FREEDOM OF INFORMATION PROCEDURE

1. INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (FOI) came into force on 1 January 2005. The Act means that if a person requests information from a Scottish public authority which holds it they are entitled to be given it by the authority. This is subject to certain conditions and exemptions, which are set out in the Act. The Act is enforced by the Scottish Information Commissioner.

The Freedom of Information legislation is complemented by the Environmental Information (Scotland) Regulation 2004 (EISR) which provides access to environmental information. These regulations give the public a general right of access to any recorded environmental information, set out a number of exceptions to this right and place some further obligations on the University with regard to the proactive dissemination of information. Though the access regimes differ in their details, the aims and objectives of the two pieces of legislation are the same.

It should be noted that neither piece of legislation covers the release of personal data about an individual. This is dealt with separately under the general Data Protection Regulation and the Data Protection Act 2018.

This procedure formalises the University's approach to the release of information under the above pieces of legislation and is relevant to all Schools and Departments within the University.

What is an FOI Request?

A Freedom of Information Request can be any request for recorded information which has been put in writing or any kind of recorded format (voice recording, email etc.) A valid request must include the name and address of the applicant.

Requests for information that are considered '**business as usual**' requests do not require to follow the FOI process. Any other types of request that may be covered by FOI or EISR should be passed to the FOI Office – foi@uws.ac.uk

The flow chart at Annex 1 provides details of how the FOI Office would handle any request.

What is the time limit for a response?

The University has up to 20 working days to respond to a request. The time limit starts the day after we receive a request. If we can respond to a request sooner than 20 working days then we will do so.

If the request cannot be answered because it is not clear what is being requested, the requester will be contacted as soon as possible for clarification. The 20 working day clock pauses until the applicant responds with clarification.

If a request will take over fourteen staff hours to complete we will issue a fees notice to requestors asking them to pay a fee before we will deal with their request. Again, the 20 working day clock pauses until the applicant has paid the fee.

What exemptions can be applied?

The Freedom of Information (Scotland) Act contains a number of exemptions that may mean we do not have to release information. For example, we may refuse an entire request in the following circumstances:
•Providing the information would exceed the cost limit specified in the legislation.
•The request is vexatious.
•The request repeats a previous request from the same person.
•The information is available via the UWS Publication Scheme.

In addition the legislation allows us to apply other exemptions to the release of information, for example, if the information requested is confidential or commercially sensitive.

Finding information

The Act only covers recorded information held by the University. When compiling a response to a request for information, we may have to draw from multiple sources of information held, but we don't have to make up an answer or find out information from elsewhere if we don't already have the relevant information in recorded form.

Right of review

If an applicant is unhappy with the response (or have not had a response), they have the right to request a review by UWS.

If they are unsatisfied with the outcome of their internal review then they can appeal to the Scottish Information Commissioner.

Annex 1 - What do we do with a request?

By Day 1

Receipt of request

Valid request must

- Be in writing (Inc. email, letter or via UWS social networking sites)
- have requester's name
- have an address (postal or email)
- describe the information requested

(A request considered 'business as usual' should not be treated as a FOI request, but still be responded to within 20 working days)

By Day 2

Request forwarded to Legal Services Co-ordinator (foi@uws.ac.uk)

Legal Services logs and acknowledges request within 1-2 days and forwards to appropriate FOI Coordinator(s)

If likely that the request will appear in media; forward copy to Corporate Communications

By Day 4

FOI Coordinator adviseS Legal Services Co-ordinator whether information is held, A Fees Notice is required, clarification is needed or discuss other potential issues which will prevent information being provided. Consult with third parties before releasing data that may affect them.

If clarification/fee is needed, the FOI Officer is to contact requester. The clock stops and restarts when clarification/fee is received.

By Day 12

Information forwarded by FOI Coordinator(s) to the Legal Services Co-ordinator. Response drafted, taking into consideration any relevant exemptions.

By Day 20

Cleared by appropriate FOI Approver and released to applicant by Legal Services Co-ordinator.