

Decision Notice

Decision 011/2019: Mr Y and VisitScotland

Audience targeting information for “Scotland is Now” campaign

Reference No: 201801388

Decision Date: 30 January 2019



Scottish Information
Commissioner

Summary

VisitScotland was asked for audience targeting information relating to the “Scotland is Now” campaign.

VisitScotland provided some information, and stated that other information was publicly available on its website. The applicant believed further information was held.

Following an investigation, the Commissioner was satisfied that VisitScotland held no further information falling within the scope of the request. However, he found that it had failed to provide reasonable advice and assistance to allow the specific information, and its relevance to the request, to be identified.

The Commissioner required VisitScotland to issue a further response, and provide appropriate advice and assistance to allow this information to be readily identified.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (4) and (6) (General entitlement); 2(1)(a) and (2)(a) (Effect of exemptions); 15 (Duty to provide advice and assistance); 25(1) (Information otherwise accessible)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

Background

1. On 15 June 2018, Mr Y made a request for information to VisitScotland. This included a request for a list of all planned paid-for advertisements and all audience targeting information used by VisitScotland to promote the “Scotland is Now” campaign, including costs.
2. VisitScotland responded on 11 July 2018. It provided a presentation document which, it stated, gave an overview of audience targeting. In respect of planned paid-for advertising, VisitScotland provided a link to information recently published on its website, for which it claimed section 25 (Information otherwise accessible) of FOISA.
3. On 18 July 2018, Mr Y wrote to VisitScotland, requesting a review of its decision. Noting that the presentation document only provided an “overview of audience targeting”, as was acknowledged by VisitScotland in its response, he was not satisfied that he had been given all relevant audience targeting information held by VisitScotland.
4. VisitScotland notified Mr Y of the outcome of its review on 16 August 2018, modifying its original decision. It explained that its Insights Team conducted research which fed into activities such as marketing strategy and campaign planning, and which helped inform the strategy for “Scotland is Now”. It informed Mr Y that market segmentation information was available on its website, for which it provided the relevant links and applied section 25 of FOISA. VisitScotland provided copies of four further documents, explaining these helped inform its wider “Brand Scotland” approach and the strategy for “Scotland is Now”.

5. On 20 August 2018, Mr Y wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. Mr Y stated he was dissatisfied with the outcome of VisitScotland's review because he believed he had not been provided with all the audience targeting information used to promote the "Scotland is Now" campaign. In his view, the meaning of audience targeting information was very clear, and might include details such as geographical information, age, sex, education, etc. Mr Y contended that the documents disclosed at review stage gave an overview of planned target audience criteria for other campaigns, but not "Scotland is Now".

Investigation

6. The application was accepted as valid. The Commissioner confirmed that Mr Y made a request for information to a Scottish public authority and asked the authority to review its response to that request before applying to him for a decision.
7. On 3 October 2018, VisitScotland was notified in writing that Mr Y had made a valid application and the case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. VisitScotland was invited to comment on this application and answer specific questions. These focused on the searches carried out to identify and locate any information held by VisitScotland which fell within the scope of Mr Y's request.
9. Mr Y was also asked for his submissions on why he believed VisitScotland must hold audience targeting information specific to the "Scotland is Now" campaign.
10. Both parties provided submissions to the Commissioner.

Commissioner's analysis and findings

11. In coming to a decision on this matter, the Commissioner has considered all of the relevant submissions, or parts of submissions, made to him by both Mr Y and VisitScotland. He is satisfied that no matter of relevance has been overlooked.

Whether VisitScotland held any further information

12. In terms of section 1(4) of FOISA, the information to be provided in response to a request under section 1(1) is that falling within the scope of the request and held by the authority at the time the request is received.
13. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority. He also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) actually held by the public authority.

