

# City Of Glasgow College

## Freedom of Information and Environmental Information: Introduction and Guidance

### Legislative Context

The Freedom of Information (Scotland) Act 2002 (or "FOISA") came into force on 1 January 2005. This legislation, and the Environmental Information (Scotland) Regulations 2004 (EIRs), give you the right to ask for and be given information from a wide range of public organisations in Scotland. These organisations are called "Scottish public authorities". Under this legislation, a person who requests information from a Scottish public authority which holds it, is entitled to be given it by the authority. This right is subject to certain conditions and exemptions, which are set out in the relevant Acts. FOISA/EIRs are enforced and promoted by [the Scottish Information Commissioner](#).

Freedom of Information requires Scottish public authorities to publish a lot of information under what is known as the "publication scheme" duty. If you can, you may search the [College's website](#) before making a request, or simply [call and ask](#) for the information you are looking for, as you may find that you get the information you're looking for more quickly. The information held by the College, where and how this can be found, and any applicable fees, is described in our [Model Publication Scheme](#).

The FOI Act doesn't apply to environmental information, but the Environmental Information (Scotland) Regulations 2004 give you very similar rights. Among the examples of information requests provided by the Commissioner that would fall under the EIRs are:

- The location of mobile phone masts
- Plans for a new building or wind farm
- Food hygiene inspections
- Chemicals, including cleaning products, used in public buildings
- Waste Management

In responding to your request, it is the College's responsibility to assess whether this falls under FOISA or EIR legislation.

## Requesting Information

When requesting information, you do not have to mention FOI (or EIRs) although you can, nor do you have to give any reasons for asking or say why you want the information. The Commissioner has published a short guide to your rights under FOISA and EIRs, entitled [Your Right To Know - A Guide to FOI in Scotland](#) and you can find out more about your rights in the [Your Rights](#) section of the website. The Commissioner has also published a series of more detailed briefings on exemptions and key concepts which can be found at the [briefings and guidance](#) pages of the website.

As the Information Commissioner advises, all you have to do is:

- Make your request in a form that can be kept for future use such as writing, e-mail, fax, audio or video tape.
- Give your full name, and address (email or postal) so that the authority can reply.
- Ask for the information you want. Describe the information as clearly and as briefly as you can. If you do it is more likely the authority will respond quickly and accurately.
- Send your request to a Scottish public authority. It is a good idea to check whether the authority has a special FOI address or contact person.
- Use these details if you have them. You can see a list of addresses at: [www.itspublicknowledge.info/YourRights/Whocanlask.aspx](http://www.itspublicknowledge.info/YourRights/Whocanlask.aspx)
- If you don't have this address you can send your request to anyone in the authority, from a receptionist to a senior official.

(Ref. Your Right to Know; ICO; Online, p13).

The College's Freedom of Information contact person is:

Paul Clark; College Secretary, City of Glasgow College

190 Cathedral Street

Glasgow G4 0RF

FOI requests may be made by email via: [ann.butcher@cityofglasgowcollege.ac.uk](mailto:ann.butcher@cityofglasgowcollege.ac.uk)

Normally you should receive a response to your request within 20 working days. This may include all the information you asked for; some, but not all of the information; a fees notice if there is a change for the information; a refusal; no response – which you should treat as a refusal. The Information Commissioner highlights a number of reasons why your request might be refused, such as:

- The information can be withheld under the FOI Act.
- The authority (i.e. the College) does not hold the information.
- You have not provided enough detail for the authority to identify and find the information.
- It will cost the authority more than £600 to provide the information.
- The authority believes your request is “vexatious”.
- You have asked for information that has already been given to you or for information that the authority has already refused to give you, and a reasonable period of time has not passed since your last request (called a “repeated request”).
- You have asked for the information to be given to you in a format that the authority cannot reasonably provide.

Further detail is provided in the ICO’s publication: [Your Right to Know](#).

(Ref. Your Right to Know; ICO; Online, p17).

You can ask the College to review its decision if it does not respond or you are unhappy with the way it has dealt with your request. This must be done within 40 days of the end of the 20-day period for responding to your request (or the date of the response). You must request any such review in writing (or in any form that can be recorded). You must give your full name, an address for correspondence, and details of your original request. You must tell the College why you are unhappy with the response to your original request. If you don’t, the College can refuse to carry out a review.

A full text of all legislation, including amendments to date, is available on The National Archives' [legislation.gov.uk](http://legislation.gov.uk) website, and the Scottish Information Commissioner provides a set of direct links to the relevant commencement orders, Fees Regulations, and Amendment Orders at: [Law: The Freedom Of Information \(Scotland\) Act 2002](#)

## Staff: If You Receive a Request for Information

If you are a member of staff at the College, and you receive a request for information, you should follow the College's FOI Procedure thus:

1. If any request is made orally (e.g. face-to-face or by telephone) the requestor should be advised that the request should be made in writing or other permanent form, such as an email to the FoI Officer via [ann.butcher@cityofglasgowcollege.ac.uk](mailto:ann.butcher@cityofglasgowcollege.ac.uk). The requester should be directed towards the appropriate location on the College website for guidance.
2. If you are contacted in writing or other permanent form by an individual requiring information, then you should immediately treat this as a Freedom of Information request and act as set out in Section 3 below. NB. If your role normally involves the distribution of information on request (e.g. if you are involved in sending out college prospectuses) then you should continue to deal with these requests as normal (please note that the law **requires** that you respond within 20 working days).
3. If you receive a letter, fax, email or college information request form asking for information, then you must forward this to the FoI Officer (via Ann Butcher in the Executive Office) to enable the preparation of an appropriate response to the enquirer within twenty working days.
4. On receipt of a request for information, the FoI Officer will evaluate the request and confirm whether the College is able to comply, considering whether:
  - further clarification is required from the requestor
  - the request is for information that falls under exemptions provided for in the legislation
  - the information falls under Data Protection regulations (refer to Data Protection Officer)
  - the cost to the College of providing the information exceeds £600
  - the request is considered "vexatious"

- the requester has previously and recently requested the same information
- the information has been requested in a form that the College cannot easily provide

The Fol Officer will then check whether the College holds the information requested, by contacting the appropriate senior managers and other members of staff, and requesting the information within an appropriate timescale to facilitate a timeous response.

6. The Fol Officer will co-ordinate the compilation of information obtained and prepare a response within 20 working days of the receipt of the request, together with statutory notice of the requestors rights under FOISA.
7. The Executive Assistant will retain a record of all requests received, and responses provided with timescales (and whether within 20 working days)

Ref: City of Glasgow College Freedom of Information Staff Guidance: Connected/Governance/Planning