Freedom of Information (Scotland) Act 2002
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QG GEN011 [https://www.abdn.ac.uk/library/documents.guides/qgggen011.pdf]

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: https://www.abdn.ac.uk/staffnet/governance/publication-scheme-1919.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 currently 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.

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 2018, 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?
There is a general right to see all recorded information from a Scottish public authority.

However, in certain circumstances, we can refuse a request; for example, if we do not actually hold the information, if it would require significant effort to answer, or the information is exempt under FOI law in Scotland.

Some categories of information are completely excluded from the right of access such as asking for your own personal data under FOISA. Other information may be exempt in some circumstances, for example if there would be real and significant damage to the institution or other people. This may include: commercially sensitive information or information which might endanger someone’s health and safety.

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.

Fee information is provided in the publication scheme. 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.itstequilkeiinfo/home/ScottishInformationCommissioner.asp.