

THE ROBERT GORDON UNIVERSITY
FREEDOM OF INFORMATION POLICY

Introduction

The Robert Gordon University is committed to openness of information and aims to comply fully with the spirit of the **Freedom of Information (Scotland) Act 2002** (FOISA).

The Robert Gordon University has a number of statutory obligations to comply with due to FOISA. There are two main areas of obligation:

1. Publishing and maintaining a publication scheme, effective from 1st September 2004. Publishing and maintaining publication schemes for all wholly-owned active and dormant companies, effective from 30th November 2004.
2. Disclosure of requested information held by the University, subject to exemptions, under section 1 of FOISA, effective from 1st January 2005.

In addition, the University has an obligation, under section 61 of FOISA to establish practices in relation to 'the keeping, management and destruction' of records. These practices will be developed in consultation with the wider University community and will be detailed within the University's Records Management Strategy and Policy.

Scope of the Policy

This policy applies to all recorded information held by the University including (although not exclusively): minutes, invoices, correspondence, policies, hand written notes, calendars, diaries, expense forms, teaching materials, research material, contracts and procurement documentation.

It applies to information in all formats including paper copies, emails, text messages, audio and VHS tapes.

Aims

The aim of this policy is to provide a framework to manage the University's statutory obligations under FOISA. Specific aims include:

1. To ensure the effective management of the University's and publicly-owned companies publication schemes and ensuring information is openly published in accordance with the requirements of the Act.
2. To ensure effective management of all section 1 requests under FOISA and effective compliance with the section 60 Code of Practice on the Discharge of Functions by Public Authorities under FOISA.

Relationship to Other Policies

This policy has been written with regard to the other relevant University policies, namely:

- Information Strategy (TBC)
- Data Protection Policy
- Records Management Strategy (TBC)

Accountabilities

- The overall accountability for compliance with all aspects of FOISA lies with the Executive Director (Information Technology and Communication).
- The Executive Director is supported in this function by the University's Records Manager who will ensure the effective day-to-day management of compliance with FOISA. This includes the maintenance of the University's publication scheme, dormant owned-companies publication scheme's and issuing guidance on how to comply with the requirements of FOISA. Co-ordination of information collection across the University, exemption(s) application, any correspondence with applicants and monitoring of requests is the responsibility of the Records Manager.
- Heads of Schools/Departments are accountable for the maintenance of web pages where information should be openly published in accordance with the publication scheme(s). Heads of Schools/Departments will be asked to nominate an individual(s) to undertake the role of Freedom of Information Officer
- Each designated Freedom of Information Officer has the responsibility to co-ordinate information collection within their own school/department in response to information requests in liaison with the Records Manager. They may also provide advice and guidance on potential exemptions and calculating any fees applicable for the provision of information in accordance with the University's policy. Freedom of information officers should be of appropriate seniority to ensure that information can be supplied within 20 working days, but in line with this policy will not respond to requests for information. See the respective flowcharts for what to do if asked for information.
- All staff are accountable for ensuring the effective handling of requests for information (either contained in the publication scheme or as part of a section 1 freedom of information request) in the correct manner as stated in this policy and any subsequently established procedures.

Handling Requests

As soon as a request for information has been received and is not routinely given out by their school/department, the request should immediately be referred to their Freedom of Information Officer, who will follow the procedure contained within Flowchart 1: Information Requests (see Appendix I). The Records Manager will then co-ordinate the collection of information in liaison with Freedom of Information Officers and other staff as appropriate.

As prescribed in FOISA, all staff have a responsibility to provide advice and assistance to any person making an information request. For example, if the

applicant is incapable of supplying the request in a written format, offering to take a note of the request over the phone and sending the note to the applicant for confirmation would be expected.

Staff are strongly advised to direct applicants to use the online information request form or to submit their request by email to foi@rgu.ac.uk or by letter to the Records Manager.

It is the intention of the University to comply with information requests as soon as possible within the **20 day** statutory limit.

Publication Scheme

The Publication Scheme is recognised as a key instrument for the University to communicate with its stakeholders and the wider community. As such it is vital that the information is kept up-to-date and that all information within the classes is published externally in the manner as prescribed within the publication scheme.

The Act also requires Publication Schemes for each wholly-owned company, both active and dormant. If a wholly-owned company is created or if there is a change in the status of the company (e.g. an active company becomes dormant), the Records Manager must be informed immediately in order to take the correct measures to either create or amend a Publication Scheme.

