



**Regionally Focused – Globally Engaged**

# **Freedom of Information Procedure**

**July 2021**

### FOISA Procedure

#### Background

The Freedom of Information (Scotland) Act 2002 introduces a general statutory right of access to all types of 'recorded' information of any age held by Scottish Public Authorities (SPAs).

The Environmental Information (Scotland) Regulations 2004 (EIRs) requires SPAs to take reasonable steps to organise and keep up to date the environment information which it holds and is relevant to the SPAs' function.

The College has two main responsibilities under the Freedom of Information (Scotland) Act 2002:

- i) To produce a 'publication scheme', which will offer a guide to the information held which is publicly available.
- ii) To deal with individual requests for information.

The purpose of the 'publication scheme' is to provide information proactively in an easily accessible form so that people can access it without having to make an individual request.

The College is committed to providing a quality experience to all its customers and stakeholders and seeks to achieve this through a culture of openness and transparency. A key element of this commitment is to assist individual members of the public in the exercise of their statutory right to access all types of 'recorded' information held by the College. The College recognises that the disclosure of information, whether proactively, or in response to specific requests, strengthens accountability and increases public involvement in decision making.

## Borders College Publication Scheme

To facilitate access to information, a Publication Scheme can be accessed on the College website: [www.borderscollege.ac.uk](http://www.borderscollege.ac.uk).

### Responsibility for the Publication Scheme

The person with overall responsibility for the publication scheme is the Vice Principal Finance & Corporate Services.

Contact details are:

Borders College  
Scottish Borders Campus  
Nether Road  
Galashiels  
TD1 3HE

Tel: 08700 505152  
Email: [foi@borderscollege.ac.uk](mailto:foi@borderscollege.ac.uk)  
Website: [www.borderscollege.ac.uk](http://www.borderscollege.ac.uk)

### Responsible Person by Category

The following list identifies who will be responsible within each faculty or department for responding to requests for information in the context of the Freedom of Information (Scotland) Act 2002.

These staff will keep a record of requests made, the outcome of the request and the time taken to respond. They **must** also send a copy of the request, when received, to the Vice Principal Finance & Corporate Services.

All staff should keep in mind the following:

**You receive a request that you believe is covered by this act, and you know your faculty/department holds this information** - Refer the request to the responsible person in your faculty/department.

**You are not sure if your faculty/department holds this information** - Refer the request to the responsible person in your faculty/department.

**You are not sure if this information is covered by the Freedom of Information (Scotland) Act 2002** - Refer the request to the responsible person in your faculty/department.

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This list will be reviewed annually. The contact for any changes to the list of responsible persons is the Vice Principal Finance and Corporate Services.

General Information	Hazel Robertson
Access to Information	Hazel Robertson
Quality	Jayne Gracie
Governance	Ingrid Earp
Financial Resources	Hazel Robertson
Corporate Planning	Angela Cox
Procurement	Andrew Kirkness
Human Resources	Debbie Kerr
Physical Resources	Hazel Robertson
Health & Safety	Katrina Fitzgerald
Diversity	Jayne Gracie
Student Administration and Support	Clare Nairn
Learning & Teaching	Heather Anderson
Information Services	Hazel Robertson*
External and Community Relations	Jane Grant
Government and Regulator Relations	Angela Cox
Environmental Information	Hazel Robertson
*Library Information	Laurie Roberts

The responsible person may delegate requests to a member of their team. In such cases, the identified responsible person must agree the response provided before issue.

Information on the Act is available on the College website.

## Archiving Policy

The College has developed and implemented a Records Management Policy that encompasses guidance on archiving and retention of documents. This can be accessed on the College website: [www.borderscollege.ac.uk](http://www.borderscollege.ac.uk).

## Copyright

Information obtained from this publication scheme can be copied or reproduced without formal permission provided it is copied or reproduced accurately, is not used in a misleading context and provided that the source of the material is identified, and the copyright status acknowledged.

For any information within the scheme where the copyright holder is a third party (such as the Crown), the applicant must seek consent from that third party before it can be copied.

### Accessing information under the Publication Scheme

Access to information under the scheme will be possible in both online and hardcopy formats. Applicants may exercise their right under the Equality Act to request information in different formats.

Requests for material will be dealt with promptly with information being made available within 20 working days. This will be subject to advance payment of any necessary fees. Where a fee is requested the 20 working days will be extended by up to 3 months until the fee is paid.

Requests for information under the Freedom of Information (Scotland) Act 2002 must be made in writing, this includes fax or email, or in another form with some permanency capable of being used for subsequent reference (such as a recording made on video or voicemail).

The request must contain details of the applicant and the information being sought. The College may ask for further information that it reasonably requires, to identify and locate the information requested. Applicants will not be required to mention the Freedom of Information (Scotland) Act 2002 when making a request.

In order to provide information to the applicant the College will require the following information from the applicant:

Address and/or Telephone Number and/or Email address.

