



**Working Together**

# **Freedom of Information Procedure**

**June 2018**

## History of Changes

<b>Version</b>	<b>Description of Change</b>	<b>Authorised by</b>	<b>Date</b>
<b>1.1</b>	Procedure updated to the current practice. All requests are now managed by the Vice Principal: Quality & Innovation through the Principal's Office. Requests and responses are now published on the website. A dedicated email address is now available for making FOI requests. Statistical returns to the Information Commissioner are now included.	D Killean	27.11.13
<b>1.2</b>	Inclusion of details on records retention. Updating of responsible persons list.	D Killean	19/08/15
<b>1.3</b>	General update to terminology	P Smith	27/4/18



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## **FOISA Procedure**

### **Background**

The Freedom of Information (Scotland) Act 2002 introduces a general statutory right of access to all types of 'recorded' information of any age held by Scottish Public Authorities (SPAs).

The Environmental Information (Scotland) Regulations 2004 (EIRs) requires SPAs to take reasonable steps to organise and keep up to date the environment information which it holds and is relevant to the SPAs' function.

The College has two main responsibilities under the Freedom of Information (Scotland) Act 2002:

- i) To produce a 'publication scheme', which will offer a guide to the information held which is publicly available
- ii) To deal with individual requests for information

The purpose of the 'publication scheme' is to provide information proactively in an easily accessible form so that people can access it without having to make an individual request.

The College is committed to providing a quality experience to all its customers and stakeholders and seeks to achieve this through a culture of openness and transparency. A key element of this commitment is to assist individual members of the public in the exercise of their statutory right to access all types of 'recorded' information held by the College. The College recognises that the disclosure of information, whether proactively, or in response to specific requests, strengthens accountability and increases public involvement in decision making.

### **Borders College Publication Scheme**

To facilitate access to information, a Publication Scheme can be accessed on the College website: [www.borderscollege.ac.uk](http://www.borderscollege.ac.uk)

## **Responsibility for the Publication Scheme**

The person with overall responsibility for the publication scheme is the Vice Principal Finance and Corporate Services.

Contact details are:    Borders College  
                                  Scottish Borders Campus  
                                  Nether Road  
                                  Galashiels  
                                  TD1 3HE

Tel: 08700 505152

E-mail: [foi@borderscollege.ac.uk](mailto:foi@borderscollege.ac.uk)

Website: [www.borderscollege.ac.uk](http://www.borderscollege.ac.uk)

## **Responsible Person by Category:**

The following list identifies who will be responsible within each faculty or department for responding to requests for information in the context of the Freedom of Information (Scotland) Act 2002.

All Freedom of Information requests should be directed to the Vice Principal Finance and Corporate Services in the first instance. He will assess the request and direct it to most appropriate person(s) from the responsible persons list.

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This list will be reviewed annually. The contact for any changes to the list of responsible persons is the Vice Principal Finance and Resources.

General Information	Vice Principal Finance and Corporate Services
Access to Information	Vice Principal Finance and Corporate Services
Quality	Director of Business Improvement and Performance
Governance	Board Secretary
Financial Resources	Vice Principal Finance and Corporate Services
Corporate Planning	Principal
Procurement	Head of Finance and Procurement
Human Resources	Head of HR and Development
Physical Resources	Vice Principal Finance and Corporate Services
Health & Safety	Health and Safety Manager
Diversity	Head of HR and Development
Student Administration and Support	Head of Student Services
Learning & Teaching	Vice Principal – Curriculum and Student Services
Information Services	Head of ISLT
External and Community Relations	Principal
Government and Regulator Relations	Principal
Environmental Information	Vice Principal Finance and Corporate Services
Student Records	Head of MIS
Library Information	Library Manager

The responsible person may delegate requests to a member of their team.

Information on the Act is available on the College web site.

### **Archiving Policy**

The College has developed and implemented a Records Management Policy that encompasses guidance on archiving and retention of documents. This can be accessed on the College website:  
[www.borderscollege.ac.uk](http://www.borderscollege.ac.uk)

## Copyright

Information obtained from this publication scheme can be copied or reproduced without formal permission provided it is copied or reproduced accurately, is not used in a misleading context and provided that the source of the material is identified and the copyright status acknowledged.

