

Board of Management Audit & Assurance Committee

Date of Meeting	Tuesday 24 November 2020
Paper No.	AAC2-D
Agenda Item	5.3
Subject of Paper	FOISA Report 2019-20
FOISA Status	Disclosable
Primary Contact	Paul Clark; College Secretary/Planning
Date of production	20 November 2020
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 and Assurance 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) 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).

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 since 2018-19. (Appendix Table 1). Nevertheless several of these requests were complex and time-consuming, so a measure of volume of requests does not necessarily reflect the demands upon the College.

3.2.4 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. Note that this year, we have separated the “Students” category into Student Services and Student Records, and also the “Infrastructure” category into Estates/Facilities, and IT.

3.2.5 The Appendix also includes data on the response deadlines met, indicating an improved 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				
	2015-16	2016-17	2017-18	2018-19	2019-20
% Responses within required timescale – 20 days (number)	76% (12)	90% (6)	94% (5)	97% (1)	96% (1)

3.2.6 Members should note, from a relationship and risk management perspective, that we have maintained our dialogue with the Information Commissioners Office e.g. where clarification was needed to clarify 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.

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 Faculties, Human Resources, Student Data, Student Experience, and the Executive Office. 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

4.2. There were no appeals to the Information Commissioner in 2019-20.

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

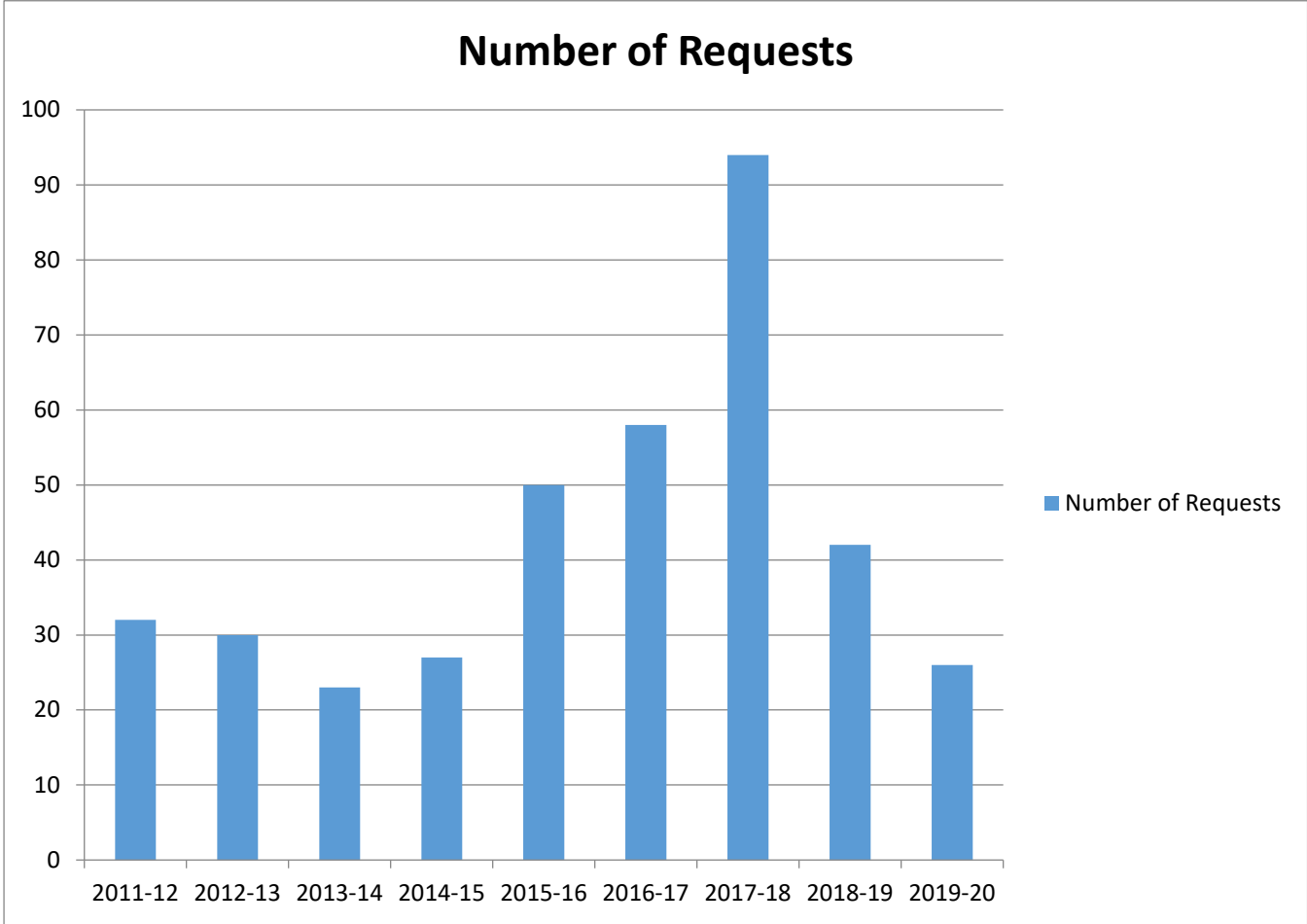


Table 2 - Nature of Requests

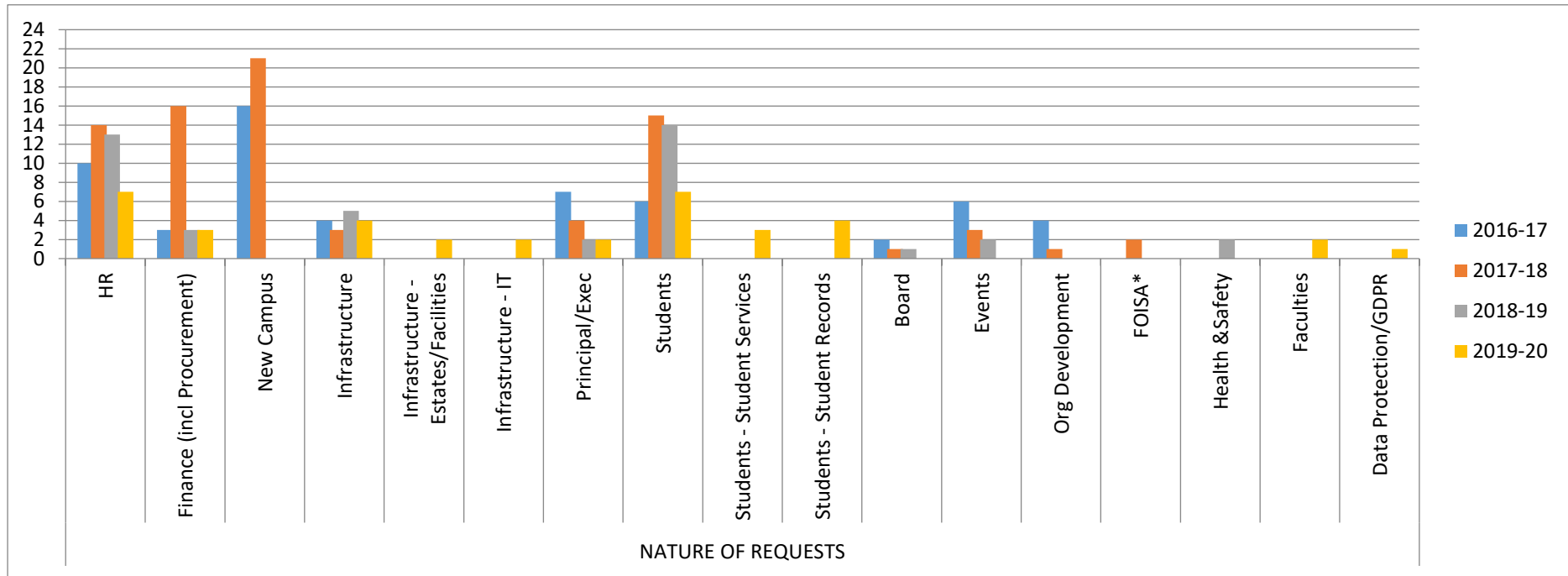
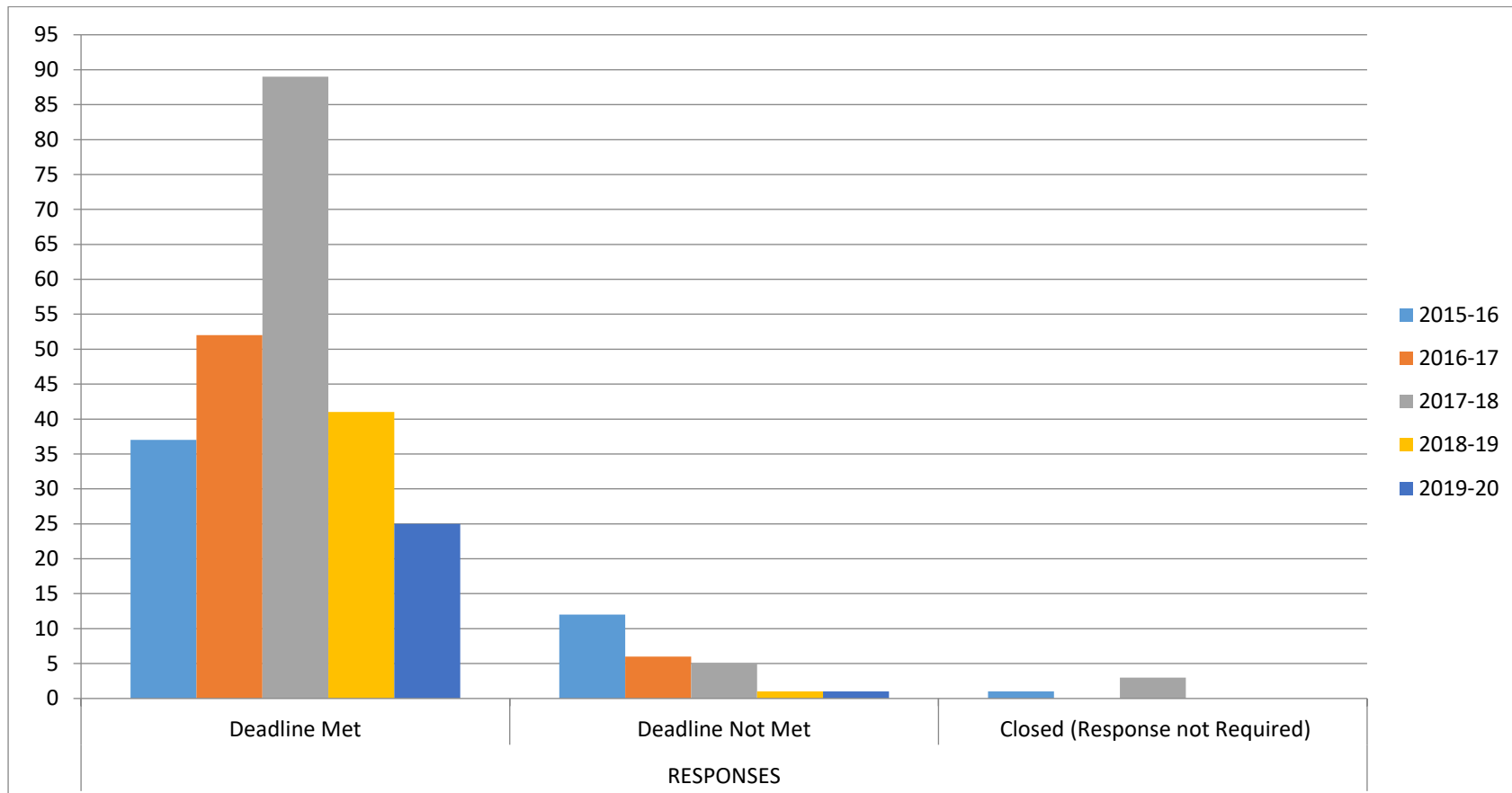


Table 3 - Responses Met



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

Table 4 - Requestors

