

STATES OF JERSEY



ARRANGEMENTS FOR FREEDOM OF INFORMATION: FOLLOW-UP (R.61/2019) – EXECUTIVE RESPONSE

Presented to the States on 11th July 2019
by the Public Accounts Committee

STATES GREFFE

FOREWORD

In accordance with paragraphs 64–66 of P.56/2018, the [Code of Practice](#) for Engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ (February 2018), the Public Accounts Committee presents the Executive Response to the Comptroller and Auditor General’s Report entitled *Arrangements for Freedom of Information: Follow-up* ([R.61/2019](#), presented to the States on 23rd May 2019).

The Public Accounts Committee will monitor progress on the implementation of recommendations and will make further comments in due course.

Senator S.C. Ferguson
Chairman, Public Accounts Committee

**Executive Response to the Arrangements for
Freedom of Information: Follow-up by the Office of
the Comptroller and Auditor General, May 2019**

June 2019

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Glossary of Terms

C&AG - Comptroller and Auditor General
CFU - Central Freedom of Information Unit
CRM - Customer Relationship Management
FOI – Freedom of Information
GoJ - Government of Jersey
POC - Point of contact
SPA - Scheduled public authorities
The Law - The Freedom of Information (Jersey) Law 2011

1. Introduction

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.

The initial review of the Comptroller and Auditor General (C&AG) took place in March 2016.

The Government of Jersey welcomes the largely positive follow-up review of arrangements for Freedom of Information (FOI) by the C&AG, and will continue to review the continuing appropriateness of the recommendations from the C&AG's previous report, especially in the context of the modernisation of Government services.

With a One Government approach, Freedom of Information requests are managed on a hub and spoke basis, coordinated from a central unit and information produced in departments and other 'scheduled public authorities'¹. Colleagues from the central unit and departmental points of contact meet on a regular basis to discuss operational challenges, share learning and explore ways in which to improve the service for Islanders.

2. Summary of the main findings from the C&AG report

The C&AG report noted that the Central Freedom of Information Unit (CFU) had made good progress on a number of the March 2016 recommendations, including transitioning the CFU into mainstream activity, issuing and updating policy documents, developing and maintaining a guidance manual for all staff and providing training sessions for a number of Government of Jersey (GoJ) staff at varying levels.

However concerns were raised over the lack of follow through in relation to the cost assessment for a proposed IT systems and the lack of progress in relation to analysis of cost data. These areas are discussed in further detail as part of the Action Plan attached.

The separate area of Records Management within the Government of Jersey was also raised as a concern.

3. Outline of factors that contributed to the findings

Freedom of Information

A significant increase in the number of requests received (30% increase in the first five months of the year) has meant that not all of the recommendations of the C&AG's 2016 report have been fully implemented. For example:

- Whilst a decision had been taken not to proceed with the Customer Relationship Management (CRM) system that was being considered in 2016, this was been formally documented. The CFU is, however, involved in discussions with Modernisation and Digital to identify potential opportunities to use existing or new systems to support FOI and rationalise the use of IT systems across the Government of Jersey.
- Capacity pressures on the CFU have meant it has not been possible to produce a detailed cost analysis report without potentially compromising quality of the FOI service for Islanders.

¹ These include, States Assembly, Government of Jersey departments and other bodies in accordance with Schedule 1 of the Freedom of Information (Jersey) Law 2011 - <https://www.jerseylaw.je/laws/revise/16.330.aspx>

Records Management

Records Management has historically been significantly under resourced which has limited the progression of key initiatives and activities required to embed good practices across the GoJ. Over the last 18 months, key personnel in this area have left meaning there is little capacity to implement any plan.

4. Outline of actions already undertaken to address the findings

Following a full review of the potential to use a CRM system in 2015 to manage and record FOI requests and responses, a decision was made not to proceed due to a number of factors. The most notable of these factors was that there was no certainty that the information logged would remain segregated/ring fenced, in accordance with the data protection and integrity necessary for processing FOI requests.

