

## Board of Management Audit and Assurance Committee

<b>Date of Meeting</b>	<b>Wednesday 2 March 2022</b>
<b>Paper No.</b>	<b>AAC4-F</b>
<b>Agenda Item</b>	<b>5.2</b>
<b>Subject of Paper</b>	<b>FOISA Report 2019-20</b>
<b>FOISA Status</b>	<b>Disclosable</b>
<b>Primary Contact</b>	<b>Paul Clark; College Secretary/Planning</b>
<b>Date of production</b>	<b>24 February 2022</b>
<b>Action</b>	<b>For Discussion and Decision</b>

### 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., with a duty to disclose information we hold to those who make requests to us, as a public authority.

## 3. Consultations

3.1 N/A

## 4. Context

### 4.1 Policy

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

### 4.2 College

4.2.1 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. It is these steps, often associated with difficult requests, that often represent the greatest challenge - both of complexity and the time taken to deal with them - as opposed to the number of individual requests.

4.2.2 A number of improvements to the College's management of Freedom of Information and Environmental Information Requests (EIRs) were made following an 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).

- 4.2.3 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 has since fallen from that high point. (Appendix Table 1). Nevertheless several of these requests were complex and time-consuming; so, as referred to above, a measure of volume of requests does not necessarily reflect the demands upon the College.
- 4.2.4 Members will note Table 2, which provides some examples of the nature of the requests received. There have been significant reductions in requests associated with Procurement/ Finance and New Campus, which accounts for most of the overall reductions since 2017-18, but also a reduction in requests across most others areas is noted. Note that since 2019, we have separated the “Students” category into Student Services and Student Records, and also the “Infrastructure” category into Estates/Facilities, and IT.
- 4.2.5 Significantly, since 2019-20 there has been a sudden increase in requests for information related to Faculty operations, which appears largely to be due to the change in delivery of learning and teaching as a result of the Covid pandemic.
- 4.2.6 The Appendix also includes data on the response deadlines met, indicating a significantly improved position in recent years. Information requestors by category e.g. WhatDoTheyKnow, Private individuals/Companies, Journalists, MSPs, Trade Unions etc, 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					
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
<b>% Responses within required 20-day timescale</b>	<b>76%</b>	<b>90%</b>	<b>94%</b>	<b>97%</b>	<b>96%</b>	<b>97%</b>
<b>(Number of late responses)</b>	<b>(12)</b>	<b>(6)</b>	<b>(5)</b>	<b>(1)</b>	<b>(1)</b>	<b>(1)</b>

- 4.2.6 Members should note, from a relationship and risk management perspective, that we have maintained dialogue with the Information Commissioners Office, for example where clarification was needed on aspects of Coronavirus legislation as it impacted upon FOI compliance. This open dialogue is helpful and the Commissioner’s advance

awareness of such cases and our level of co-operation and commitment to compliance has already proven useful to the College.

## **5. Impact and implications**

5.1 Questions are often asked about the cost of FOISA and why we do not charge given the large commitment of time often involved. Unfortunately the fee 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:

