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

For a valid request, all that is required is a full name, contact address (an email address is acceptable) and a description of the information requested.

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

Requesters do not have to mention the Act or say why they are asking for the information. We cannot ask the requester why they want the information.

Personal data requests
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.

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.

Email: dpa@abdn.ac.uk.

Time factors
We have 20 working days to respond to a valid information request under the Act. 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.

By the end of the 20 days, we must either provide the information or explain why it is not being provided.

How to deal with Requests
Where we routinely get requests for information, and normally provide it – details of courses, for instance – we should continue to do so, as part of normal business, without reference to the Act.

These can be treated as ‘business as usual’. There is no need to use FOI in every case.

However, if the request is complex, specifically mentions it is a Freedom of Information request, or we need to withhold some information, we need to go through the formal processes under the Act so enquirers are aware of their rights to review and appeal.

In these instances, all requests are dealt with by the centralised FOI Team.

If you receive such a request, staff should alert their Head of School/Service/Section, and then refer the request immediately to the University’s FOI Team.

Email: foi@abdn.ac.uk.

If there is any doubt or concern about how to proceed, contact the FOI Team for advice and guidance.

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 FOI Team to establish whether an exemption may be applied.

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 by the FOI Team and given an FOI reference number.

Email foi@abdn.ac.uk for details.

Complaints and appeals
Where the University decides to withhold some or all of the information requested the enquirer has a right of appeal, initially through an internal review process, and if still unsatisfied with the University's response, an appeal to the Scottish Information Commissioner.

If staff receive a complaint about the nature and/or content of any FOI response they should immediately forward this to the FOI Team.

Email foi@abdn.ac.uk for details.

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.

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