

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

GUIDE TO INFORMATION

The Freedom of Information (S) Act 2002 (FOISA) requires Scottish public authorities to produce and maintain a publication scheme. Authorities are under a legal obligation to:

- publish the classes of information that they make routinely available
- tell the public how to access the information and what it might cost.

The Scottish Criminal Cases Review Commission adopted the Scottish Information Commissioner's Model Publication Scheme (MPS). The Scottish Information Commissioner (SIC) approved the MPS on 1 November 2018.

The purpose of this guide to information is to enable you to see:

- the information we publish through the MPS
- how to access it
- whether there is a charge for it
- how to get help to access information

The MPS Principles

Principle 1: Availability and formats

The information we publish through the MPS is, wherever possible, available on our website. We offer alternative arrangements for people who cannot access the information online. We can, for example, send information to you in paper copy (although there may be a charge for doing so) or you can attend our premises to look at information.

Principle 2: Exempt information

We shall publish the information we hold that falls within the nine classes of information set out in the table below. Where a document contains information that is exempt under FOISA – eg, sensitive personal information – we may remove or redact the information before publication, but we shall explain why we have done so.

One particular class of information that we do **not** disclose under the MPS (or in response to a freedom of information request) is information that we obtain in the exercise of our primary statutory function,¹ which is to say, 'case-related' information.

¹ Our primary statutory function is as follows: we, on the consideration of any conviction of a person in Scotland or the sentence imposed in such a case, may refer the case to the High Court for determination where we believe there may have been a miscarriage of justice and it is in the interests of justice to do so: the Criminal Procedure (S) Act 1995 (CPSA), s194B and C.

FOISA exempts the disclosure of information where such disclosure is information that is prohibited by or under any enactment (s26(a) of FOISA). Our disclosure of 'case-related' information would constitute a breach of s194J of CPSA. The s26(a) exemption is an absolute exemption in that it is not subject to the public interest test set out in FOISA. Accordingly, case-related information is exempt from disclosure. The SIC has upheld our approach in that regard.²

Principle 3: Copyright and re-use

Where we hold the copyright in our published information, the information may be copied or reproduced without formal permission, provided:

- it is copied or reproduced accurately
- it is not used in a misleading context, and
- the source of the material is identified

Where we do not hold the copyright in our published information, we shall make this clear.

Principle 4: Charges

There is no charge to view information on our website or at our premises.

We may charge for providing you with information in hard-copy – for the costs of photocopying and postage – but we shall charge you no more than it actually costs us to do so. We shall always tell you what the cost is before we provide you with the information.

Our photocopying charge per sheet of paper is as follows:

Size of paper	Pence per single sided copy (black and white)	Pence per single sided copy (colour)
A1	10p	20p
A2	10p	20p
A3	10p	20p
A4	5p	10p

Information provided on CD will be charged at £1.00 per CD.

We do not pass on any other costs to you in relation to our published information.

Principle 5: Contact details

You can contact us for help with any aspect of this publication scheme at:

Scottish Criminal Cases Review Commission, Portland House, 17 Renfield Street, Glasgow G2 5AH

² See, for example, decision 075/2010 of the SIC, *Lucy Adams of The Herald and the SCCRC*.

Email: foi@sccrc.org.uk

Tel: 0141 270 7030

Please contact us if you have any queries about the MPS, wish to access information not published through the MPS or are dissatisfied with any aspect of it, and we shall help you with your query, request or complaint.

Principle 6: Duration

We publish information that we hold within the nine classes set out in the table below. Once information is published under a class, we shall continue to make it available for the current and previous two financial years.

Where information has been superseded, we publish only the current version. Please contact us if you wish to see previous versions.

The classes of information we publish

CLASS 1: ABOUT US
Class description: Information about us, who we are, where to find us, how to contact us, how we are managed and our external relations

The information we publish under this class	How to access it
About the Commission	
Our role within the criminal justice system	role of the sccrc
The law governing what it is we do	legislative framework
Contact us	contact details
How we are run	
Organisational structure	our people
The Board	the board
The management team	the management team
The role of the Board	sccrc board terms of reference

How we operate	sccrc framework document
Code of conduct for Board members	code of conduct for board members
Register of interests	register of interests
Board Members' attendance	procedures for board members attendance
Corporate planning	
Corporate plan	corporate plan
Equality	equality impact assessments
Health & Safety	health & safety and fire safety policies
Sustainability	environmental policy and action plan
External relations	
Internal and external audit arrangements	annual reports and accounts
Information for sheriffs	Link to be added
Keeping others informed	
News	news releases
Criminal law	position papers
Research	research reports
Communications	communications policy and media enquiries

CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES
<p>Class description:</p> <p>Information about our work, our strategy and policies for delivering functions and services and information for our service users</p>

The information we publish under this class	How to access it
Information on rights and how to make an	

application	
How to apply to us	guidance for applicants and representatives
Information about us	information booklet
Information for witnesses	witnesses booklet
Application form	application form
Frequently asked questions	faqs
How to complain about us	complaints procedure

CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED
Class description: Information about the decisions we take, how we take decisions and how we involve others

The information we publish under this class	How to access it
Annual reports	annual reports and accounts
Board meetings	board minutes
Policy meetings	policy minutes
Audit committee meetings	audit committee minutes
Referred cases (conviction)	conviction cases
Referred cases (sentence)	sentence cases
How we handle cases	case handling procedures
Persistent applications and persistent correspondence	persistent & repeated applications and persistent & vexatious correspondents policies
Case statistics	case statistics
Criminal law	position papers

CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT
Class description: Information about our strategy for, and management of, financial resources (in sufficient detail

to explain how we plan to spend public money and what has actually been spent)

The information we publish under this class	How to access it
How we operate	sccrc framework document
Annual audited accounts	annual reports and accounts
Fees	fees direction 2009
Duties to publish financial information	duties to disclose Public Services Reform (S) Act 2010

CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES
Class description: Information about how we manage our human, physical and information resources

The information we publish under this class	How to access it
Human resources	
Staff conduct	code of conduct for staff and disciplinary policy
Equal opportunities	equal opportunities policy
Grievances	grievance policy
Staff assessment	staff assessment and appraisal policy
Union agreement	Link to be added
Physical resources	
Sustainability	environmental policy and action plan
Information resources	
How we handle information	data protection policy
For how long we retain information	data retention policy
When we disclose information	disclosure policy

Records management	records management policy
How we classify information	business classification scheme
What we do when an information breach occurs	breach management plan

CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS
<p>Class description:</p> <p>Information about how we procure goods and services, and our contracts with external providers</p>

The information we publish under this class	How to access it
How we operate	sccrc framework document
Procurement	procurement policy
Register of contracts awarded	Link to be added

CLASS 7: HOW WE ARE PERFORMING
<p>Class description:</p> <p>Information about how we perform as an organisation and how well we deliver our functions and services</p>

The information we publish under this class	How to access it
Annual reports	annual reports and accounts
Equality	30 April 2019 equality duty mainstreaming report

CLASS 8: OUR COMMERCIAL PUBLICATIONS
<p>Class description:</p> <p>Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet</p>

The information we publish under this class	How to access it
We do not hold or publish information under this class	

CLASS 9: OUR OPEN DATA
<p>Class description:</p> <p>The open data we make available as described by the Scottish Government's Open Data Strategy and Resource Pack</p>

The information we publish under this class	How to access it
Statistics about the cases we review	annual reports research reports

Date approved	31 May 2019
Date of last review	
Date of next review	31 May 2020