- 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

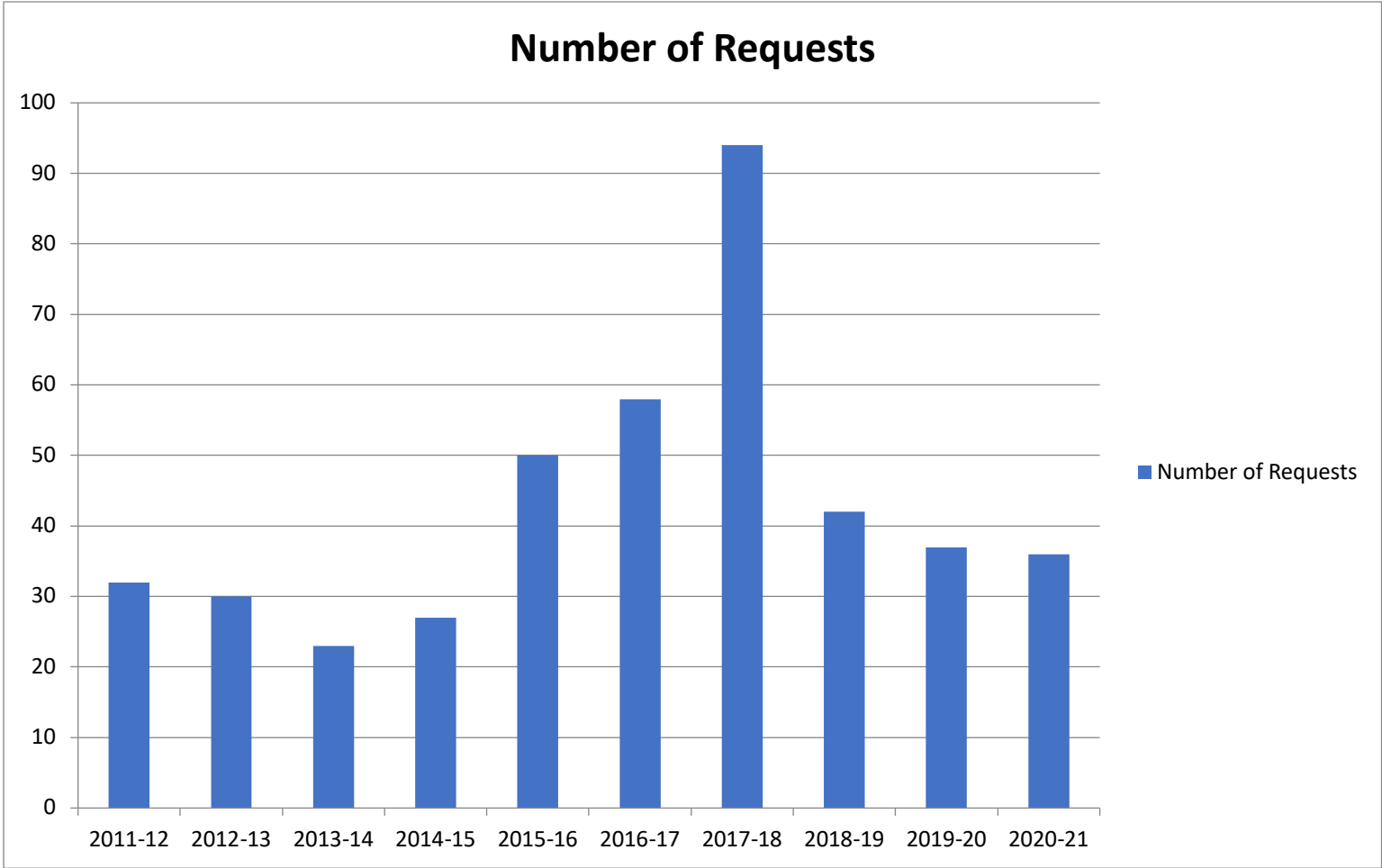
**5.2. There was one appeal to the Information Commissioner for a decision in 2020-21. This decision was made in the College's favour.**

## **Appendix:**

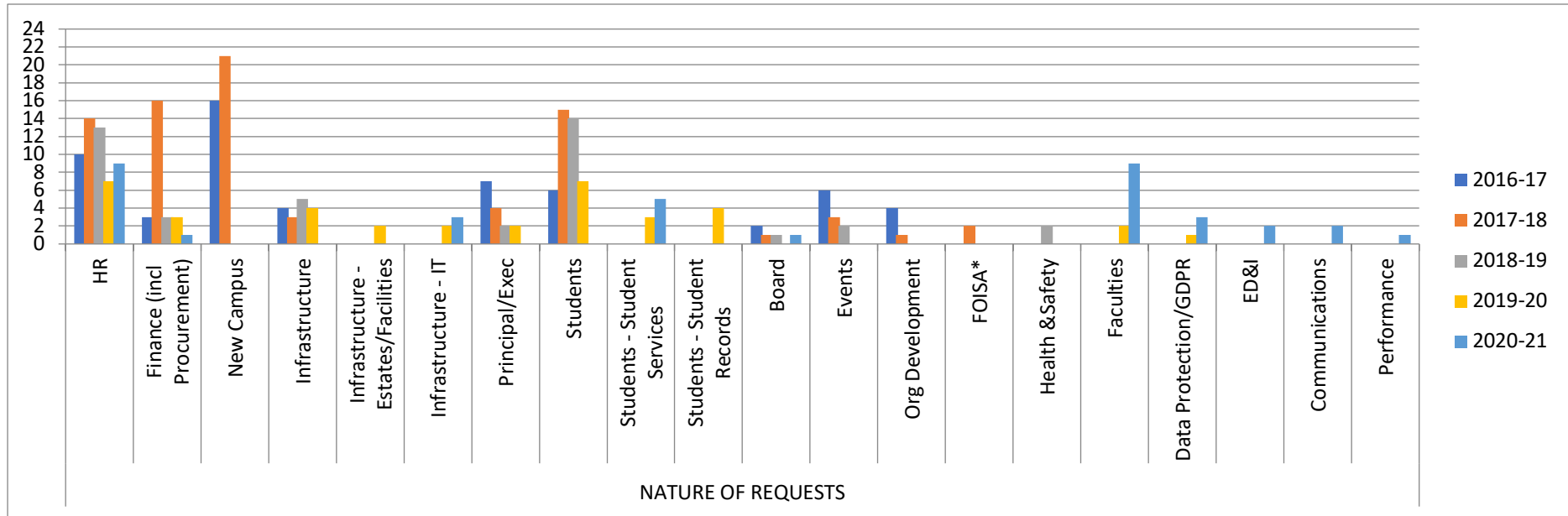
### **College FOISA Request Data**

- Table 1 – Number of Requests
- Table 2 – Nature of Requests
- Table 3 – Response Deadlines Met
- Table 4 – Requestor Type

