Board of Management

Audit Committee

Date of Meeting	**Wednesday 13 November 2019**
Paper No.	**AC2-E**
Agenda Item	**5.3**
Subject of Paper	**FOISA Report 2018-19**
FOISA Status	**Disclosable**
Primary Contact	**Paul Clark; College Secretary/Planning**
Date of production	**November 2019**
Action	**For Discussion and Decision**

1.   Recommendations

The Committee is invited to review and discuss the report. It is recommended that the report is passed to the full Board for noting, together with any comments the Committee may wish to provide.

2.   Purpose of report

The purpose of this report is to provide the Board, through the Audit Committee, with an update on the nature and volume of requests received in relation to the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs). For the purposes of this report we will refer to the requests as FOISA requests. The application of the EIRs is very similar in nature to the FOISA with almost exactly the same exemptions etc., and a duty to disclose information we hold to those who make requests to us, as a public authority.

3.   Context

3.1   Policy

The legislation and its operation reflect the Scottish Government's stated commitment to open and transparent government and to responsive public services.

3.2   College

3.2.1   The legislation and its operation reflects the College's values of integrity, honesty and transparency. The Act provides that requested information must be provided unless it is subject to one or more of the exemptions, as set out in the Act. If the requestor is dissatisfied with the response received or the lack of a response then they can ask the authority to review its decision and the handling of the request. Requestors who remain dissatisfied can then appeal to the Scottish Information Commissioner for a decision.

3.2.2   A number of improvements to the College's management of Freedom of Information and Environmental Information Requests (EIRs) have been made following and internal audit in May 2018. This includes revised and improved FOI/EIRs guidance for the benefit of the public (College website) and for staff (via the College intranet and Website).

3.2.3   Members will note from the graphs appended to this report that the volume of requests rose significantly over the three academic years to 2017-18, and have fallen in 2018-19. (Appendix Table 1). This compares to 58 at the same time last year. Members will note Table 2, which provides some examples of the nature of the requests received. There were significant reductions in requests associated with procurement/ finance and New Campus, which account for most of the overall

reductions, but also a reduction in requests across most others areas is noted.

3.2.4 Members should note, from a relationship and risk management perspective, that we have increased our dialogue with the Information Commissioners Office in relation to difficult, complex or repeat requestors e.g. where clarification is needed to distinguish between FOIs and EIRs. This open dialogue is helpful and the Commissioner's advance awareness of such cases and our level of cooperation and commitment to compliance has already proven useful to the College.

3.2.5 The Appendix also includes data on the response deadlines met, indicating an improving position in recent years. Information requestors by category e.g. WhatDoTheyKnow, Private individuals/Companies, Journalists, MSPs, Trade Unions is also provided (Table 4). By way of explanation WhatDoTheyKnow is a site designed to help people in the UK make freedom of information requests. It publishes both the requests and authorities' responses online and accounts for 15-20% of requests to UK Central Government.

	Year		
	2016-17	2017-18	2018-19
% Responses within required tinescale – 20 days	90%	94%	97%

4. Impact and implications

4.1 Questions are often asked about the cost of FOISA and why we do not charge given the large commitment of time often involved. By way of example over the last year, over and above the time of the dedicated senior staff and support member of staff, there has been a heavy commitment of time required from other senior staff and their teams – particularly in Finance but also Human Resources, Student Data, Student Experience, and the Executive Office. Unfortunately the feeing regulations do not make it economical to administer a charging regime and most authorities do not charge (a few may charge in very exceptional cases). The undernoted is a very brief summary of the regulations:

o   Authorities can only charge a maximum of £15 per hour for their most senior staff and the fee charged must reflect the seniority of staff on a sliding scale.

