

Board of Management

Audit & Assurance Committee

Date of Meeting	Monday 10 March 2025
Paper No.	AAC3-D
Agenda Item	5.4
Subject of Paper	Annual Freedom of Information Report 2023-24
FOISA Status	Disclosable
Primary Contact	Drew McGowan Associate Director of Governance and Risk
Date of production	24 February 2025
Action	For Discussion and Decision

1. Recommendations

- 1.1. To review and discuss the College's annual Freedom of Information report for the 2023-24 academic year.

2. Purpose

- 2.1. To provide the Committee with an annual report on requests submitted to, and handled by, the College under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

3. Consultation

- 3.1. The annual report is shared with the Committee for review and discussion.

4. Key Insights

- 4.1. The College is committed to openness and transparency. As a public authority, under the terms of the aforementioned legislation and regulation, the College has a duty to respond to requests for information that we hold from members of the public promptly and efficiently, subject to certain specified exemptions. The College is also required to adopt and maintain a Model Publication Scheme, last updated in February 2025, which is available on our [website](#).
- 4.2. The enclosed Annual Freedom of Information Report 2023-24 covers the period 1 August 2023 to 31 July 2024. The report provides information and data on the requests received and handled by the College, as well as the nature of the requests and the type of applicants.
- 4.3. In 2023-24, the College's compliant response rate increased by 2 percentage points to 99% amid a 15% increase in the number of requests received, which followed the previous 183% increase. The number of internal reviews decreased by 43% and no appeals were made to the Scottish Information Commissioner.
- 4.4. Applicants who are unsatisfied with the College's response to a request have a right to request an internal review of how the request was handled and responded to. The report provides information on those internal reviews requested and their outcomes. If an applicant is unsatisfied with the outcome of an internal review, they have the right to appeal to the Scottish Information Commissioner (SIC) for a decision. Information on cases that have been referred to the SIC is also included in the annual report.
- 4.5. The College submits a quarterly return to the SIC covering Freedom of Information, Environmental Information Regulation and Subject Access Request performance data.

5. Impact and Implications

- 5.1. The College has processes and practices in place to meet our obligations under the Freedom of Information (Scotland) Act 2002 and to uphold openness and transparency. Failure to meet these obligations would damage public trust and confidence in the College and could result in an intervention from the SIC.

Appendices:

Appendix 1: Annual Freedom of Information Report 2023-24

Annual Freedom of Information Report 2023-24

1. The Freedom of Information (Scotland) Act 2002 and the associated Environmental Information Regulations 2004 provide individuals with a statutory right to access information that is held by public authorities. The legislation and regulation encourage openness and transparency and help to build trust between the College and the public we serve. This report outlines the volume and nature of the requests received by the College, and how they were responded to, during the period 1 August 2023 to 31 July 2024.

Volume and Handling of Requests

2. In 2023-24, as shown below, the College received 78 requests. This is a 15% increase on the previous academic year. This follows a significant 183% increase from 2021-22 to 2022-23.
3. 78 were Freedom of Information requests and 9 were Environmental Information requests. 99% of requests were responded to within the statutory timescales, with 1 response being issued after 20 working days. The late response occurred due to the level and complexity of requests received during this period and the workload of one department.
4. 6 requests were closed and the College was therefore not obliged to respond to them. This occurs when the requestor withdraws a request or does not respond to the College's request for clarification within one month.

	2019-20	2020-21	2021-22	2022-23	2023-24
On-time responses	25 (96%)	35 (97%)	22 (92%)	63 (97%)	71 (99%)
Late responses	1 (4%)	1 (3%)	2 (8%)	2 (3%)	1 (1%)
Closed requests	0	0	0	3	6
Total requests	26	36	24	68	78

5. The Act and the Regulations outline several exemptions for specific types of information or requests. The table below shows the number of times these exemptions have been used by the College in the past three academic years in each request. Exemptions tend to only be applied to parts of requests, meaning the vast majority of requests are responded to either in full or in part rather than refused entirely.

