



Freedom of Information Policy

November 2024

History of Changes

Version	Description of Change	Authored by	Date
1.1	Procedure updated to the current practice. All requests are now managed by the Vice Principal: Quality & Innovation through the Principal's Office. Requests and responses are now published on the website. A dedicated email address is now available for making FOI requests. Statistical returns to the Information Commissioner are now included	D Killean	27.11.13
1.2	Inclusion of details on records retention. Updating of responsible persons list	D Killean	19/08/15
1.3	General update to terminology	P Smith	27/4/18
1.4	Updated to current legislation	H Robertson	July 2021
1.5	Simplification of document and inclusion of exemptions information. Revised from Procedure to Policy	K Robb	November 2024

Distribution List

1.0 Introduction

- 1.1 The Freedom of Information (Scotland) Act 2002 (FOI(S)A) and the Environmental Information (Scotland) Regulations 2017 (EIRs) establish the public's right to access information held by Scottish Public Authorities, including Borders College.
- 1.2 This document sets out the College's policy on compliance with these regulations.

2.0 Scope

- 2.1 The purpose of the College's Policy is to ensure the provisions contained within the FOISA are adhered to. In achieving this the college will:
 - Be as open with the general public, media and stakeholders about its activities as is practicable.
 - Ensure that the information to be published, as outlined in the college's Publication Scheme, is appropriate, up to date and relevant.
 - Ensure that other information not included in the Publication Scheme and not listed as exempt in the FOISA is made available.
 - Consider whether applications for information covered by "exemption" (Appendix A) is appropriate for release.
- 2.2 There will be occasions when the college will not be able to supply all information requested. However, information will only be withheld in accordance with the exemptions laid down in the FOISA.
- 2.3 Where information is withheld the College will always provide an applicant with reasons why.

3.0 Responsibilities

- 3.1 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.
- 3.2 The College recognises its responsibility under the FOISA to provide access to information as appropriate. The Vice Principal – Finance & Corporate Services is charged with delivery of this Policy.
- 3.3 The Vice Principal – Finance & Corporate Services is responsible for the management of the Policy and promoting compliance with the FOISA.
- 3.4 The Directors and Heads are responsible for promoting the Policy within their areas of responsibility.

4.0 Publication Scheme

- 4.1 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 Publication Scheme specifies what information the college will routinely make available, how it will do so, and whether or not this information will be made available free of charge or on payment of a fee.
- 4.2 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.
- 4.3 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.
- 4.4 To facilitate access to information, a Publication Scheme can be accessed on the College website: www.borderscollege.ac.uk.
- 4.5 The Vice Principal – Finance & Corporate Services is responsible for the Publication Scheme.
- 4.6 All College staff are responsible for operating within the Policy

5.0 Specific Requests for Information

- 5.1 Information not made available through the college's Publication Scheme may be accessible through a specific request for information. In this regard the FOISA establishes two related rights:
- the right to be told whether information exists; and
 - the right – subject to exemptions – to receive information.
- Such requests will be handled by the Vice Principal, Finance & Corporate Services.
- 5.2 The FOISA provides that requests under 5.1 must be in permanent form e.g. written, email or other electronic means. Requests should be submitted to:

Borders College
Scottish Borders Campus Nether Road
Galashiels TD1 3HE
Email: foi@borderscollege.ac.uk

- 5.3 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.
- 5.4 The College is required to respond to permanent requests within 20 working days although this can be reasonably extended if the college requires further information to enable it to respond.
- 5.5 The requestor may specify the format in which the information should be provided and the college must comply where this is “reasonably practicable”.
- 5.6 The College has a duty to provide advice and assistance to applicants and those wanting to make requests. The Vice Principal - Finance & Corporate Services will be responsible for this function and will provide particular consideration to those with a disability or with communication difficulties.

6.0 Copyright

- 6.1 Information obtained from the 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.
- 6.2 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

7.0 Charging Policy

- 7.1 The College 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.
- 7.2 In the event that a charge is to be levied, the 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.

8.0 Complaints

- 8.1 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.

- 8.2 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, they may appeal to the Scottish Information Commissioner.

9.0 Exemptions

- 9.1 There are exemptions under the FOISA (Appendix A). Certain exemptions will be subject to the public interest test, others which are absolute exemptions.
- 9.2 The college may decide certain information it holds may be regarded as exempt information under the FOISA. Where a request is made for information, which includes exemptions, the college will apply the public interest test and may, in some circumstances, withhold the requested information.
- 9.3 In addition to rights available under the FOISA, individuals also have a right to access information about themselves under the General Data Protection Regulation (GDPR) 2018.

10.0 Procedure

- 10.1 All requests will be processed via the HALO service portal. Email requests will automatically generate tickets, written requests will be entered by the PA to the Executive and Board. PA to the Executive and Board will also redact, rename and allocate to a Vice Principal for processing.
- 10.2 Vice Principal – Finance and Corporate Services and Vice Principal – Student.

