

Corporate Ref.	CD 015
Level	Three
Senior Responsible Officer	Director of Communications, Policy & Research
Version	4
EIA	N/A
Approved by	SMT
Approved date	10 November 2022
Superseded version	3
Review date	10 November 2025

Freedom of Information Policy and Procedure

1. INTRODUCTION.....	2
2. SCOPE.....	2
3. KEY PRINCIPLES.....	2
Proactive publication of information	3
Responding to requests for information	3
Organisational Responsibility	3
4. LINES OF RESPONSIBILITY	4
Vice Principal, Corporate Development.....	4
Director of Communications, Policy and Research.....	4
Information Management Team	4
Edinburgh College Employees.....	5
Senior Management Team.....	5
5. INFORMATION & REVIEW REQUEST PROCEDURE	5
Business as Usual Information Requests:	5
Formal Information Request under EIRs or FOI(S)A:	6
All Staff Guidance – receiving a Formal Information Request	6
Information Management Team – responding to formal request	7
Information Management Team – responding to review request.....	8
6. RELATED POLICIES.....	9
7. DIRECTLY RELATED LEGISLATION.....	9
8. POLICY MONITORING AND EVALUATION	10
End of document	10

Version Control

Version	Author	Date	Changes

1. INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (**FOI(S)A**) and the Environmental Information (Scotland) Regulations 2004 (**EIRs**) establish the public's right to access information held by Scottish Public Authorities, including Edinburgh College.

This document sets out the College's policy on compliance with these regulations.

It also sets out the College's Procedure for responding to requests for information (and review requests), under these regulations.

2. SCOPE

This policy applies to all information of any age held by the College, or on its behalf by third parties, regardless of medium/format.

This policy applies to all employees of the College and to individuals and organisations who hold information on behalf of Edinburgh College in the course of providing goods and/or services to the College.

3. KEY PRINCIPLES

Edinburgh College is committed to transparency and accountability – in line with its key corporate values of being *Trustworthy* and *Responsible*.

In line with this commitment, it is the policy of Edinburgh College that it shall:

- Comply with its lawful duties under FOI(S)A;
- Comply with its lawful duties under EIRs; and
- Endeavour to meet the best practice standards set out in Section 60 and 61 codes of practice issued by Scottish Ministers.

This shall include:

Proactive publication of information

Proactively publishing information:

- Maintaining a Publication Scheme, to include environmental information, keeping this up-to-date regularly;
- Publishing supplemental information about FOI(S)A and EIR requests received by the College;
- Informing members of the public how to make a request under FOI(S)A and EIR;
- Making previously published FOI(S)A and EIR responses available to the public in the spirit of transparency and accountability.
- Making this information easily accessible on the College's website and in alternative formats (where this is requested)

Responding to requests for information

- Making information available to applicants upon request (within legal timescales), or explaining why that information cannot be made available – applying charges; exemptions (FOI(S)A) or exceptions (EIR), only as appropriate and lawful.
- Providing advice and assistance to requestors, at all times.
- Carrying out a review where an applicant is not satisfied with the College's response to a formal information request.

Organisational Responsibility

- Maintaining specific staffing resource to manage effective compliance with FOI(S)A, and the EIRs (and associated codes of practice);
- Ensuring that this resource is sufficient - accounting for leave arrangements, staff absence and periods of increased FOI activity; and ensuring appropriate training is provided to specialist FOI staff regularly
- Ensuring College staff recognise formal FOI(S)A or EIR requests [section 5, below], are aware of this policy and procedure, and can use this to refer the request (or someone wishing to make a request) to specialist FOI staff;

- Logging FOI(S)A and EIR requests; monitoring trends and reporting these to the Board of Management.

4. LINES OF RESPONSIBILITY

Vice Principal, Corporate Development

Executive responsibility for Information Governance and FOI(S)A/EIR Compliance (including the embedding of a culture supportive of the public's right to know, and appropriate resourcing of corporate services to manage FOI(S)A and EIR compliance) rests with the Vice Principal, Corporate Development

Director of Communications, Policy and Research

Senior responsibility for Information Governance and FOI(S)A/EIR Compliance (including the establishment and implementation of policies and procedures, regular review of these and ensuring the specialist training of the College's specialist FOI staff) rests with the Director of Communications, Policy and Research.

Senior responsibility for approving FOI(S)A and EIR responses shall lie with the Director of Communications, Policy and Research, or in their absence, the Vice Principal, Corporate Development.

The Director of Communications, Policy and Research shall be the designated point of contact for requestors who wish to seek a review of a college response to a request under FOI(S)A or the EIRs.

Information Management Team

Operational responsibility for the following rests with the College's Information Management Team:

- Coordinating and responding to all FOI(S)A and EIR requests (including review requests) appropriately and within legal timescales;
- Maintaining the College's publication scheme;
- Collating and providing information request and review statistics (supplying these to Scottish Information Commissioner (SIC)) where required);
- Developing appropriate policies and procedures.

Edinburgh College Employees

All employees are responsible for recognising information requests to which this policy applies (see Section 5) and forwarding them immediately to FOI@Edinburghcollege.ac.uk

Cooperating with the Information Management Team by retrieving information that is relevant to a request promptly and sharing it securely with the IM Team.

Senior Management Team

Leading reviews when requested, and ensuring colleagues in their area of responsibility retrieve information promptly when requested by Information Management Team.

Board of Management

The College's Board of Management shall monitor FOI(S)A and EIR requests and review response rates and trends on an annual basis.

Information Governance Group

The College's Information Governance Group, as chaired by the Vice Principal, Corporate Development, shall have responsibility for oversight of information governance matters, to include FOI(S)A and EIR compliance and risks.