Section/Regulation	2021-22	2022-23	2023-24
Section 12: Excessive cost of compliance	1	2	0
Section 14(1)/(2): Vexatious or repeated request	0	0	0
Section 17/Regulation 10(4)a: Information not held	0	16	4
Section 25/Regulation 6(1)b: Information otherwise accessible	4	7	7
Section 27: Future publication	0	0	2
Section 30: Prejudice to effective conduct of public affairs	0	1	1
Section 33: Prejudice to commercial interests	4	3	1
Section 36/Regulation 10(5)d: Confidentiality	0	0	1
Section 38/Regulation 11: Personal information	1	12	13
Regulation 10(4)c: Request formulated in too general a manner	0	0	0

Nature of Requests

6. The College receives requests for information from a range of different people and groups. Most requests are submitted by private individuals/organisations or trade unions, or through WhatDoTheyKnow.com (WDTK). WDTK is a web-based platform that helps people submit Freedom of Information requests and publishes both the requests and responses on their website so the information is available to the general public.

	2021-22	2022-23	2023-24
Journalists	0%	7%	6%
MP/MSPs	0%	12%	8%
Private Individuals/Companies	38%	19%	21%
Researchers	4%	3%	4%
Solicitors	0%	1%	0%
Staff	0%	1%	1%
Students	4%	1%	0%
Trade Unions	25%	29%	14%
WhatDoTheyKnow.com	29%	25%	46%

7. In 2023-24, most requests sought information about human resources, estates, facilities, corporate development and commercial activities.

	2021-22	2022-23	2023-24
Brand and Communications	4%	3%	1%
Corporate Dev & Commercial	4%	15%	14%
Estates/Facilities	4%	7%	21%
Faculties	4%	9%	5%
Finance	21%	15%	9%
FOI and Data Protection	0%	0%	1%
HR & Organisational Development	46%	24%	28%
Information Technology	8%	3%	10%
Performance	0%	1%	5%
Principal/Executive Office	4%	10%	4%
Student Services/Records	4%	13%	1%

Internal Reviews and Appeals

8. If applicants are dissatisfied with the handling of their request and/or the College's response, they have the right to ask for an internal review within 40 working days of the response being issued. In 2023-24, 4 internal review requests were submitted and the College's original decision was upheld in 3 cases and 1 was closed.
9. Applicants who are not content with the outcome of the internal review have the right to appeal directly to the Scottish Information Commissioner (SIC) for a decision within 6 months of receiving the College's response. In 2023-24, no appeals were submitted to the SIC for decision.

Type of Review/Application	2021-22	2022-23	2023-24
Internal review requests			
Upheld the College's decision	1	7	3
Partially upheld the College's decision	0	0	0
Did not uphold the College's decision	0	0	0
Internal review request submitted outside of timescale	0	0	0
Closed	0	0	1
Applications to the Scottish Information Commissioner			
Decided in favour of the College	0	0	0
Decided in favour of the applicant	1	0	0
Withdrawn by the applicant	0	0	0
Yet to conclude	0	2	0

10. In 2022-23, as reported in the annual report last year, two appeals (202300540 and 202300826) were submitted to the SIC. The College has submitted responses to both appeals; however, at the time of writing, it is still awaiting a decision from the SIC.

11. The SIC launched 'Project Blue', a new case management approach, designed to tackle a 384-case backlog that had built up. Backlog cases are split into 'light blue' cases that are under investigation and 'navy blue' that are not yet under investigation. The two appeals concerning the College are currently categorised as 'navy blue'.

12. The Associate Director of Governance and Risk will provide an update to the Audit & Assurance Committee by correspondence once the SIC has reached a decision in these cases and include the outcome in the next annual report.

Conclusion

13. In 2023-24, the College's compliant response rate increased by 2 percentage points to 99% amid a 15% increase in the number of requests received. Internal reviews were reduced by 43%, while no appeals were made to the SIC.

14. It is essential that the College continues to have practices in place to meet our obligations under the Act and the Regulations and uphold our values of openness and transparency. Failure to meet these obligations would damage public trust and confidence in the College and could result in an intervention from the SIC – as has occurred in other public authorities but never at the College since its establishment in 2010.