- Where the cost is £100 or less (equating to over 6 hours at £15), no charge can be made

- If £100 is exceeded then the authority is only allowed to charge 10% of those costs (not for the first £100) up to a maximum of £600

- Only if the cost exceeds £600 can the authority refuse to comply

4.2. There were no appeals to the Information Commissioner in 2018-19.

Appendix:

College FOISA Request Data

- Table 1 – Volume of Requests
- Table 2(a)+(b) – Nature of Requests
- Table 3 – Response Deadlines Met
- Table 4 – Requestor Type

FOISA Request Data
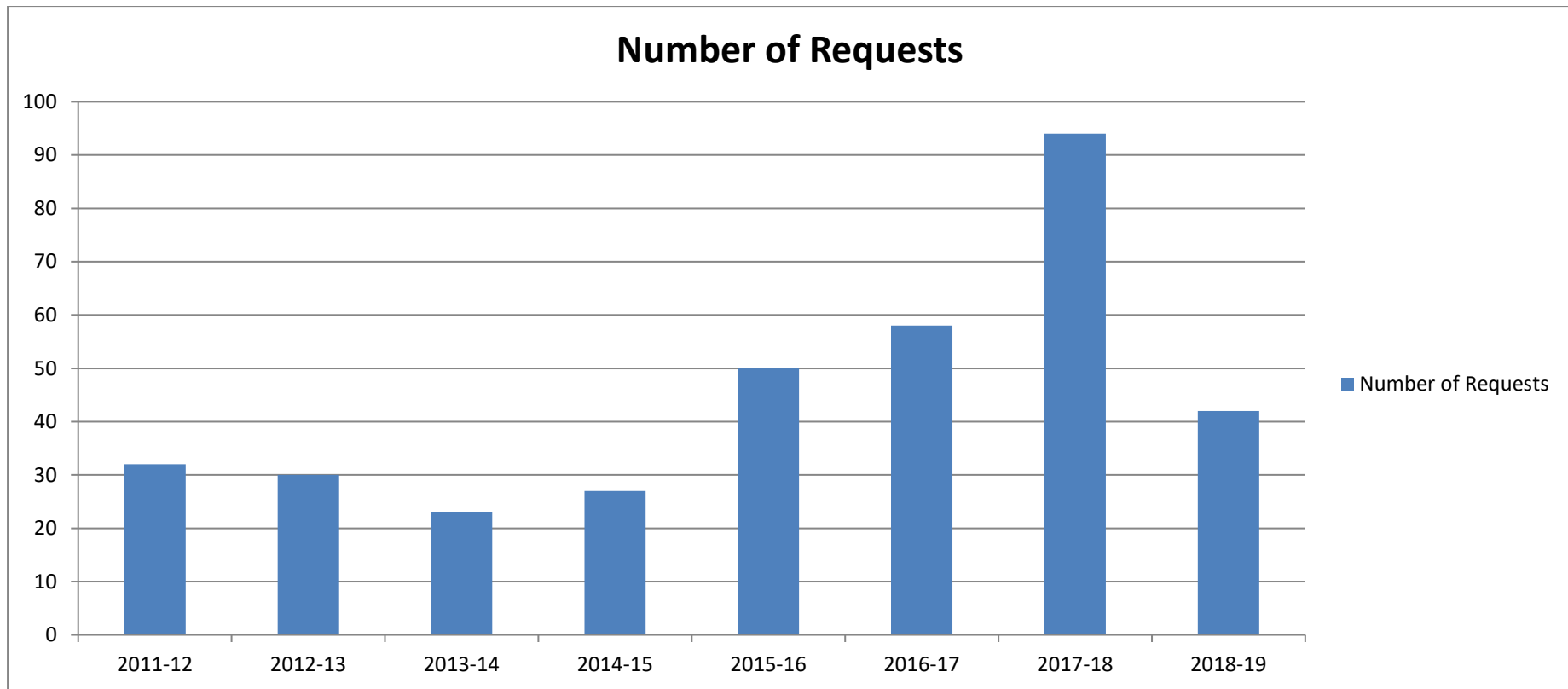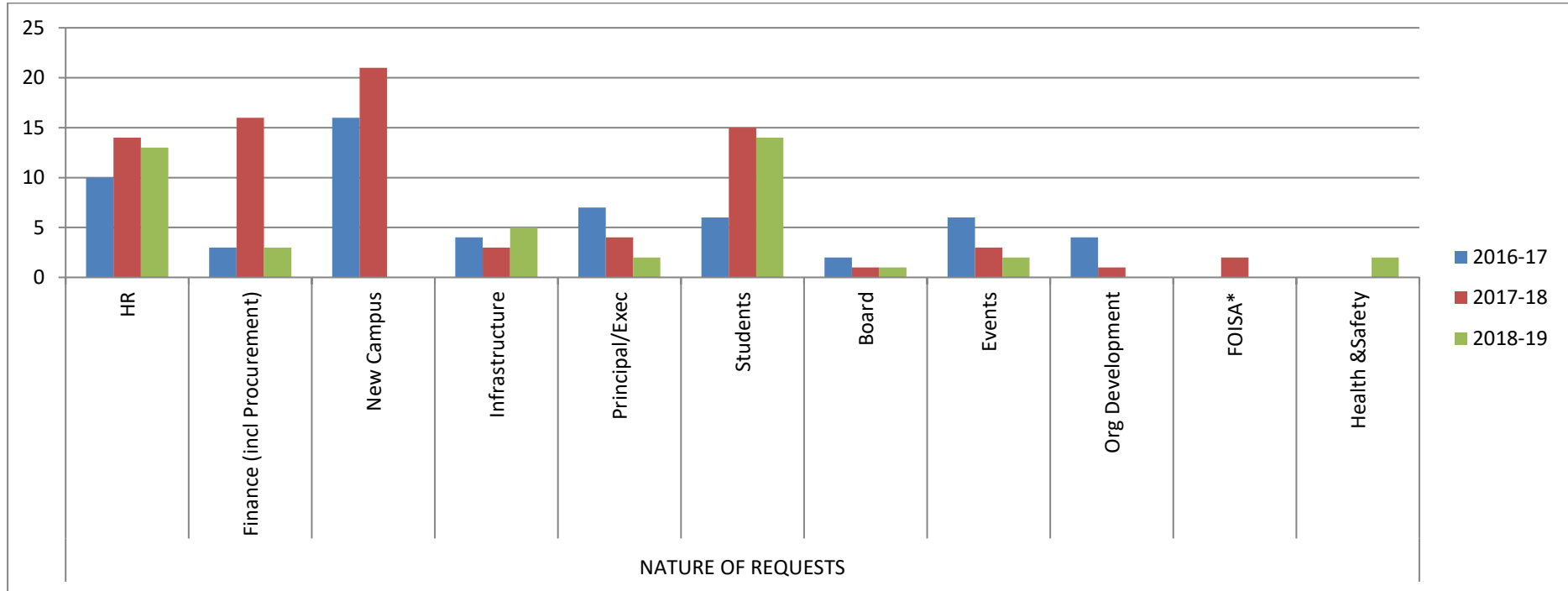
TABLE 1 – Volume of Requests

