

# **Freedom of Information Policy**

**POL-NWH-00x**

Lead Officer (Post):	Head of Performance and Planning
Responsible Office/ Department:	Performance and Planning
Responsible Committee:	Audit and Risk Management
Review Officer (Post):	Compliance and Information Governance Manager & Data Protection Officer
Date policy approved:	December 2013
Date policy last reviewed and updated:	17.12.19
Date policy due for review:	Nov 2022
UHI Single Policy / UHI NWH Policy:	UHI NWH Policy
Public face / College internal facing only	Public facing
Date of Equality Impact Assessment:	November 2019
Has a Data Privacy Impact Assessment been completed:	Data Protection Officer has approved that no DPIA is required

## Policy Summary

Overview	To set out requirements for UHI NWH to meet its statutory obligations under the Freedom of Information (Scotland) Act 2002 and under the Environmental Information (Scotland) Regulations 2004.
Purpose	To provide clarity on roles and responsibilities, applicable timescales and routes of authorisation to ensure each request for information received by UHI NWH is processed in line with statutory requirements meaning that UHI NWH will demonstrate compliance with the law and avoid the regulatory and reputational impacts that non-compliance can bring.
Scope	All UHI NWH staff who may receive requests for information, and therefore require to know how to handle these, and who hold recorded information and therefore may be required to undertake appropriate searches in response to any request.
Consultation	UHI NWH DPO UHI NWH FOI Officer
Implementation and Monitoring	Implementation - UHI NWH FOI Officer (with cover and support from UHI and UHI NWH DPO) Monitoring – UHI NWH DPO (for reporting) and Compliance and Information Governance Manager
Risk Implications	What are the risk implications of this policy?
Link with Strategy	How is this policy linked to the University or College strategy?
Impact Assessment	Equality Impact Assessment: Nov 2019 Privacy Impact Assessment: Not required

## 1. Policy Statement

UHI North West & Hebrides (UHI NWH) is committed to openness and transparency. The Freedom of Information (Scotland) Act 2002 (FOISA) and The Environmental Information (Scotland) Regulations 2004 (EIR's) give the public a general right to access recorded information held by public authorities including Further Education Colleges.

## 2. Purpose

The purpose of this policy and related procedures is to ensure that the college has in place appropriate arrangements to receive, identify, process and respond to all requests it receives for information.

## 3. Scope

References to "staff" throughout this policy and associated procedures apply equally to members of the Board of Management, unless the context makes it clear that this is not the case.

References to "staff" throughout this policy and associated procedures apply to any permanent or temporary employee of the College and to any consulting staff or temporary staff engaged by the College whilst they are performing duties on behalf of the College.

## 4. Publication Scheme

The college is committed to proactively publishing information. The UHI MWH website will detail the information that is published and is schedule to be published in a Publication Scheme.

A publication scheme is a document which the College is required to adopt under FOISA which describes the information that the College publishes or otherwise makes available as a matter of routine.

The publication scheme shall be reviewed and updated by the Freedom of Information Officer in line with review of this policy.

## 5. Exemptions

There will be occasions where certain information is exempt from release under FOISA or EIR's. Where any such exemption applies UHI NWH may withhold or redact this information from release and provide an explanation of why this has been done.

## 6. Refusals

In addition to requests where the information is exempt from release, there are some circumstances in which a request can be refused either because the request is vexatious or repeated or because the cost of compliance exceeds the applicable limit.

Where the FoI Officer considers that a request for information should be refused, all relevant papers will be considered by a member of the Executive Leadership Team (ELT) for approval of this approach prior before the response is sent.

## 7. Responding to Requests for Information

The College will adopt appropriate procedures to receive, identify, process and respond to any request for information it receives within applicable statutory timescales.

The College will also adopt appropriate procedures to process and respond to any request for Internal Review of a response to a request it provides within applicable statutory timescales.

The College will also adopt appropriate procedures to respond to any appeal being considered by the Scottish Information Commissioner within applicable timescales.

## 8. Roles and Responsibilities

### All UHI NWH Staff

Must comply with their responsibilities under the Act as described in this policy and associated procedures. A note containing guidance for staff is distributed and discussed at training events and will be part of staff induction.

All members of the Board of Management and College staff are responsible for dealing with initial requests for information according to the procedures described in this policy and procedure, and for providing relevant information for responding to requests as required by the FoI Officer.

Staff are not permitted either to decide not to hold information appropriate for the College, or to destroy such information, to avoid the implications of the Act.

Staff are made aware during induction training that it is a criminal offence to destroy or erase information once it has been requested (unless the information would be exempt from disclosure or is scheduled to be destroyed per the Records Management Policy).

Staff are made aware during induction training that failure to comply with the requirements of the Act in holding, releasing or destroying information will render staff liable to disciplinary action. Deliberate actions or omissions may be deemed to be gross misconduct.

### UHI NWH FOI Officer

The FOI Officer is responsible for:

- ensuring that the arrangements for dealing with requests for information and (formal) reviews are implemented in accordance with this policy and associated procedure
- arranging training, including during staff induction, relating to this policy and procedure
- obtaining legal advice as necessary in dealing with requests for information.

### Compliance and Information Governance Manager

The Compliance and Information Governance Manager is responsible for:

- Overseeing and ensuring compliance with relevant regulations, standards, and best practices, including but not limited to, GDPR/DP and FOI
- Coordinating and overseeing all college policies ensuring compliance, accuracy and reviewing is undertaken

### Executive Leadership Team

Approval from an appropriate member of the Executive Leadership Team is required prior to any response to a request being sent.

### Review Panel

A formal review panel will be established by the FOI Officer if the applicant is not satisfied with the response, and the panel, chaired by another member of the senior management team, is responsible for deciding whether legal advice is sought. The Chair of the panel is responsible for obtaining the legal advice through the FOI Office.

## 9. Version Control and Change History

Version	Date	Approved by	Amendment(s)	Author