Mr Y's submissions

14. In addition to the arguments set out in both his requirement for review to VisitScotland and his application to the Commissioner, Mr Y provided the Commissioner with further submissions in support of his view that VisitScotland should hold additional information falling within the scope of his request.
15. Mr Y provided the Commissioner with contextual information, with supporting evidence, to show that social media platforms plainly set out audience targeting as involving demographic groups such as age and gender, interests, life events, location, employment, etc., and on how they instruct users through the process.
16. In his view, VisitScotland had failed to provide the requested information for any part of the "Scotland is Now" campaign. He submitted that VisitScotland had not actually claimed it did not hold the audience targeting information requested, but rather had provided him with largely irrelevant media agency briefings, or online links, for other campaigns.
17. Mr Y provided the Commissioner with some examples of target audience briefings issued by a separate Scottish public authority to media buying agencies, for the purposes of running social media campaigns, over the past two years. He explained these would be used to help inform audience targeting information in individual campaigns, and they illustrated how the standard approach for public campaigns was to set out the criteria previously listed.
18. Mr Y submitted that a video from the "Scotland is Now" campaign had been shown on YouTube using in-stream adverts (i.e. where adverts appear before, during or after the main video). He stated that YouTube's audience settings for in-stream adverts instruct individuals to "target people by location" and "specify countries, regions or cities" along with other audience targeting criteria. Mr Y believed VisitScotland should have responded to his request with audience targeting information of the nature previously described, used to promote the campaign on Facebook, YouTube or anywhere else.
19. In Mr Y's view, it was implausible that this information would not be held for such a large, flagship campaign. He argued that, if the campaign was produced at significant public cost without proper audience targeting being established by VisitScotland, there was an overwhelming public interest in making this clear.

VisitScotland's submissions

20. In its submissions to the Commissioner, VisitScotland stated that, in responding to Mr Y's request, it had provided him with the "Scotland is Now" Campaign Strategy Activation Presentation. In response to his request for review, VisitScotland submitted it had not only explained that audience targeting information was based on work carried out by its Insights Team (which was freely available online), but had also provided him with research documents which had helped inform its wider "Brand Scotland" approach and the strategy for "Scotland is Now".

Searches for information

21. VisitScotland was asked to describe the searches it had carried out to identify the information it held and which fell within the scope of Mr Y's request.
22. VisitScotland explained that, following receipt of the request, a meeting had been held with key personnel, namely the Government and Parliamentary Affairs Executive, Director of Marketing and Digital, Head of Visitor Marketing, Senior Marketing Manager, Senior PR Manager (UK & Ireland) and Senior Manager (Marketing Data Performance). VisitScotland

submitted that all information previously released in relation to “Scotland is Now” was documented, and a number of relevant documents were identified, all of which were available on its website¹. The Campaign Strategy Activation Presentation was identified as an additional brief containing audience targeting information.

23. At review stage, VisitScotland explained, the Government and Parliamentary Affairs Executive held a further meeting with the Senior Marketing Manager and Senior Marketing Insight Manager. These individuals, who had key roles in relation to “Scotland is Now” and had been involved in the campaign from the outset, had knowledge of how the campaign had evolved and were involved in conducting VisitScotland’s segmentation/audience targeting research.
24. This meeting, VisitScotland submitted, identified that no specific research paper was held on audience targeting for “Scotland is Now”, that audience segmentation for the campaign was based upon VisitScotland’s own insights into key markets and audiences, and that the target audience aligned with VisitScotland’s marketing strategy. It was also recognised that VisitScotland held information for a previous iteration of the campaign, which later helped inform its wider “Brand Scotland” approach and strategy for “Scotland is Now”, and this information was disclosed to Mr Y.
25. VisitScotland described the searches it had carried out to identify the information it held, and which fell within the scope of Mr Y’s request:
 - Searches of the “Insight” section of VisitScotland’s SharePoint files were carried out by the Senior Marketing Manager and Senior Marketing Insight Manager to identify the relevant documentation (which was then provided to Mr Y).
 - Contact with VisitScotland’s digital media agency, to establish whether it held any information which might be helpful to Mr Y.
 - VisitScotland’s IT Department conducted further keyword searches of the Insight departmental folders in Sharepoint, for “Scotland is Now” audience targeting information, using the search terms “UK personas”, “international personas”, “international profiling”, “segmentation 2013”, “brand segmentation”. All documents returned as a result of these searches were reviewed by VisitScotland, but none constituted audience targeting information for the “Scotland is Now” campaign. Screenshots for these searches were provided.
 - In response to a separate information request from Mr Y, searches of all emails between VisitScotland and its digital media agency were carried out on 5 September 2018, covering the period 1 March 2018 to 31 August 2018 and using the search term “Scotland is Now”. Due to the high volume of results returned, VisitScotland considered it was not possible to extract and redact all relevant information (for that request) within the cost limit set in section 12 (Excessive cost of compliance) of FOISA.
26. In conclusion, VisitScotland maintained it provided Mr Y with all audience targeting information pertaining to the “Scotland is Now” campaign in its review outcome of 16 August 2018, and that it held no further information.

