



Freedom of Information Procedure

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1 Specific Requests for Information

1.1 Information not made available through the College's Publication Scheme will be accessible through a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists; and
- the right – subject to exemptions – to receive information.

Such requests will be handled by the Assistant Principal, Curriculum Support & Finance.

1.2 The FOI Act provides that requests under 6.1 of the policy must be in permanent form e.g. written, email or other electronic means and a charge may be made for dealing with any request.

1.3 The College is required to respond to permanent requests within 20 days although this can be reasonably extended if the College requires further information to enable it to respond.

1.4 The requestor may specify the format in which the information should be provided and the College must comply where this is "reasonably practicable".

1.5 The College has a duty to provide advice and assistance to applicants and those wanting to make requests. The Assistant Principal, Curriculum Support & Finance will be responsible for this function and will provide particular consideration to those with a disability or with communication difficulties.

1.6 This Policy details the College's response to the Freedom of Information (Scotland) Act 2002 (FOI Act). The Policy should be read in conjunction with the College's Data Protection Policy.

2 Charges

2.1 Information made available through the publication scheme is free of charge.

2.2 Fees for other information will be made in accordance with the guidance issued by the Scottish Information Commissioner.

3 Complaints and Appeals

Any applicant who considers that their request for information under the above legislation has not been properly handled, or who is otherwise dissatisfied with the outcome of the consideration of their request and is unable to resolve the issue informally in discussion with the person dealing with the request, is entitled to require the College to review its decision.

- 3.1 The Assistant Principal, Curriculum Support & Finance will co-ordinate any complaints received in respect of the College's operation of the FOI Act.
- 3.2 Complaints should be addressed to the Assistant Principal, Curriculum Support & Finance in the first instance. The complaint will be responded to within 20 days.
- 3.3 If the applicant is not satisfied with the reply he/she should write to the College Principal.
- 3.4 If applicants are dissatisfied with the outcome of the Principal's decision they should write to:- The Scottish Information Commissioner, Kinburn, Doubledykes Road, St Andrews, Fife, KY16 9DS
- 3.5 Any appeal against a decision not to disclose information should be made to the College Principal, who will respond within 20 days. An appeal should be lodged within 40 days of the applicant's receipt of the College's response.
- 3.6 On receipt of an appeal the Principal will delegate a review of the request to a member of the Senior Team (not the Assistant Principal, Curriculum Support & Finance).
- 3.7 The appointed member of the Senior Team will review the decision made and communicate with the applicant within 20 working days. If the outcome of the review is that the requested information should be available, this information will be passed to the applicant as soon as is practicable. If the outcome of the review upholds the initial decision this will be communicated to the applicant with information as to their right of appeal to the Information Commissioner.
- 3.8 If the applicant is not satisfied with the reply he/she should write to the College Principal.
- 3.9 If applicants are dissatisfied with the outcome of the Principal's decision they should write to:- The Scottish Information Commissioner, Kinburn, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Appendix 1

Responding to FOI Requests

The diagram below shows in outline to which the College will follow. This involves logging the key steps in a tracking system, for which valid requests should be actioned within 20 days.

Step 1 Qualification of request is required

Requests for personal data should be referred to Assistant Principal, Curriculum Support & Finance, Data Protection guidelines take precedence.

Requests for information already published should be handled by referring the requestor to the Publication scheme.

If the request is unclear, more information should be sought from the requestor.

Step 2 The College should establish if it holds in the information

If so, start to collect it.

Some or all of the information may be exempt; the College must decide whether to release it anyway, in line with guidelines on absolute and qualified exemptions.

Step 3 Where fees apply

If a fee is due from the requestor, the process is suspended from the point the payment request is made until it is received, or the request lapses.

Responses to requests:

Where practicable, the information should be supplied in the manner requested, for example as a report or in machine-readable format.

Requestor satisfaction

If not satisfied, the requestor can invoke the College's review and complaints process, and eventually appeal to the Information Commissioner.