TABLE 2(a) – Nature of Requests

*FOISA – these requests related to how the College has handled FOISA requests.

TABLE 2(b)

Request Board Descriptors & Numbers 18/19	No of Request	Examples of Requests Received
Human Resources	13	Disciplinary Information, Stress Sickness Absences, Support Staff Breaks, Staff Gender Breakdown, Zero Hours Contracts, Provision of Temporary Staff Services – IT and Professional Services, ASN Support Staff, Scope of NRPA, Provision of Non-Medical Non Clinical Temporary and Fixed Term Staff, Assaults on College Workforce.
Finance (incl Procurement)	3	Annual Reports 2015-16 + 2016-17 (query on recorded pension contributions for senior post holders), First Aid Contracts/Tenders, Tender for Digital Marketing Services.
Infrastructure	5	IT Systems Information on Mobile Device Management, ICT staff structure, Fossil Fuel Investment, College Vehicles, Car Parking Facilities.
Principal/Executive	2	Senior Salaries, Principal's Financial Costs.
Students	14	Students Studying for Childcare Qualifications, Teaching Materials (various), Dyslexia Tests/Costs, Information on Stability, Navigation and Emergency Planning Topics, Courses for Under 16s, Student Enrolments, Disabled Student Data, Support for Students with Mental Health Issues, e-learning Facilities, Italian Classes, Renewable Energy Courses/Modules, HNC 3D Design Pass Rates, Bereavement Services for Students.
Board of Management	1	Information on Board Candidate Shortlisting Process.
Events	2	Internal & External Event Costs.
Health and Safety	2	Accident Documentation, First Aid Provision.

