- there was a risk that corporate learning from FOL handling would be lost.

1.4 The Public Accounts Committee (PAC) received the Executive response to the recommendations in my report in August 2016. The response fully accepted all but one of my recommendations and partially accepted the remaining recommendation. The response to PAC set out the action that management planned to take to implement them.

### **Objectives, scope and approach**

1.5 The objectives of the review are to evaluate:

- the progress the States of Jersey have made in implementing agreed recommendations;
- the extent to which the recommendations as implemented have addressed the improvement areas identified in the report; and
- the adequacy of plans for the implementation of any outstanding recommendations.

## Progress in implementation of recommendation

- 2.1 In undertaking the review, I looked at the areas identified in my 2016 report (Exhibit 2).

### Exhibit 2: Focus of my work



### ***Structure, roles and responsibilities***

- 2.2 Effective handling of Fol requests requires clear structures, roles and responsibilities appropriately communicated.
- 2.3 At the time of my 2016 review, the Central Fol Unit was part of the Information Management team within the Information Services Department (ISD), part of the Chief Minister's Department (CMD). It was responsible for a variety of Fol activities on behalf of the States of Jersey. As part of the move to the new Target Operating Model (TOM) from June 2018 the Central Fol Unit has become part of the Chief of Staff's team within the Office of the Chief Executive.
- 2.4 Each department has a designated point of contact officer. Point of contact officers perform this function in addition to their substantive role and support other officers by co-ordinating responses within their department. Points of contact are kept under review as a result of staffing changes, including as a result of the move to the Target Operating Model.
- 2.5 Exhibit 3 outlines progress in implementing recommendations in this area. I am concerned that, although the States are now considering an electronic records and data management system, there is no clear timetable for making a decision.

**Exhibit 3: Structure, roles and responsibilities: progress in implementing recommendations**

Recommendation	Action	Evaluation
<p><b>R1 Develop clear and detailed transition plans for the handover of responsibilities from the central Fol unit to the Chief Minister’s Department.</b></p>	<p>There was a smooth transition of the Central Fol Unit into mainstream activity. The States issued a policy document setting out the roles of the Central Fol Unit and point of contact officers with departments.</p>	<p><b>Implemented</b></p>
<p><b>R2 Within the context of the overall information governance strategy, undertake a cost benefit analysis to identify whether an IT solution is needed for electronic records management.</b></p>	<p>A business case was drafted to review the Customer Relationship Management (CRM) system that has already been implemented by certain departments and evaluate the option of rolling out across the States. The business case was not finalised.</p> <p>The States are now considering an electronic data and records management system (EDRMS) as a solution for electronic records management. There is no evidence that a clear timetable has been developed for making a decision on this option and, if appropriate, implementation of the solution.</p>	<p><b>Not implemented</b></p> <p>The draft business case was not finalised.</p>

***Arrangements for request handling***

- 2.6 Effective arrangements for request handling are dependent on appropriate guidance and procedures for the staff involved.
- 2.7 The Central Fol Unit developed extensive guidance when the Law came into force and updated it to cover receipt of requests, logging enquiries, appeals, how to deal with multi-department requests and what to do when an exemption applies.
- 2.8 My report recommended that the States undertake a cost benefit analysis to determine whether investment in an IT solution for managing Fol workflows as required. This analysis was undertaken but a final decision on whether an IT solution is needed to manage Fol workflows has not been taken.
- 2.9 Progress in implementing my recommendations in this area is set out in Exhibit 4.