¹ <http://www.visitscotland.org/about-us/our-policies/freedom-of-information>

Where the information could be located

27. VisitScotland was asked to provide the Commissioner with details of precisely where, in the information disclosed or via the links to online information provided to Mr Y, the audience targeting information relating specifically to “Scotland is Now” could be located.
28. VisitScotland initially submitted that its key audience segments had been identified as “food loving culturalists”, “adventure seekers”, “business decision-makers” and “cultural and ancestral explorers”, with key targeted geographical locations being London, New York and San Francisco. Referring to one of the links² provided in its review outcome, VisitScotland submitted this included a breakdown of the audience profile information, including age, relationship with Scotland, holiday activities, accommodation and engagement with technology and media.
29. VisitScotland subsequently provided the Commissioner with the following details of where, in the documents and links provided to Mr Y, audience targeting information for “Scotland is Now” could be located:
 - For each of the documents disclosed to Mr Y at review stage, VisitScotland provided details of the relevant page numbers and a summary of the relevant information therein. VisitScotland explained that these documents provided important information on topics such as holiday behaviour, how Scotland is viewed and media/campaign information relevant to the target audience.
 - VisitScotland provided links to specific documents published on its website, with details of the relevant page numbers and nature of the relevant information therein. VisitScotland explained that these documents were the result of its research and analysis into audience targeting.

Research and analysis

30. VisitScotland explained that its Insight Team routinely conducts research on specific factors such as outbound travel behaviour, holiday preferences, volume and value of visits, direct access routes and more, which helped inform the strategy and target audience for “Scotland is Now”. It stated the audience segmentation reports published on its website, and information available via the links provided to Mr Y, contained analysis derived from its research. This information, it explained, helped both VisitScotland and the tourism industry understand more about its visitors, their behaviour and preferences for visits. In this regard, VisitScotland provided the Commissioner with a link to a published paper by its Insight Department entitled “An Overview of Our Target Segments”³.
31. VisitScotland went on to explain how the documents disclosed to Mr Y in its review outcome contained specific research and analysis of the target market as follows:
 - The *Project Jack – VisitScotland USA* document contained research on profiling those targets who might consider visiting Scotland, their demographics and brand associations with Scotland, as well as their motivations and behaviours around travel.
 - The *Scotland is Now – Research – Lucid Project Unlimited* document provided key findings on the media strategy relevant to targeting the “Scotland is Now” audience.

² <https://www.visitscotland.org/research-insights/about-our-visitors/uk>

³ www.visitscotland.org/binaries/content/assets/dot-org/pdf/research-papers/external-segmentation-paper-full-document2.pdf

- The *Scotland is Now – Planning – Go Scotland* document contained audience insights to help colleagues understand the key audience.

Digital activity

32. In response to Mr Y's concerns about audience targeting information held for the YouTube video, VisitScotland explained that part of the planned paid-for advertising for the launch of the "Scotland is Now" campaign included a YouTube masthead which was live for a 24-hour period on the launch day. VisitScotland submitted that, as this was only available on a UK-wide basis, it did not require audience targeting information, nor did it target a specific demographic or audience. VisitScotland confirmed it had not provided any audience targeting information for this masthead to its digital media agency.
33. VisitScotland explained the remainder of all its other digital activity was, and continued to be, targeted to London, New York and San Francisco, all of which was carried out by its digital media agency and targeted to the key audience segments identified above.
34. VisitScotland was asked to explain what audience targeting information it provided to its digital media agency, to allow it to procure digital media advertising for the "Scotland is Now" campaign. In response, VisitScotland explained that its Senior Marketing Manager and Senior Marketing Insight Manager met with its digital media agency over many months in preparation for launching "Scotland is Now". This involved verbal discussions about audience targeting based on their in-depth knowledge of visitor insights and audience segmentation.
35. VisitScotland was asked to explain whether its digital media agency decided on which audiences to target, or whether it used audience targeting information provided to it by VisitScotland. In response, VisitScotland explained that it had worked with its digital media agency since 2011, during which time audience targeting had constantly evolved.
36. VisitScotland explained that all its media targeting (since 2006) had been based on developed segmentation research for the UK market, and the segmentation had been updated twice (in 2010 and in 2013/14). Media profiles for each of the segments were provided by its digital media agency, with whom VisitScotland had been working for a number of years to perfect audience targeting.
37. VisitScotland submitted it carried out extensive research in the UK to develop specific segments for targeting, which were then aligned to media data and insights provided by its digital media agency. Learnings from all campaigns were also applied to this insight, to ensure a continually evolving process.
38. For "Scotland is Now", the key target segments (for the UK) were identified as "adventure seekers" and "food loving culturalists".
39. For international targeting (i.e. US), there was less in-depth primary research, but potential visitors were profiled based on insights for conversion research and brand tracking studies conducted, and this was overlaid with media data and continuous learning. This allowed audience targeting for new projects to be briefed through reference to existing audience insights held. For "Scotland is Now" (which, VisitScotland explained, had the earlier working titles of "Project Unlimited" and then "Go Scotland"), the key target segment was identified as "cultural explorers" in the US.
40. VisitScotland further explained that international audience profiles were given media profiles by its digital media agency, using a survey tool on communication behaviour, attitudes and

