

Approved by Board of Management: 9 June 2008  
Reviewed: 24 November 2009 (Audit Committee):



**FREEDOM OF INFORMATION POLICY**

**REFERENCE: PL/GO/2008/001**

Lead Officer (Post):	College Secretary	Review date:	June 2012
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## **1. Policy Statement:**

Inverness College will comply with the requirements of the *Freedom of Information (Scotland) Act 2002* (the "Act") and the *Environmental Information (Scotland) Regulations 2004* (the "EIRs") which place obligations upon Inverness College, as a designated Scottish Public Authority, to provide information to the public.

Subject to certain conditions and exemptions, any person who makes a request for information in writing (or some other permanent form) to a public authority will be entitled to receive it.

The Act aims to increase openness and accountability in government and across the public sector by ensuring that people (anywhere in the world) have the right to access information held by Scottish public authorities.

This policy applies to all information held by the College, including information stored on the College's behalf by another organisation or authority. Information can be held in a variety of media, including paper, analogue or digital formats.

## **2. Legislative framework/related policies**

- 2.1. As well as the legislation stated above, this policy should be read in conjunction with the Data Protection Act 1998.
- 2.2. This policy should be read in conjunction with the College's:
  - 2.2.2. Data Protection Policy
  - 2.2.3. Complaints Policy

## **3. Scope**

- 3.1. This policy applies to all information held by the College, including information stored on the College's behalf by another organisation or authority. Information can be held in a variety of media, including paper, analogue or digital formats.
- 3.2. The College will provide training to staff on the Act. Staff likely to receive requests will be provided with more detailed training about how to assist applicants and respond to applications.
- 3.3. Staff have a responsibility to ensure that all information requests received are dealt with in conjunction with the applicable college policies and procedures. Staff are responsible for:
  - 3.3.2. Familiarising themselves with this Policy and related procedures;
  - 3.3.3. Providing advice and assistance to persons making requests for information;
  - 3.3.4. Dealing with all requests as soon as practicable or within the legislative time limit of 20 working days;
  - 3.3.5. Where applicable, maintaining the integrity of the Publication Scheme;
  - 3.3.6. Providing the Freedom of Information Officer with notice of the request and information about what was provided for the freedom of information register; and
  - 3.3.7. Contacting the Freedom of Information Officer when assistance is required.
- 3.4. It is the responsibility of Managers to ensure that staff are made aware of the existence and content of this policy.

## **4. Compliance**

- 4.1. This policy must be complied with and it will be audited regularly with reports going to the appropriate committee.
- 4.2. Publication Scheme Compliance
  - 4.2.2. The Act specifies that each public authority must have a publication scheme in place to provide information in an easily accessible manner.
  - 4.2.3. The publication scheme should also clearly show what information the authority publishes, what it intends to publish, how this information is available and any fees incurred for accessing information.
  - 4.2.4. Inverness College Board of Management has adopted a publication scheme which has been developed from the *Model Publication*

*Scheme*, devised by the Association of Scottish Colleges, and which has been approved for use in Further Education Institutions.

#### 4.3. Information Requests

- 4.3.1. All FOI requests, received by the College must be in a permanent form (eg letter, e-mail, fax, audio/video recording). EIR requests do not need to be received in a permanent form.
- 4.3.2. A request for information can be received by any member of College staff. Advice and assistance will be provided to applicants. Clarification of a request may be sought in cases where it may not be immediately clear what information is required.
- 4.3.3. Applicants do not need to explain why they require the information they seek. Applicants need not quote their rights under the Act or regulations to make a request for information.
- 4.3.4. Information requests will be responded to as soon as practicable and in any event within 20 working days, as required by the Act.
- 4.3.5. Information will be produced in a format as requested by the Applicant wherever possible, including in such format as to meet the accessibility requirements of the Disability Discrimination Act 1995. In some cases, material will only be available by inspection on College premises (e.g. because the material is too costly or difficult to produce in hard copy or electronic format, or is subject to conservation requirements).

#### 4.4. Fees

- 4.4.1. Information contained within the Inverness College Publication Scheme will be charged as identified in the 'Fees' column of the Publication Scheme.
- 4.4.2. Information (otherwise eligible under the Act) which is not identified in the Inverness College Publication Scheme will be charged in accordance with the fees set out in the procedure.
- 4.4.3. If the applicant is required to pay fees, a Fees Notice will be issued as soon as possible after the initial request is received.

#### 4.5. Exemptions

- 4.5.1. Inverness College may refuse to provide information that it deems to be exempt under the Act or regulations. In such circumstances the College will issue a refusal notice to the applicant, explaining why the information requested is considered to be exempt from disclosure in terms of the Act.

#### 4.6. Complaints and Requests for Review

- 4.6.1. If an Applicant is not satisfied with the way a request for information was handled they may lodge a complaint which will be addressed in the manner prescribed in the College's Complaints Policy.
- 4.6.2. In any case where the College declines to respond (or fails to respond fully) to an information request the Applicant has the right to seek a

review, firstly to the College and secondly to the Scottish Information Commissioner.

- 4.6.3. The College will undertake a fair and impartial review of the decision or complaint. The review will be undertaken by an independent member of College staff who was not involved in dealing with the original information request.
- 4.6.4. If the Applicant is not satisfied with the response to his/her request for review they may apply for a decision by the Scottish Information Commissioner who can be contacted at:

Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Tel: 01334 464610  
Fax: 01334 464611  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

## **5. Monitoring**

- 5.1. The College will appoint one or more Freedom of Information Officers.
- 5.2. All responses to Freedom of Information requests must be approved by the Principal prior to its release.
- 5.3. A register of all FOI and EIR requests received will be maintained at the College. Reports will be provided to the Board of Management periodically.
- 5.4. Each college policy will be monitored and its implementation evaluated. Appropriate procedures for monitoring and evaluation are the responsibility of the lead officer. These procedures will be subject to audit by the Quality Unit.

## **6. Review**

- 6.1. The Inverness College Publication Scheme shall be reviewed annually
- 6.2. The Freedom of Information policy and procedures shall be reviewed every three years.