For any information within the scheme where the copyright holder is a third party (such as the Crown), the applicant must seek consent from that third party before it can be copied.

## Accessing information under the Publication Scheme

Access to information under the scheme will be possible in both online and hardcopy formats. Applicants may exercise their right under the Equality Act to request information in different formats.

Requests for material will be dealt with promptly with information being made available within 20 working days. This will be subject to advance payment of any necessary fees. Where a fee is requested the 20 working days will be extended by up to 3 months until the fee is paid.

Requests for information under the Freedom of Information (Scotland) Act 2002 must be made in writing, this includes fax or email, or in another form with some permanency capable of being used for subsequent reference (such as a recording made on video or voicemail).

A dedicated email address has been set up to receive requests:  
foi@borderscollege.ac.uk

The request must contain the name of the applicant, a contact address/email address and the information being sought. The College may ask for further information that it reasonably requires to identify and locate the information requested. Applicants will not be required to mention the Freedom of Information (Scotland) Act 2002 when making a request.

## Charging Policy

We reserve the right to impose charges for providing information if the projected cost of providing the information requested exceeds £100. Any request costing under £100 will be free of charge to the applicant. For requests costing between £100 and £600, 10% of the cost will be levied. For requests where the cost exceeds £600 the College reserves the right not to respond as indicated within the Act. Where photocopies are required these will not exceed £1 per 10 pages, subject to the conditions indicated above.

In the event that a charge is to be levied, applicant will be issued with a fee notice advising them of the charge and how it has been calculated. Information will not be provided to the applicant until payment has been received.



## Dealing with requests for information

All requests for information should be directed to the Vice Principal Finance and Corporate Services who will assess the request and, where the information is not available in the publications scheme, identify the responsible person(s) to deal with the request. Where information is available on the publication scheme he/she will inform the applicant and provide copies of the information in the requested format.

In assessing the request the Vice Principal will ensure there are no grounds under the Act for withholding the information, seek any clarification required from the individual making the request, calculate whether the request is liable for a fee payment and deal with any vexatious requests.

The responsible person(s) will return the requested information to the Vice Principal within 20 working days of the date of the request. The information is provided to the applicant from the Principal's Office with the date and details logged.

All requests and responses are displayed on the college website.

The Vice Principal provides quarterly statistical returns to the Information Commissioner for Scotland on all requests received and on the College's response.

## **Asking for a Review:**

If the person making a FOI request is unhappy with the response they are entitled to ask for a review. The Vice Principal will ask another member of the Senior Leadership Team to undertake that review.

In requesting a review, the person should give their name, a contact address/email and their reason for requesting the review. The member of SLT undertaking the review must respond within 20 working days and inform the person of their right of appeal to the Scottish Information Commissioner.

## **Keeping a record of requests for information covered by FOISA**

An internal system has been established to maintain a record of requests received that relate to FOISA. This information is held centrally at the Principal's Office and published on the College's website.

Records of the requests and the responses are retained for two full academic years following the year in which the request was made.

Application for review can be made by a requester to the Office of the Scottish Information Commissioner up to six months after the response from any internal review. The Commissioner also has the authority to extend this period. Where the College refuses to provide information on the grounds that it is a repeat request the College must also have retained the information from the original request and response. Retention of records for up to three years is prudent in these circumstances.

## Equality Impact Assessment

(Rapid impact assessment tool)

**What Impacts may there be from this proposal on any group's ability to use the College services?**

### Policy: Freedom of Information Procedure

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
The FOI Procedure allows any individual to request information from the college. It is empowering for the public allowing them to scrutinise the College's activity. The procedure applies equally to all groups with protected characteristics. The procedure allows for information to be provided in a format that makes it accessible in accordance with the Equality Act 2010.	None
<b>Actions taken to alleviate any negative Impacts:</b> None	
<b>Recommendations:</b> None	

**From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?**

No

**Has a full Equality Impact Assessment been recommended?**

Yes

No

**Reason for recommendation:**

The procedure has been updated to meet the requirements of equality legislation.

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Status: Approved by JCCP  
Procedure Dated: June 2018  
Author: Vice Principal – Finance and Corporate Services  
Review Date: June 2021  
Equality Impact Assessed: June 2018