5. INFORMATION & REVIEW REQUEST PROCEDURE

Business as Usual Information Requests:

In the course of college business, colleagues will receive requests for information on a daily basis. The vast majority of these are dealt with as straightforward business as usual (BAU) requests by colleagues in the course of their role.

This procedure does not propose to change nor impede the smooth flow of information stemming from BAU requests.

BAU requests are defined in the Section 60 Code of Practice issued by Scottish Ministers under FOI(S)A, as:

- Simple and straightforward; where
- Staff release all the requested information on time, and
- It is unlikely the requestor will be dissatisfied with the response.

These requests **do not need** to include full details on review procedures **nor** to be referred to FOI@Edinburghcollege.ac.uk

Formal Information Request under EIRs or FOI(S)A:

The procedure below deals with information requests that formally compromise FOI(S)A or EIR requests – that is, requests for information which specifically mention the following terms only:

- “FOI”
- “FOISA”
- “Freedom of Information”
- “EIR”; or
- “Environmental Information”.

These must be dealt with as a **Formal Request** by the College’s Information Management Team, as set out below.

All Staff Guidance – receiving a **Formal** Information Request

- Any **email** request mentioning “*Freedom of Information, FOI, FOI(S)A, EIR, Environmental Information Regulation*” must be forwarded to FOI@Edinburghcollege.ac.uk immediately.
- Where request using these terms has been received via a **physical letter**, this should be scanned and emailed immediately to FOI@Edinburghcollege.ac.uk
- Where request using these terms has been made **verbally**, the member of staff must note the request; requestor’s name contact details and send this immediately to FOI@Edinburghcollege.ac.uk
NB. The IM Team will follow up with the requestor to validate a verbal request.
- Where request using these terms has been left on a **voicemail message**, this message should be forwarded immediately to FOI@Edinburghcollege.ac.uk

REMEMBER: The legal deadline for providing a response to a valid FOI(S)A or EIR request begins when the College (not the Information Management Team) receives a valid request.

Forwarding a request which mentions *Freedom of Information, FOI, FOI(S)A, EIR, Environmental Information Regulation* on to the IM Team immediately is imperative.

Information Management Team – responding to formal request

This top-level procedure sets out the broad steps to be taken by the Information Management Team when dealing with a valid request under FOI(S)A or the EIRs.

These steps will be taken in line with the more detailed guidance provided by the Scottish Information Commissioner.

The IM Team will take steps to validate a request which does not contain the required detail, in line with SIC guidance.

The majority of requests received by Edinburgh College are valid and as such, for simplicity, this procedure deals with **validated** FOISA/EIR requests only.

Process:

1. Log request on Tracking Spreadsheet.
2. Send acknowledgement email, including lawful deadline for response.
3. Contact lead officers to request associated information.
 - a. If lead officers indicate the request is either voluminous and complex, or unclear in its scope, provide requestor with fees notice, or seek clarification from requestor in line with guidance set out by SIC, pausing response deadline.
 - b. Resume response deadline once payment/ revised request/clarification received from requestor.

4. IM Team compiles response on basis of information provided by lead officers.
5. IM Team applies any appropriate exemption(s) or exception(s) on basis of circumstances of request and information provided by lead officers, in line with SIC guidance.
6. IM Team circulates *draft* response to lead officers and confirms accuracy and completeness.
7. Once confirmed by lead officers, IM Team submits to Director of Communications, Policy and Research (or Vice Principal, Corporate Development in their absence) for approval.
8. Once approved, IM Team circulates final response to Executive Management Team; Communications; relevant lead officers confirming date and time of its submission to requestor & inviting any amendments/concerns (by exception) prior to release date/time.
9. IM Team submits final response to requestor.

Information Management Team – responding to review request

This top-level procedure sets out the broad steps to be taken by the Information Management Team when dealing with a request for review of the College's response to a request for information under FOI(S)A or the EIRs.

These steps will be taken in line with the more detailed guidance and timescales provided by the Scottish Information Commissioner.

Process:

1. Log Request for Review on tracking spreadsheet.
2. Send acknowledgement email, including lawful deadline for response.
3. Designate member of Senior Management Team not involved in production of original response as Reviewer.

4. Provide SMT review lead with:
 - a. Original response sent;
 - b. Correspondence & grounds for review request;
 - c. Raw data (including documents);
 - d. Information withheld, exemptions/exceptions applied (if applicable) and rationale;
 - e. Searches undertaken & background information;
 - f. Actions required of them as reviewer & instructions on undertaking review.

5. SMT review lead carries out review and provides a decision:
 - a. Confirm original decision;
 - b. Substitute a different decision;
 - c. Reach a decision (in the event that the review request was submitted because the College failed to respond to the original request).

6. Information Management Team provides Review response to requestor: communicating decision of reviewer, including confirmation of right to appeal to Scottish Information Commissioner.

6. RELATED POLICIES

- Data Protection Policy
- Information Security Classification Policy

7. DIRECTLY RELATED LEGISLATION

Freedom of Information (Scotland) Act 2002	Environmental Information (Scotland) Regulations 2004
UK Data Protection Act 2018	EU General Data Protection Regulation (EU GDPR)
UK General Data Protection Regulation (UK GDPR)	The Privacy and Electronic Communications Regulations (PECR) 2003

The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019	
--	--

8. POLICY MONITORING AND EVALUATION

This policy will be reviewed and updated every three years by the College's Information Governance Group, or as required to ensure that the policy remains aligned with changes to relevant laws, contractual obligations and best practice

End of document