Two SPAs tested the system, and the respective points of contact (POCs) had differing perspectives of the benefits as a replacement for the current SharePoint system. The former Department for Infrastructure found it useful and fit for purpose, whilst the former Economic Development, Tourism, Sport and Culture department found the test system administratively heavy and time-consuming.

There were also concerns about the limited number of user licences and therefore access to the system, given that a departmental POC absence due to sickness or leave meant that no other colleague could access the system, receive or prepare responses to requests for information. A number of positive and negative opportunities were observed and considered, which included:

Positive:

- Potential for automation;
- Ability to record all decision making in the same way in each SPA;
- Ability to use CRM to send emails for sign off etc with automatic logging of the emails
- Ability to aggregate more easily and share between SPAs

Negative:

- Automated distribution to departments is often not appropriate – on receipt of a request it is unclear in at least 25% of requests they will be best answered;
- Time-consuming – all questions need to be broken out and logged in separate sections within the request. Often questions have multiple elements, which may include up to 20 questions;
- Concern about data sharing between departments;
- All SPAs work in different ways – whilst there is a move to consistency between the SPAs, this is deeply entrenched and not be solved with the introduction of a new system;
- Limited user licences – a limited number of licences means that new and outstanding requests cannot be managed if a POC is absent due to leave or sickness;
- Cost – the anticipated cost of the implementation was not insignificant

After due consideration of the system it was the opinion of the CFU that the SharePoint system utilised by the CFU is currently sufficient for their purposes.

The CFU is involved in discussions with Modernisation and Digital to identify potential opportunities to use existing or new systems to support FOI and rationalise the use of IT systems across the Government of Jersey, potentially as an offshoot of the development of a Government of Jersey-wide Complaints management system.

With respect to the production of better cost data for FOI requests, a six-month project was undertaken to record data of all requests. Some analysis of this data has been undertaken but the full interpretation of results has not yet been completed.

Initial findings are that SPAs did not use a consistent methodology for recording the amount of time individual personnel have spent on a request. The CFU continues to develop a consistent methodology that can be used across GoJ departments. It is also worthy to note that Most SPA POCs act as FOI point of contact as only one element of their wider roles, which means that it may not be appropriate to introduce a standardised and systematic time-recording system, such as timesheets. A report on this information –and the limitations of the results, is being prepared and will be available for review by the end of Q3 2019.

Annex A - Action Plan

Recommendation	Action	Target date	Responsible Officer
<p>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.</p>	<p>A full account of the C&AG's recommendations in 2016 and the ways in which the Government of Jersey has responded to these is included in Annex B</p>		
<p>R2 Undertake further work to:</p> <ol style="list-style-type: none"> reach a decision on the development of an electronic data and records management system; 	<p>1. FOI Partially accepted – as noted during the C&AG review, the CFU consider the current system is fit for purpose. However they continue to work with various internal departments to leverage off ongoing work in this area, as and when appropriate.</p> <p>1. Records Management Accepted - The progression of an electronic data and records management solution (EDRMS) is part of the Modernisation and Digital (M&D) transformation programme, which is being considered as part of the Government Plan development. Pending funding approval, a detailed Case will be developed looking at the detailed options and making a recommendation on the solution by the end of 2020.</p>	<p>1. FOI Paper provided in relation to CRM. Other work to be assessed on an ongoing basis</p> <p>1. Records Management December 2020</p>	<p>1. FOI CFU</p> <p>1. Records Management CIO</p> <p>(This action will be led by the new Head of Information Management on appointment)</p>