*Please note that the groupings used are for the purposes of illustration and that many requests fall under several descriptors. As an example many requests have a financial element but in order to better describe the nature of the requests received we have not grouped these all under Finance.
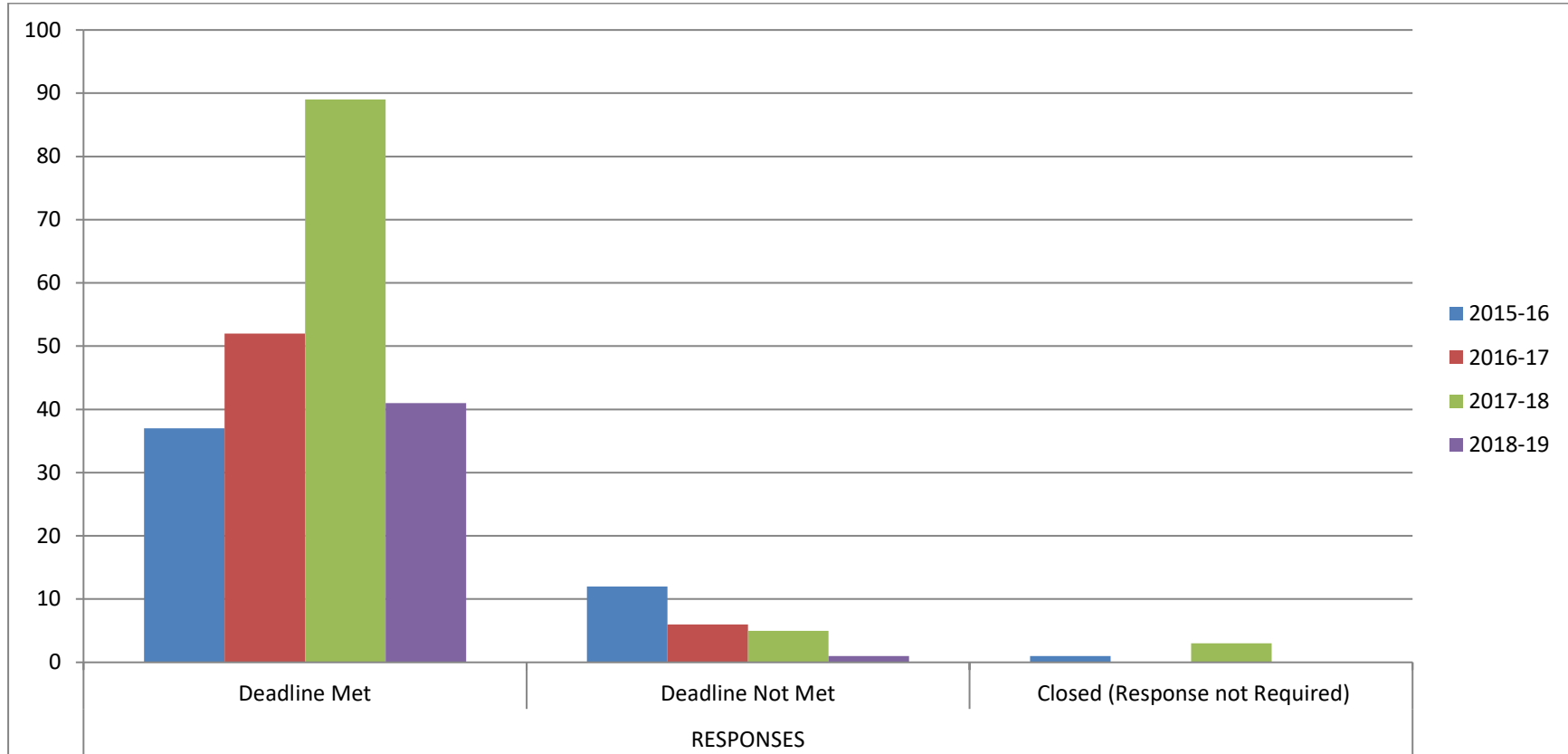
TABLE 3 – Response Deadlines Met

TABLE 4 – Requestor Type

Bar chart showing Requestor Type by year (2015-16, 2016-17, 2017-18, 2018-19).

REQUESTOR TYPE	2015-16	2016-17	2017-18	2018-19
Scottish Gov	1	0	0	0
MSP Offices	6	5	2	5
Journalists	3	9	6	2
Private Individual/Company	19	9	17	23
What Do They Know	8	26	45	6
EIS	10	7	7	3
UNISON	0	1	0	2
NUS	3	1	2	1