consumption behaviour. This, VisitScotland stated, contributed to its knowledge on audience targeting.

41. VisitScotland confirmed it held no further audience targeting information.

Information disclosed relating to other campaigns

42. VisitScotland was asked to explain why it provided Mr Y with documents he considered to be irrelevant to his request, in that they gave an overview of planned target audience criteria for other campaigns, but not “Scotland is Now”.
43. In response, VisitScotland submitted that the “Scotland is Now” campaign evolved from “Project Unlimited” and then “Go Scotland”. It claimed that this was evidenced in an email previously disclosed to Mr Y in response to separate information request. As this project was an evolution, in the interests of being open and helpful, VisitScotland considered it appropriate to provide audience targeting information which directly helped to shape the “Scotland is Now” campaign.
44. VisitScotland was also asked to explain what advice and assistance it gave to Mr Y to allow him to fully understand what information, specific to his request, was actually held by VisitScotland and the relevance, or otherwise, of the other information disclosed to him.
45. In response, VisitScotland submitted that its review outcome explained that its Insight Team conducted research about specific factors which fed into activities such as marketing strategy and campaign planning, and which helped inform the strategy for “Scotland is Now”. It further submitted that it had informed Mr Y that, in addition to this research, the documents disclosed to him helped inform its wider “Brand Scotland” approach and the strategy for “Scotland is Now”.

The Commissioner’s view

46. The Commissioner has carefully considered all the relevant submissions and the terms of Mr Y’s request. He is satisfied that VisitScotland took adequate, proportionate steps to establish whether it held any information that fell within the scope of Mr Y’s request.
47. It is clear to the Commissioner, from the explanations provided by VisitScotland surrounding how audience targeting is determined through research and analysis, that this is a continually evolving process, and information of this nature is not something which is held by VisitScotland in a specific “stand-alone” document. It is also apparent that the relevant audience targeting information held by VisitScotland is not necessarily specific to the “Scotland is Now” campaign in isolation.
48. The Commissioner acknowledges that Mr Y believes VisitScotland should hold the audience targeting information he requested in a way that shows it is specific to “Scotland is Now”. However, the Commissioner has no locus to comment on how a public authority holds its information: rather, his role here is to determine what information, relevant to the request, is held by the public authority.
49. The Commissioner accepts that any information relevant to the request would have been capable of being identified through the searches and meetings described by VisitScotland. He is therefore satisfied, on the balance of probabilities, that VisitScotland does not (and did not, on receiving the request) hold any further information falling within the scope of Mr Y’s request, in addition to that disclosed or identified to him.

Section 15 of FOISA – Duty to provide advice and assistance

50. It is essential to any requester pursuing their right to information that (where the public authority is not simply providing the information, but rather is directing the requester to a place where it may be obtained) the requester knows enough about where to look for it to be able to pursue that right effectively. To this end, the authority's duty to provide advice and assistance can be vital.
51. Section 15(1) of FOISA requires a Scottish public authority, so far as is reasonable to expect it to do so, to provide advice and assistance to a person who proposes to make, or has made, a request for information to it. Section 15(2) states that a Scottish public authority shall be taken to have complied with this duty where (in relation to the provision of advice and assistance in a particular case) it conforms with the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information (Scotland) Regulations 2004 (the Section 60 Code⁴).
52. Section 9.2 in Part 2 of the Section 60 code states:

Duty to advise and assist when responding to a request

The obligation to provide advice and assistance continues at the point of issuing a response. For example, if directing the applicant to a website, the authority should take all reasonable steps to direct the applicant to the relevant section.

