



Glasgow Life

FOI/EIR Policy

PURPOSE

This document sets out Glasgow Life's **Freedom of Information (Scotland) Act 2002 (FOI) and Environmental Information (Scotland) Regulations 2014 (EIR) Policy** which provides the basis for staff on how to respond to FOI/EIR requests for information. Information, in whatever form it exists, or wherever it is located, should be assessed in compliance with this Policy. This excludes individuals' access to their own personal data, which is handled under the Data Protection Act 1998.

In terms of explaining how Glasgow Life should handle information, this Policy should be read alongside the Glasgow Life Privacy Statement, Information Use and Privacy Policy and other related guidance already published.

DPIRO
June 2017

Document Control

Document Information

Document Title	FOI/EIR Policy
Document Owner	Director of Finance and Corporate Services
Ratification by	Information Management Group (IMG)
Date of Ratification	June 2017
Date First Issued	
Review Period	3 years
Date of Last Review	
Date of Next Review	June 2020
Relevant to	All Glasgow Life staff
Main areas affected	All services and funtions
File location:	

Document History

Version	FINAL V1
Date Re-issued	
Approved by	Information Management Group
Key Changes	

Glasgow Life strives to ensure equality of opportunity for all, both as a major employer and as a provider of culture and sport services in the city. This Freedom of Information (Scotland) Act 2002 (FOI)/Environmental Information (Scotland) Regulations 2014 (EIR) – Policy, has therefore been equality impact assessed to ensure fairness and consistency for all those covered by it, regardless of their individual differences.

Contents

1.0	Introduction	1
2.0	Definitions	1
3.0	Related policies and schemes	3
4.0	Key legislation	4
5.0	FOI/EIR policy statement.....	5
6.0	Our obligations	6
7.0	Scope.....	7
8.0	Purpose.....	7
9.0	Roles and responsibilities.....	7
10.0	Model publication scheme	9
11.0	Business as usual requests.....	10
12.0	Receiving and responding to FOI/EIR requests.....	10
13.0	Exemptions and exceptions.....	11
14.0	Confidentiality and protective markings	12
15.0	Refusal of requests	12
16.0	Release of Glasgow Life employee names and details.....	13
17.0	Consultation with third parties.....	14
18.0	Legal advice	14
19.0	Public sector contracts	15
20.0	Records management	15
21.0	Implementation.....	15
22.0	Process for monitoring compliance/effectiveness	16
23.0	Promoting equality of access.....	16
24.0	Arrangements for review of the policy.....	17
	APPENDIX A – The 5 min, 5 step, quick-check, and 5 step FOI/EIR process	A1
	APPENDIX B – Withholding information.....	B1

1.0 Introduction

- 1.1 This document sets out Glasgow Life's **Freedom of Information (Scotland) Act 2002 (FOI) and Environmental Information (Scotland) Regulations 2014 (EIR) Policy** which provides the basis for staff on how to respond to FOI/EIR requests for information. Information, in whatever form it exists, or wherever it is stored (e.g. including personal filestores or devices), should be assessed in compliance with this Policy. This excludes individuals' access to their own personal data, which is handled under the Data Protection Act 1998.

2.0 Definitions

2.1 Data Protection Act (1998) ("the DPA")

An Act of Parliament which defines the UK law on the processing of data of living persons. The DPA defines eight data protection principles and is the main legislation governing the protection of personal data in the UK.

2.2 Freedom of Information (Scotland) Act (2002) ("the Act")

An Act of Parliament which came into force in 2005. The Act gives the public the general right to know that information is held by a Scottish public authority such as Glasgow Life and also allows them a general right of access to recorded information held by any Scottish public authority.

2.3 Environmental Information (Scotland) Regulations (2004) ("the EIRs")

Statute which came into force in 2005 to give right of access to environmental information held by Scottish public authorities.

The EIRs create a self-standing system of giving public access to environmental information held by a range of bodies including Glasgow Life. They are similar in structure to the Freedom of Information (Scotland) Act 2002 (FOI) in that in general if someone requests environmental information which we hold then unless an "exception" applies (these are similar to FOI exemptions) they are entitled to be given the information within 20 working days. As with FOI a fee may be charged and the enforcement machinery is identical. There is also a duty to advise and assist applicants as is the case with FOI.

2.4 Information Commissioner's Office (ICO)

An independent UK regulatory office reporting directly to Parliament and overseeing the DPA 1998, the upcoming General Data Protection Regulation, the Privacy and Electronic Communications Regulations 2003, the FOI Act (England), and the EIRs (England).

2.5 Scottish Information Commissioner's Office (SICO)

An independent Scottish regulatory office reporting directly to the Scottish Parliament and overseeing the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and the associated Codes of Practice for the discharge of functions by Public Authorities under the Act and the EIRs, and the associated Records Management practices performed by Scottish public authorities.

2.6 Model publication scheme

A list of information the Scottish Information Commissioner expects Scottish public authorities to actively and routinely publish. All Scottish public authorities are required to produce and maintain a Publication Scheme.