**Exhibit 4: Arrangements for request handling: progress in implementing recommendations**

Recommendation	Action	Evaluation
<p><b>R3 Update the operating manual to reflect the changes to handling Fol enquiries that cover the receipt of requests, logging enquiries, appeals, how to deal with multi-department requests, and what to do when an exemption applies.</b></p>	<p>The Central Fol Unit developed a guidance manual which was updated in October 2015 and is available on the States' intranet. The guidance manual has been reviewed and updated for changes as a result of implementing the Target Operating Model.</p>	<p><b>Implemented</b></p>
<p><b>R4 In the context of wider decisions on information management investment, review the information systems used for managing Fol and undertake a cost benefit analysis on whether investment in an IT solution for managing Fol workflows is justified.</b></p>	<p>The Central Fol Unit worked with lean practitioners to produce a cost benefit analysis on whether investment in an IT solution for managing Fol workflows was justified. This led to the conclusion that a cheaper Sharepoint based solution was sufficient.</p> <p>Sharepoint is now the only system used in the management of Fol requests making processes less labour intensive.</p> <p>The final decision on whether further investment for managing Fol workflows is required was not clearly documented.</p>	<p><b>Not fully implemented</b></p>

## **Records management standards**

- 2.10 Records management standards are important in maintaining data generated during the course of business in a consistent way across the organisation. They are important for regulatory compliance and organisational management.
- 2.11 In my 2016 report, I noted progress was slow in implementing records management arrangements. I highlighted in particular that:
- although a records management policy was approved in April 2015, supporting policies on information classification and email records management remained in draft;
  - a draft records management strategy was developed but was at the early stages of implementation;
  - a delivery plan, with clearly identified actions, responsibilities and timescales was being developed; and
  - a programme of work for some aspects of records management was in place, particularly focussing on the completion of retention schedules.
- 2.12 In 2016 the newly appointed Corporate Records Manager developed a records management strategy. A review of that strategy commenced in 2018 and fed into the development of the ISD Digital Strategy.
- 2.13 However, since my report progress in the implementation of my recommendation has been slow. Although there was a focus on developing the records management strategy and associated policy and updating retention schedules, there was no detailed approved action plan to deliver this change (see Exhibit 5). Progress was dependent on the staff in post.

### **Exhibit 5: Records management standards: progress in implementing recommendation**

<b>Recommendation</b>	<b>Action</b>	<b>Evaluation</b>
<b>R5 Ensure that the records management delivery plan contains clearly identified actions, responsibilities and timescales and that there is effective monitoring of its implementation and corrective action is taken where necessary.</b>	<p>A draft delivery plan was developed in 2016. However there is no evidence that this was finalised.</p> <p>A revised plan of action is being developed but this has not been documented.</p>	<b>Not implemented</b>

### **Training and Awareness**

- 2.14 Training and raising awareness of the requirements of the Law was a key strand to the effective introduction of Fol.
- 2.15 The States undertook a comprehensive programme of training prior to introduction of the Law. In my 2016 report I recommended the provision of comprehensive training for all relevant staff on records management as well as Fol to enhance understanding of responsibilities for and the tools available to support all stages of records management, rather than just responding to Fol requests received.
- 2.16 There is evidence that further training has been provided to point of contact officers involved in dealing with Fol. Basic training is available online and more advanced training is provided by an external supplier. In addition training has been provided to records management officers. However there is no evidence that an assessment has been undertaken on the effectiveness of training undertaken (see Exhibit 6).

### **Exhibit 6 Training and awareness: progress in implementing recommendation**

Recommendation	Action	Evaluation
<p><b>R6 Develop, deliver and monitor the impact of States-wide training programme on corporate records management including Fol.</b></p>	<p>Training has been provided to staff involved in Fol and records management. This includes basic and intermediate level training for records management officers.</p> <p>Basic training on Data Protection and Fol is available to staff, with more advanced training being offered by an external supplier as and when necessary.</p> <p>No impact assessment of the training has been undertaken.</p> <p>Further training is planned for records disposals officers. An assessment of the effectiveness of previous training would assist in the development of future training programmes in this area.</p>	<p><b>Not fully implemented</b></p> <p>Monitoring the impact of States-wide training on corporate records management including Fol is not well developed.</p>

### **Efficiency and effectiveness of request handling within departments**

- 2.17 Timeliness and the cost of Fol request handling provide valuable insights into the efficiency and effectiveness of request handling. At the time of my original report there were no plans to collect information on the time and cost of responding to Fol requests.