53. As noted above, in addition to providing Mr Y with copies of documents, VisitScotland also provided him with links to online information which was publicly available. On examination of the information disclosed, and that available online via the links provided, it was unclear to the Investigating Officer how all of this information was relevant to Mr Y's request, particularly as one of Mr Y's areas of dissatisfaction was that he believed he had been provided with information that did not relate to his request.
54. VisitScotland was asked to explain where information specific to the "Scotland is Now" campaign could be located in the documents and via the links provided to Mr Y, and why it had provided him with information which did not appear to be specific to that campaign. It was also asked to explain what advice and assistance it had given Mr Y, to allow him to readily identify and locate the information specific to his request.
55. In its submissions, VisitScotland highlighted specific pages it considered relevant to "Scotland is Now", while explaining that it considered the disclosed documents as a whole to provide important information relevant to audience targeting. As it considered the majority of the pages it disclosed to Mr Y contained relevant information, it had not directed him to specific ones. VisitScotland also provided the Commissioner with document- and page-specific information as to where on its website audience segmentation information could be found.
56. Bearing in mind the way the project had evolved, as described above, VisitScotland believed any additional information disclosed to Mr Y was relevant to the shaping of "Scotland is Now". However, apart from the explanation of the work of its Insights Team, given in its review outcome, VisitScotland did not identify any advice or assistance given to Mr Y to explain the relevance of any information disclosed to him.

⁴ <https://www.gov.scot/publications/foi-eir-section-60-code-of-practice/>

57. As he has concluded above, the Commissioner acknowledges that the information held by VisitScotland and falling within the scope of Mr Y's request was not necessarily specific to the "Scotland is Now" campaign. However, while noting the explanation (about the Insights Team) given to Mr Y at review stage, the Commissioner is not satisfied that the relevance of wider audience targeting information was explained to Mr Y adequately: specifically, he is not satisfied that the relevance of information relating to "Project Unlimited" or "Go Scotland" should have been apparent from other information disclosed to Mr Y.
58. Further, while noting that there may have been other information of interest in the documents disclosed, it is apparent that these documents contain particular information considered by VisitScotland to be of specific relevance to "Scotland is Now" audience targeting. It is also apparent that there are specific places within the general links provided to VisitScotland's website where relevant information can be found. In both respects, Mr Y was not – and should have been – provided with specific information to enable him to locate the information he required.
59. In all the respects identified in paragraphs 57 and 58 above, the Commissioner finds that VisitScotland failed to comply with section 15(1) of FOISA. He now requires VisitScotland to provide Mr Y with a further review outcome, with details of where, in the information disclosed to him or accessible via the links provided to him, information specific to his request can be located and the relevance of that information. This should give at least the level of detail provided in point 6 of VisitScotland's submissions of 28 November 2018.

Decision

The Commissioner finds that VisitScotland partially complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Y.

The Commissioner finds that VisitScotland complied with Part 1 of FOISA, to the extent that it identified all the information it held, falling within the scope of Mr Y's request, which it either disclosed to him or which was already publicly available.

However, the Commissioner finds that VisitScotland failed to provide reasonable advice and assistance to Mr Y to allow him to identify the specific information relevant to his request, in the information disclosed to him or for which he was given links, and to aid his understanding of the relevance (or otherwise) of that information, and so failed to comply with section 15 of FOISA.

The Commissioner therefore requires VisitScotland to provide Mr Y with reasonable advice and assistance, in terms of section 15, and on that basis to provide him with a further review outcome, identifying the specific information and its relevance to his request, and where that information can be located in the information or via the links provided to him, by **18 March 2019**.

Appeal

Should either Mr Y or VisitScotland wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If VisitScotland fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that VisitScotland has failed to comply. The Court has the right to inquire into the matter and may deal with VisitScotland as if it had committed a contempt of court.

Margaret Keyse
Head of Enforcement

30 January 2018

Freedom of Information (Scotland) Act 2002

1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.
...
- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may be made before the information is given.
...
- (6) This section is subject to sections 2, 9, 12 and 14.

2 Effect of exemptions

- (1) To information which is exempt information by virtue of any provision of Part 2, section 1 applies only to the extent that –
 - (a) the provision does not confer absolute exemption; and
...
- (2) For the purposes of paragraph (a) of subsection 1, the following provisions of Part 2 (and no others) are to be regarded as conferring absolute exemption –
 - (a) section 25;
...

15 Duty to provide advice and assistance

- (1) A Scottish public authority must, so far as it is reasonable to expect it to do so, provide advice and assistance to a person who proposes to make, or has made, a request for information to it.
- (2) A Scottish public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice issued under section 60 is, as respects that case, to be taken to comply with the duty imposed by subsection (1).

25 Information otherwise accessible

- (1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.
...

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