### Charging Policy

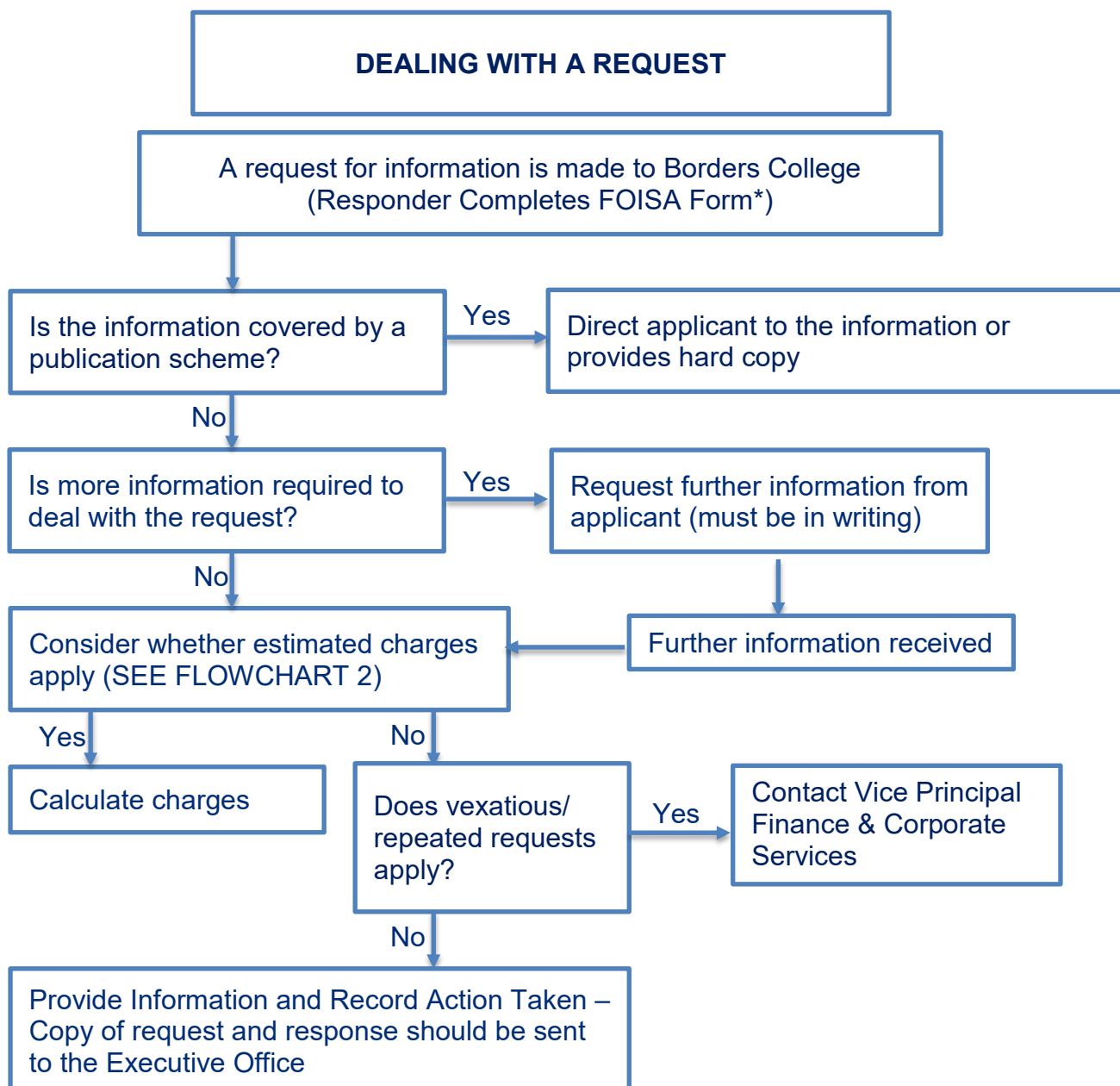
We reserve the right to impose charges for providing information if the projected cost of providing the information requested exceeds £100. Any request costing under £100 will be free of charge to the applicant. For requests costing between £100 and £600, 10% of the cost will be levied. For requests where the cost exceeds £600 the College reserves the right not to respond as indicated within the Act. Where photocopies are required, these will not exceed £1 per 10 pages, subject to the conditions indicated above.

In the event that a charge is to be levied, applicant will be issued with a fee notice advising them of the charge and how it has been calculated. Information will not be provided to the applicant until payment has been received.

