

# UHI | INVERNESS

## FREEDOM OF INFORMATION POLICY

REFERENCE: PL/GO/2021/001

Lead Officer	Secretary to the Board of Management
Review Officer	Information Development Manager
Date first approved by BoM	9 June 2008
First Review Date	24 November 2009
Date review approved by BoM	29 June 2021
Next Review Date	June 2024
Equality impact assessment	May 2021
Further information (where relevant)	

Reviewer	Date	Review Action/Impact
College Secretary	24.11.09	Audit Committee
College Secretary	04.09.12	Audit Committee
College Secretary	24.11.15	Audit Committee
Secretary to the Board of Management	May 21	Change to Policy Review and Lead Officer, Legislation and related policies updated, Inclusion of 'social media' in information requests, EIR acronym has been expanded – Environmental information regulation, Section 3.5 Exemptions and 4.1 Compliance has been updated.

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## Contents

<b>1. Policy Statement:</b> .....	<b>3</b>
<b>2. Legislative framework/related policies</b> .....	<b>3</b>
<b>4 Compliance</b> .....	<b>4</b>
<b>5 Monitoring</b> .....	Error! Bookmark not defined.
<b>6 Review</b> .....	Error! Bookmark not defined.

## 1. Policy Statement:

Inverness College UHI 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 UHI, as a designated Scottish Public Authority, to provide information to the public.

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.

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

## 2. Legislative framework/related policies

- 2.1 Freedom of Information (Scotland) Act 2002 (the “Act”)
- 2.2 Environmental Information (Scotland) Regulations 2004 (the “EIRs”)
- 2.4 General Data Protection Regulation (UK GDPR)
- 2.5 UK Data Protection Act 2018
- 2.6 This policy should also be read in conjunction with the College’s:
  - 2.6.1 Data Protection Policy
  - 2.6.2 Section 61 Code of Practice on Records Management
  - 2.6.3 FOI/EIR: Section 60 code of practice
  - 2.6.4 Complaints Policy
  - 2.6.5 Publication Scheme
  - 2.6.6 Email Retention and Usage Policy

## 3. Scope

### General

- 3.1 This policy applies to all information held by the College, including that contained within the Publication Scheme and 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 It is the responsibility of Managers to ensure that staff are made aware of the existence and content of this policy.

### **Information Requests**

- 3.3 All FOI requests, received by the College must be in a permanent form (eg letter, e-mail, fax, audio/video recording, or through our social media). Environmental Information Regulation (EIR) requests do not need to be received in a permanent form.
- 3.4 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.

### **Exemptions**

- 3.5. Inverness College UHI may refuse to provide information that it deems to be exempt under the Act or regulations. In cases where the College considers a request could be subject to an exemption then due consideration will be given to this request in order to determine whether any of the requested information can be disclosed. This decision will be based upon the public interest test along with the rights of all data subjects, legal and contractual obligations and issues which may affect information access and security. Where information is found to be exempt, 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 Compliance**

- 4.1. The College will appoint two Freedom of Information Officers (FoIOs) to ensure that this policy is complied with and that it is audited regularly with reports going to the appropriate committee. All FOI activity undertaken by our FoIO's will be overseen by the Information Development Manager.
- 4.2. The College will ensure that the FoIOs receive appropriate and ongoing training as part of their Continual Professional Development.

## **5. Monitoring**

- 5.1. This college policy will be monitored and its implementation evaluated.

## **6. Review**

- 6.1. The Freedom of Information policy and procedures shall be reviewed every three years.