- 2.18 The States now collate information on the cost of Fol handling. The average cost is reported to management. However, it is less clear how this information has been used to assess the efficiency and effectiveness of handling Fol requests. No comparisons have been made with other jurisdictions.
- 2.19 My findings in this area are set out in Exhibit 7.

**Exhibit 7: Efficiency and effectiveness of request handling within departments: progress in implementing recommendations**

Recommendation	Action	Evaluation
<p><b>R7 Encourage departmental participation in the costing exercise to identify the cost of Fol handling.</b></p>	<p>The proforma used for collating Fol responses now includes a section to identify costs of collating the information. This has encouraged staff to record the time taken to deal with requests.</p> <p>Costing information is collated. However, this is a time intensive manual exercise that is completed at the time of responding to a Fol request.</p>	<p><b>Implemented</b></p> <p>However the process currently in place is manual and labour intensive.</p>
<p><b>R8 Use the results of the costing exercise to improve the effectiveness of Fol handling processes and identify any wider management issues.</b></p>	<p>A system for costing Fol requests was implemented in October 2018.</p> <p>As this is a recent introduction there is evidence of some analysis being undertaken but there is limited information at this stage to start to identify any wider management issues.</p> <p>No comparisons have been made with other jurisdictions to assess further scope for improvement.</p>	<p><b>Not fully implemented</b></p>

***Adequacy of arrangements for mainstreaming Fol across the States***

- 2.20 Fol links to other aspects of the wider information governance agenda, such as records management. Therefore it is important that there is a coherent strategy in place for Information Governance and records management that aids timely and accurate responses to Fol queries.
- 2.21 Links have been established between the Central Fol Unit and the information management that sits in a different department but much remains to be done (see Exhibit 8).

**Exhibit 8: Adequacy of arrangements for mainstreaming FoI across the States: implementation of recommendation**

Recommendation	Action	Evaluation
<p><b>R9 Reflect the arrangements for FoI handling and its linkage to other elements of information governance in the information governance strategy.</b></p>	<p>There are currently six policies on information governance. However they have been developed in an uncoordinated way and the interlinkages between these documents are unclear. The development of a more integrated information governance and information management framework would enhance clarity and accessibility of States' policies in this area.</p> <p>No evidence was found that an information governance strategy was developed.</p>	<p><b>Not implemented</b></p>

## **Conclusion**

3.1 There has been some progress in implementing my previous recommendations, for example in developing comprehensive guidance for handling FoI requests. However, a number of key actions agreed to implement my previous recommendations have repeatedly stalled. Overall progress, particularly in records management, is disappointing.

3.2 I am concerned that:

- there is no timetable for making a decision on whether to implement an electronic data and records management system;
- although analysis was undertaken to support a decision on whether investment in an IT solution for FoI management was needed, no formal decision was made;
- the records management delivery plan prepared in 2016 was never formally adopted and implemented;
- there has been no structured evaluation of the effectiveness of training provided on FoI;
- although information on the cost of handling FoI requests has been collected, it has not been used to evaluate the efficiency and effectiveness of FoI handling; and
- no comprehensive information governance strategy, reflecting FoI handling and its linkages to other elements of information governance, has been developed.

## **Recommendations**

**R1** Review the continuing appropriateness of the recommendations from my previous report, including in the context of the new Target Operating Model, and adopt an action plan with agreed timescales and accountabilities.

**R2** Undertake further work to:

- reach a decision on the development of an electronic data and records management system;
- finalise and implement the records management delivery plan;
- develop and use the data on costing of FoI requests; and
- reflect the arrangements for FoI handling and its linkages to other elements of information governance in an information governance strategy.



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