2.7 Codes of practice (section 60, section 61 of the Act and Regulation 18 of EIRs)

Under section 60 and 61 of the Act and regulation 18 of the EIRs, Scottish Ministers published Codes of Practice that describe the practice that Scottish public authorities should follow in connection with the discharge of their functions (60) and records management (61) required under the legislation, and in addition for records management under the Public Records (Scotland) Act 2011. The Codes seek to avoid duplication or overlap of the considerable guidance already issued by the SICO.

2.8 Exemptions and exceptions

Conditions which may be applied when requested data may be withheld from disclosure. There are two types of exemption: absolute and qualified.

Absolute exemptions: exemptions that do not require a public interest test to be undertaken. These exemptions identify where there is no legal right under the legislation to access the information.

Qualified exemptions: exemptions or exceptions which are subject to the public interest test. Where a possible qualified exemption/exception applies the authority must consider whether there is a greater public interest in providing the information to the applicant or in maintaining the exemption/exception.

2.9 Harm test (additional test before a public interest test, for each content type, qualified, exemption and exception – substantial prejudice)

Any decision taken to withhold information must be clearly explained and robustly evidenced. In order to apply an exemption or exception that carries a harm test, a Scottish public authority must be able to demonstrate the 'harm' that would be, or would likely be caused. Likely, needs to be a significant probability and actual, not just a remote possibility, or hypothetical. There must be a real link demonstrated between the disclosure of the information and the harm which would result.

2.10 Public interest test (for each non-absolute, qualified, class and content type, exemption and exception)

A public interest test must be applied when the use of a qualified exemption is proposed. The factors for and against the disclosure of requested information are considered and in order to apply the exemption, the factors against disclosure must be seen to outweigh the factors for disclosure. The weight for disclosure is balanced in favour before the test is applied.

3.0 Related policies and schemes

- Glasgow Life Records Retention Schedules
- Privacy Statement and Information Use and Privacy Policy
- Information Security Policy and Data Protection Guidelines
- Glasgow Life's Model Publication Scheme

4.0 Key legislation

- 4.1 There are three key pieces of legislation which provide the right for people to access information that we hold, or someone else holds on our behalf:

The Data Protection Act 1998

- 4.2 The Data Protection Act 1998 (the DPA) allows individuals to access information about themselves. For example, "I would like a copy of all information which the Glasgow Life holds about me."
- 4.3 Making a request for your own information is referred to as making a subject access request and should be handled under the DPA.

The Environmental Information (Scotland) Regulations 2004

- 4.4 The Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a right of access to information about the environment. For example, "I would like a copy of all information regarding the refurbishment plans for the Burrell Gallery".
- 4.5 The definition of environment is very wide and covers pollution, noise levels and conservation as well as measures which may affect the environment.
- 4.6 Requests for EIRs should be handled as an FOI request.

Freedom of Information (Scotland) Act 2002

- 4.7 Freedom of Information (Scotland) Act 2002 (FOI or the Act) provides a right of access to recorded information held by, or held by someone else on behalf of a Scottish public authority. For example, "I would like information about how many internet bookings had been made in Glasgow Libraries for the years 2017 and 2016."
- 4.8 Requests which are not looking for information about the environment or for the applicant's own personal data should be dealt with as FOI requests.

5.0 FOI/EIR policy statement

5.1 Glasgow Life, as a Scottish Public Authority, is committed to the principles underlying the Freedom of Information (Scotland) Act 2002 (“the Act”) and the Environmental Information (Scotland) Regulations 2004 (“the EIRs”). The legislation provides a general ‘right to know’ and ‘right of access’ to much of the information held by Glasgow Life, in order to ensure greater openness and accountability. Glasgow Life fully recognises these rights and will **not restrict** nor **frustrate** access to information unless a statutory exemption under the Act or exception under the EIRs applies.

5.2 All staff should be aware of this policy, related procedures, guidelines and their duties under the Act and the EIRs (“the legislation”) and should be prepared to assist ‘promptly’ any member of the public, a Head of Service/Information Asset Owner, FOI/EIR case officer, or the Data Protection & Information Risk Officer, when asked. Any member of staff could be asked for information.

5.3 The legislation applies to all business information held by, or on behalf of, Glasgow Life. This includes both current and archived information, wherever it may be stored. The Data Protection Act 1998 (“the DPA”) applies to Subject Access Requests for applicants’ access to their own personal information.

5.4 The legislation is enforced and overseen by the Scottish Information Commissioner’s Office (SICO). The DPA is overseen by the UK’s ICO.

5.5 Glasgow Life’s Data Protection & Information Risk Officer will monitor responses for compliance to requests made under the legislation.

5.6 High level principles

- All requests for information must be dealt with ‘promptly’ in an efficient and helpful manner (by providing relevant Advice and Assistance), in accordance with section 60 Code of Practice on the Discharge of Functions by Public Authorities which accompanies the Act and the EIRs.
- Information produced by Glasgow Life will be made publicly available where possible via our Model Publication Scheme to provide a transparent and cost effective approach to responding to requests for information. Proactive

publication and a Guide to Information are important parts of 'openness and transparency' for the public to access information about the delivery and decision-making of Glasgow Life's services in compliance with FOISA and the section 60/61 Code of Practice.

