The Freedom of Information (Scotland) Act 2002 (FOISA) gives the public rights to ask the University for information. The University must respond to all information requests. This guide shows you the ways in which staff may respond to any enquiry.

What sort of information is covered?
The public may ask to see any kind of recorded information, in any format; paper, computer files, video, or even emails. The University has produced a Publication Scheme and guide to the types of information it routinely makes available. The Publication Scheme may be found at: www.abdn.ac.uk/staffnet/governance/freedom-of-information-254.php.

How can FOI requests be made?
Requests need to be in a recordable form, such as a letter, email or voice mail. Requests relating to environmental information can be oral. They do not have to mention the Act and the requester does not have to say why they are asking (and should not be asked).

How to deal with requests
Information about dealing with FOI requests is available on the Policy Planning and Governance web pages at: http://bit.ly/InformationforStaff

Personal data requests
If the requester asks for information specifically about themselves, this should not be treated as an FOI request but dealt with under the Data Protection Act 1998, and should be referred to the University’s Data Protection Officer in Policy, Planning and Governance. Email: dpa@abdn.ac.uk.

Time factors
The Act says that information requests should be answered within 20 working days. If the request is not clear, we may ask for more information, which ‘stops the clock’ until it is provided. However, we have a duty to assist the enquirer with their request.

University centralisation of provision of information and FOI Officer
Where we normally provide full information on request we should continue to do so, as part of normal business. There is no need to use FOI in every case. However, if the request is complex or we need to withhold some information, we need to go through the formal processes so enquirers are aware of their rights to review and appeal.

In any case of doubt, an information request should be referred to the central process. In the first instance staff should consult with their College Registrar, or Head of Service/Section, who if necessary, will refer the request to the University’s Freedom of Information Officer (Policy, Planning and Governance). Email: foi@abdn.ac.uk.

What sort of information is excluded?
The Act includes exemptions to disclosure that apply in certain circumstances. The general exemptions include: where disclosure may damage the commercial interests of the institution or an individual; where disclosure may threaten the health and safety of specific individuals; or where disclosure may prejudice the effective conduct of public affairs.

Since the Act came into force in 2005 a large body of complex case law has developed on the use of the exemptions.

All refusals to provide information must be done centrally and given an FOI reference number. Email foi@abdn.ac.uk for details.

Complaints and appeals
In any case where the University decides to withhold some or all of the information requested the enquirer has a right of appeal to the Scottish Information Commissioner.

The University also has an internal review process. If staff receive a complaint about the nature and/or content of any FOI response they should immediately forward this to their College Registrar or Head of Service/Section.

Free or fee
In most cases the information is provided free of charge. However, there may be circumstances where a fee may be charged by the University for requests which take a lot of time and resource.

Fees will be displayed in the publication scheme or the requester notified before the request is actioned as part of the central formal process. Email foi@abdn.ac.uk for details.
How to Deal with FOI requests

What counts as a Freedom of Information request?
Any written request for information by a named person is a valid Freedom of Information request and must be dealt with within the terms of the Act.

Verbal requests for information are not covered, but if they are for information about the environment, they are valid under the Environmental Information Regulations.

Where a person is asking for information we hold about themselves, this has to be dealt with as a Subject Access Request under the Data Protection Act. The enquirer will be given any information we hold, subject to the terms of the Act, but they must provide some form of identification and we may charge a fee.

Do all written enquiries have to be treated as a Freedom of Information request?
Where we routinely get requests for information, and normally provide it – details of courses, for instance – we can answer these without reference to the Act. These can be treated as ‘business as usual’.

However, if we need to withhold any information, the request must follow the formal process under the Act.

Do we have to give enquirers all the information they ask for?
In general, we should aim to provide enquirers with the information they want. However, if we do not actually hold the information, if it would need a lot of work to find it, or if we have genuine concerns about the consequences of releasing it, we can refuse to provide it. The Act allows for reasonable withholding of such information. In such cases, you would need to consult with the Freedom of Information team in Policy, Planning and Governance to establish whether an exemption can be claimed.

How should we respond to a valid request?
We have 20 working days to respond to a valid request. If the request is not clear, we can contact the enquirer and ask for clarification, and the time for response is paused until we get a reply. However we cannot ask the enquirer why they want the information.

On receipt of a request, we should respond immediately to confirm that it has been received. By the end of the 20 days, we must either provide the information or explain why it is not being provided.

We also need to let the enquirer know that they have the option to ask for an internal review if they are not satisfied with the response, and if that fails they can appeal to the Scottish Information Commissioner.

Templates for these responses, and advice about exemptions, are available from the Freedom of Information Officer in Policy, Planning and Governance. Contact foi@abdn.ac.uk for details.

Notes
Further information, guidance and FAQs about the Act may be found on the Scottish Information Commissioner website www.itstopublicknowledge.info/home/ScottishInformationCommissioner.asp.