Environmental Information

The handling of requests for environmental information will, due to the different regulations, need to be handled differently to section 1 requests under FOISA. When information requests are received and identified as relating to environmental information, the process prescribed in Flowchart 2: Environmental Information **must** be adhered to (See Appendix II). This process is to be followed by freedom of information officers and the Records Manager only.

Responding to Requests

It is important for the University to respond to requests as a corporate entity. It is for this reason why the Records Manager will co-ordinate and respond to all Freedom of Information requests. The Records Manager will ask for further information, send the collated information or refusal notice. This will require, from time to time, the Records Manager to liaise with staff as appropriate in order to facilitate a single response to the applicant.

Exemptions & Refusals

The Act includes a number of exemptions that can be applied that will lead to a refusal notice being served.

The application of exemptions will be a collaborative process co-ordinated by the Records Manager in consultation with Freedom of Information Officers and senior management, as appropriate.

If information is being withheld the refusal notice **must** include the following information:

1. Confirmation that the University holds the information being requested (if applicable)
2. That the information requested is exempt
3. The exemption(s) that apply
4. Why the exemption(s) apply
5. To explain why disclosure is not in the public interest if relevant

Fees

The University will use the standard fee of £15 per hour for staff time, as detailed in the Scottish Executive's The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004, to calculate the cost of locating, retrieving, or providing the information requested (see Appendix III: Fees).

Complaints/Reviews

If a complaint or request for review is received after a request for information, FOISA states that the requester is entitled to a review within the University.

The review of Freedom of Information decisions will automatically be referred to the Executive Director, or a member of the Senior Management Group as appropriate.

When a review of a decision is undertaken, as far as possible, the officers involved in the original decision will not form a part of the review process.

If after a review the applicant is still not satisfied they can complain to the Office of the Scottish Information Commissioner.

Monitoring

In order to help compliance with FOISA and the Section 60 Code of Practice, the University will seek to monitor the following (but not exclusively):

- Compliance for supplying information within 20 days
- Number of reviews requested
- Review decisions
- Fees charged

Training

In order for the University to effectively comply with information requests, it is important for every member of staff to be made aware of their duties and responsibilities under FOISA. Different levels of awareness and training will be provided and refresher training will be made available.

Contact Details

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**Appendix I:
Flowchart 1: Information Requests**

**Appendix II:
Flowchart 2: Environmental Information**

Appendix III: Fees

The Freedom of Information (Scotland) Act 2002 prescribes a fees structure for information requests.

The fee that can be charged is dependent on the type of information being requested. These fall into three categories:

Publication Scheme

Any fee that is chargeable relating to information covered by the Publication Scheme is detailed within the scheme itself and no fee other than those prescribed within the Scheme can be charged.

Environmental Information

A fee can be charged for the provision of environmental information as long as it is "reasonable" and does not exceed the cost of providing the information.

Section 1 Freedom of Information Requests

To determine whether a fee will apply for the request, an estimate of cost needs to be made. Each school/department will estimate their expected costs and will inform the Records Manager who will calculate any potential total fee and will notify the applicant if a fee is payable.

The estimate for expected costs is based on likely expenses for: 'direct and/or indirect costs incurred in locating, retrieving, and providing the information in accordance with the Act; giving effect to a preference expressed by the applicant for receiving the information'.

The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 states that:

The first £100 of costs are provided free of charge

For estimated costs above £100 we may charge 10% of the costs up to the prescribed amount.

The prescribed amount is £600. After £600 we are no longer obliged to provide the information.

Example:

The University estimates that locating and retrieving the information will take 2 members of staff 4 hours to complete.

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|--------------------------------------|---------------------------------|----------------|
| Actual cost of staff time: | £15.00 per hour x 4 | = £60.00 |
| | £15.00 per hour x 4 | = £60.00 |
| Photocopying: | 50 x A4 sheets at 10p per sheet | = £5.00 |
| | Total | = £125.00 |
| The charge to the applicant will be: | £125.00 minus £100.00 | = £25.00 |
| | £25.00 x 10% | = £2.50 |

Once a fee notice has been served to the applicant, they have 3 months in which to pay it and the University will not undertake to find the information until the fee is paid in full.