<p>2. finalise and implement the records management delivery plan;</p>	<p>2. Accepted - Records Management has historically been significantly under resourced which has limited the progression of key initiatives and activities required to embed good practices across the Government of Jersey (GoJ). Over the last 18 months, key personnel in this area have left meaning there is little capacity to implement any plan. M&D intends to undertake a complete review of records management by the end of 2019. This will include development of a fully functional corporate records service, the creation of a roadmap and programme plan, whilst also undertaking a full review of the recommendations highlighted by the C&AG 2016 report. The results of this review will be implemented from 2020.</p> <p>Funding to improve this service is being considered as part of the Government Plan.</p>	<p>2. December 2019 – finalise plan December 2020 – implement plan</p>	<p>2. CIO (This action will be led by the new Head of Information Management on appointment)</p>
<p>3. develop and use the data on costing of Fol requests; and</p>	<p>3. Partially accepted – A six-month project to record cost data of all FOI requests and some analysis of this data has been undertaken. A report on this information –and the limitations of the results, is being prepared and will be available for review by the end of Q3 2019.</p>	<p>3. By end of Q3 2019</p>	<p>3. CFU</p>
<p>4. reflect the arrangements for Fol handling and its linkages to other elements of information governance in an information governance strategy.</p>	<p>4. Accepted - An information governance strategy will be a task of the information management function, once created. This task will be completed by the end of 2020. This is subject to the Government Plan funding request being approved.</p>	<p>4. December 2020</p>	<p>4. CIO (This action will be led by the new Head of Information Management on appointment)</p>

END OF 2019 ACTION PLAN

Annex B – 2016 response to C&AG report - Arrangements for Freedom of Information and GOJ commentary on progress

	Recommendation	To	Comments	Accept/ Reject	Target date of action/ completion
R1	Clearly document responsibilities for FoI following the transfer of functions to the Chief Minister's Department.	CMD	The Central Unit responsibility remains within CMD to collate information for responses. Functions have not been transferred, they remain with departments. A statement will be issued to all departments to clarify the responsibilities	Partially Accept	Completed
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.	CMD	A business case has been completed in draft to review the CRM system that has already been implemented by certain departments, and the possibility of rolling out across the organisation The CFU is involved in discussions with Modernisation and Digital to identify opportunities to use existing or new systems to support FOI and rationalise the use of IT systems across the Government of Jersey.	Accept	Cost benefit analysis of CRM system completed – decision made not to progress.
R3	Update the operating manual to reflect the changes to handling FoI enquiries that cover receipt of requests, logging enquiries, appeals, how to deal with multi-department requests, and what to do when an exemption applies.	CMD	The operating manual was updated in October 2015 been updated and is available on MyStates. Departmental guidance document was created in October 2015..	Accept	Completed

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 to consider whether investment in an IT solution for managing Fol workflows is justified.	CMD	LEAN practitioners worked with the central FOI unit to produce a cost benefit analysis on whether investment in an IT solution for managing FOI workflows was justified. Following the analysis the central Fol unit, along with internal IT resource, have developed the SharePoint system at no cost. All FOI requests are now handled through SharePoint only. Information has been transferred from LiveLink into SharePoint and the LiveLink site is no longer used. Management reporting is less labour-intensive as a result.	Accept	Completed (see Comments)
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.	CMD		Accept	See R.2.4 of new Action Plan at Annex A
R6	Develop, deliver and monitor the impact of a States-wide training programme on corporate records management including Fol.	CMD	A draft plan has been created and IS are currently reviewing the possibility of implementing computer based training for employees alongside information security Basic training on Data Protection and Fol are currently undertaken on a regular basis by the Central Fol team, with more advanced training being offered by an external supplier (PDP) as and when necessary	Accept	Partially complete – monitor effectiveness

R7	Encourage departmental participation in the costing exercise to identify the cost of Fol handling.	CMD	Resource pressure both centrally and at a departmental level has meant that this piece of work has been put on hold. This issue will be raised at the next points of contact meeting to discuss whether or not it would be possible to continue this work	Accept in principle	Completed
R8	Use the results of the costing exercise to improve the effectiveness of Fol handling processes and identify any wider management issues.	CMD	See R7. The last externally supported training by PDP for all POCs took place in April 2016.		In progress – draft report to be produced as per Action Plan
R9	Reflect the arrangements for Fol handling and its linkage to other elements of information governance in the information governance strategy.	CMD			See R.2.4 of new Action Plan at Annex A