Approval Questions	Yes	No
Is this information covered by the publication scheme?	Direct requestor to information	Continue with approval process
Is more information required to deal with the request? Can this easily be obtained from the requestor?	Request additional information	Decline request
Does the information requested including exempt information?	Decline request	Continue with approval process
Does the request pass the Public Interest test?	Continue with approval process	Decline request
Is the request vexatious?	Decline request	Continue with approval process
Has the request been received from the same requestor in a short period of time?	Decline request	Continue with approval process

- 10.3 Vice Principals should also consider the format of the information being requested. All responses should be made by email unless otherwise requested. If the information is requested in an alternative format this should be accommodated as far as possible under the Equality Act. Any format which has a projected cost of more £100 should be identified by the Vice Principal and communicated to the PA to the Executive and Board who will arrange to take payment for this. No information will be released until this has been received.
- 10.4 Approved requests will be passed to the relevant member of staff to draft a response. This will normally be the Head of Department for the relevant information area but may include multiple departments. The response will be returned to the PA to the Executive and Board who will compile this information in the agreed format and pass to the Vice Principal for approval.
- 10.5 The Vice Principal will review all completed responses to ensure that they do not contain any information that should not be disclosed, address the request made and adhere to the college's correspondence standards. If there are any concerns the Vice Principal should direct the request back to the member of staff who produced the response to revise as appropriate.
- 10.6 All FOI requests received will be listed on the College website for information and to reduce repeat requests for the same information. All published requests will remain on the website for 3 years + current year.
- 10.7 A flow chart of the procedure is contained in Appendix B.

11.0 Related documents

- 11.1 Disclosure Policy
- 11.2 Data Protection Policy
- 11.3 Copyright Policy
- 11.4 Complaints Policy
- 11.5 Information Security Policy
- 11.6 Publication scheme

12.0 Review

- 12.1 This policy will be reviewed every 3 years or whenever statutory regulations adjustment.

Exemptions under Freedom of Information (Scotland) Act 2002 (FOISA)

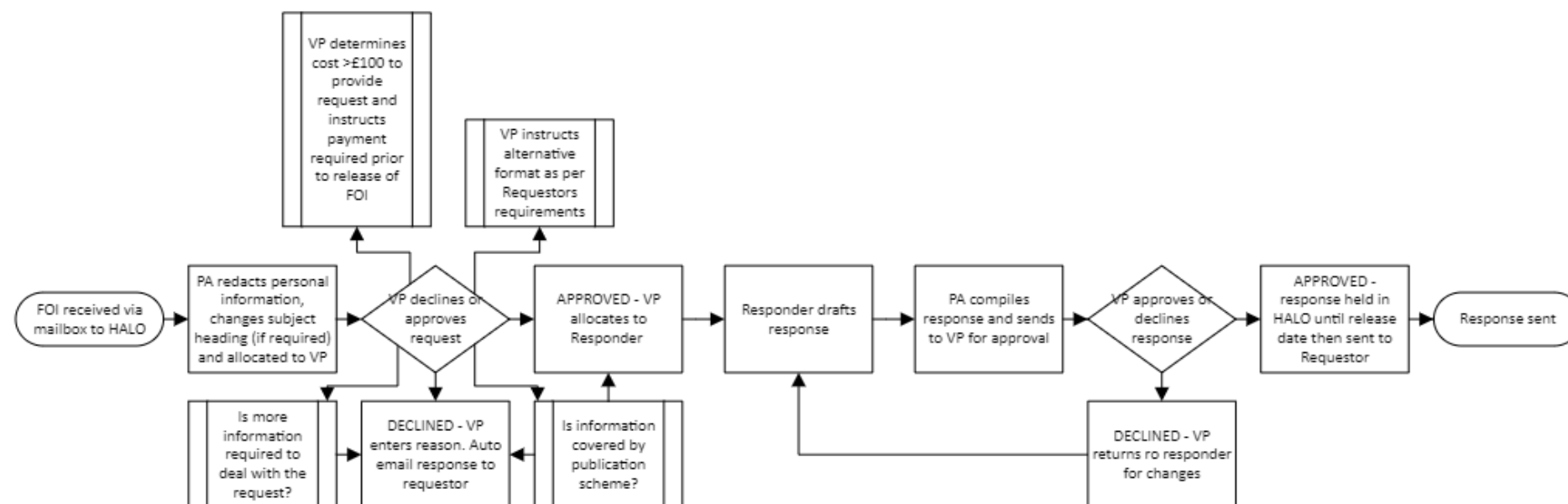
The Freedom of Information (Scotland) Act 2002 provides that a public authority may refuse to disclose information which is subject to a request if it considers such information to be exempt. In terms of the FOISA exempt information where the “Public Interest Test” i.e. “the authority should only withhold information if there is greater public interest in withholding than there would be if it was released” includes

- national security and defence
- policy investigations
- formulation of government policy
- commercial interest
- personal information (where the information concerns a third party)
- legal professional privilege
- commercial interest
- audit functions.

Where exemptions do not require the “Public Interest Test” being applied, these are known as absolute exemptions and include:

- information which is otherwise accessible to applicants
- information which is subject to statutory prohibitions on disclosure
- breaches of confidence
- court records
- information for which other access rights are provided e.g. personal information covered by the GDPR
- where disclosure would contribute to contempt of court.

Freedom of Information Individual Request Process



PA - PA to Principal and Regional Board
 VP - Vice Principal - Finance and Corporate Services

Vice Principal - Student Experience
 Responder - relevant member of staff within college (dependant on request)
 Requestor - originator of FOI request

Release date - 20 working days from receipt of FOI request

Status: Approved
Policy Dated: November 2024
Author: Vice Principal – Finance & Corporate Services
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Equality Impact Assessed: November 2024