## Dealing with requests for information held in the Publications Scheme

The College has identified a 'responsible' person for each department/area of activity who has the responsibility of responding to requests for information. The following diagram illustrates how requests will be dealt with:

### FLOWCHART 1



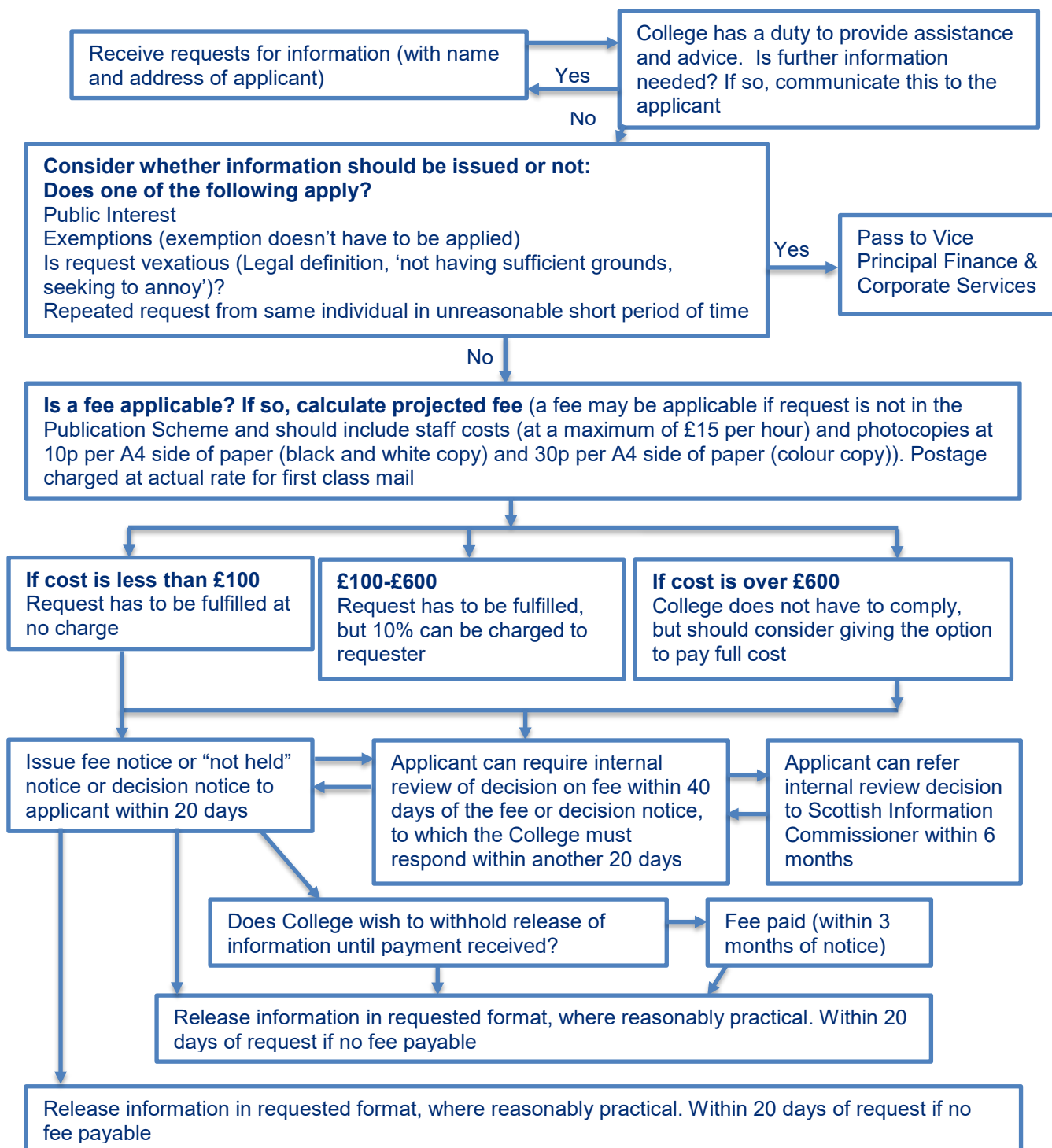
\*Return to: Executive Office

## Dealing with requests for information not contained within the Publication Scheme

For information not held within the Publication Scheme, the College has discretion under the FOISA legislation to make a charge for the provision of information. The procedure for dealing with such requests is detailed in the following flowchart:

## FLOWCHART 2

### Processing Requests for Information Not Covered by the Publications Scheme (When Fees May be Applicable)





### Complaints:

The College operates a complaints procedure that is available from the website. This will permit any complaints relating to the publication scheme to be dealt with expeditiously.

The process is publicised within the College, and through College documents such as the student handbook. This procedure will facilitate an applicant who is dissatisfied with the way a request is handled in seeking a formal investigation. If, following this investigation, the applicant is still dissatisfied, he may appeal to the Scottish Information Commissioner.

### Keeping a record of requests for information covered by FOISA

An internal system has been established to maintain a record of requests received that relate to FOISA. Each 'responsible' person completes FOISA 'Dealing with a Request' form (APPENDIX A), which provides details of the request, date of receipt and when satisfied. This information is held centrally at the Executive Office. A copy of this form is available on the College website.

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