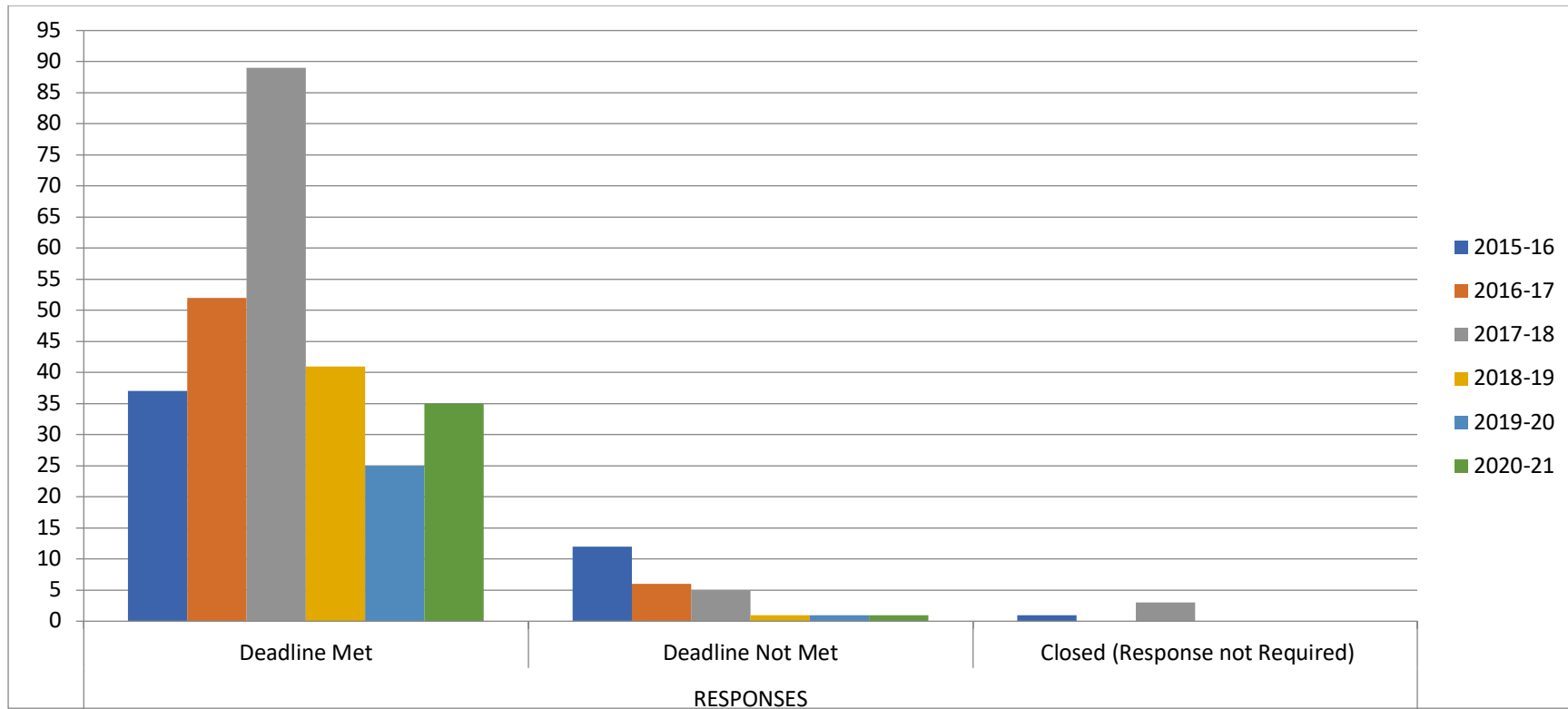
**Table 1 – Number of Requests**



**Table 2 – Nature of Requests**



**Table 3 – Responses Met**



	Responses Met
2015-16	76%
2016-17	90%
2017-18	94%
2018-19	97%
2019-20	96%
2020-21	97%



**Table 4 – Requestors**