5.7 In cases where a statutory exemption (the Act) or exception (the EIRs) applies, due consideration should be given to whether or not the information is disclosed, with appropriate regard to the statutory 'harm' and 'public interest' [tests](#) that **must** be carried out, where applicable.

5.8 Glasgow Life will not restrict nor frustrate, the general rights 'to know' or 'to access', recorded information held by Glasgow Life

6.0 Our obligations

6.1 We have 3 fundamental duties under FOI/EIRs.

6.2 We have a duty under the legislation to give [advice and assistance](#) to an applicant at every stage including before and after a request and we must respond promptly and [within 20 working days](#) to a request for information under our duty to provide access to information. We also have a duty to confirm or deny we hold information.

6.3 During this time the information must be searched, located, retrieved and prepared for release, or else valid reasons must be given to explain to the applicant why Glasgow Life are not releasing the information.

6.4 It is very important that we respond on time to requests for information as failure to respond on time can put us in breach of the legislation and affect our reputation.

6.5 Once we receive a request for information, it is vital that information which is held in relation to the request is kept. It is a criminal offence to intentionally destroy, conceal, block, erase, or alter information, after an FOI/EIR request has been received. It is important to note that Glasgow Life information wherever it is stored (including personal devices or personal filestores), is subject to information access legislation.

7.0 Scope

7.1 This policy has been established to ensure that Glasgow Life complies with information access legislation. It applies to all information held by Glasgow Life, which includes information held by all services, business areas, and staff, irrespective of its format or its location. Information 'held' by Glasgow Life includes information created, received or maintained, as well as information held by third parties on behalf of Glasgow Life and can include business information that is stored on a personal device or personal filestore. This excludes individual's access to their own personal data, which is handled under the Data Protection Act.

8.0 Purpose

- To ensure that Glasgow Life complies with information access legislation
- To ensure all Glasgow Life staff are aware of their responsibilities under the legislation (through the provision of GOLD FOI training, publication of this policy and other related policies, procedures and guidelines)
- To outline Glasgow Life's 5 min, 5 step, quick check and 5 step FOI/EIR process in responding to a request under the legislation (See Appendix A)

9.0 Roles and responsibilities

9.1 **All staff** who create, receive or maintain information have responsibilities under the legislation. Staff must ensure that any request for information they receive is handled in compliance with this Policy and other related policies, procedures and guidelines.

9.2 All staff are required to assist a Service Director, Head of Service/Information Asset Owner, FOI/EIR Case Officer, or the Data Protection & Information Risk Officer if asked for information.

9.3 Failure to assist may result in Glasgow Life failing to comply with the legislation, which may lead to complaints and ultimately an investigation by the Scottish Information Commissioner.

9.4 Non-compliance with Glasgow Life policy may result in disciplinary action.

9.5 The **Chief Executive** has overall responsibility for compliance with the legislation.

- 9.6** As well as ensuring compliance, the Chief Executive is responsible for bringing any FOI/EIR issues requiring board consideration to their attention.
- 9.7** The **Service Directors** will be responsible for undertaking internal reviews resulting from complaints and appeals. The Service Director may assign a different Case Officer to assist them in this task but where possible not the officer(s) involved in the initial response to ensure a fair and impartial review. The Service Director may also request the assistance of legal services (GL and external) for any complex legal issues. Any lessons learned from reviews requiring changes to response handling should be implemented and where appropriate shared with other services to foster best practice. The Service Directors must conduct an annual Advanced FOI/EIR GOLD training course and a one-off workshop.
- 9.8** The **Director of Finance and Corporate Services** as the lead for information governance has responsibility for the overall management of FOI/EIR policy and procedure.
- 9.9** The **Heads of Service/IAOs** are responsible for managing all their information assets within their service including authorising disclosures and as such will authorise initial responses to requests for information. They are also responsible for ensuring that their staff are aware of the existence and content of this policy and its related procedures and guidelines in addition to any training that is required. The Heads of Service/IAOs should also put in place robust arrangements to ensure that staff absence (whether planned or un-planned) does not affect Glasgow Life's ability to respond to requests. The Heads of Service/IAOs will be responsible for ensuring that response handling improvements learned from reviews are implemented. They must also conduct annual Advanced FOI/EIR GOLD training and a one-off workshop.
- 9.10** The **FOI/EIR Case Officer** is responsible for responding to a request for information, including the coordination and lead on all tasks to be taken in the 5-step FOI/EIR process. The FOI/EIR Case Officer is nominated by the Head of Service/IAO. The FOI/EIR Case Officer must conduct annual Advanced FOI/EIR GOLD training and a one-off workshop.
- 9.11** The **Head of Corporate Services/SIRO** is responsible for providing the Operations Board with assurance or escalating or raising awareness of FOI/EIR compliance matters.

- 9.12** The **Data Protection & Information Risk Officer** is responsible for the day to day routine management of FOI procedures, development and maintenance of the publication scheme. The Data Protection & Information Risk Officer will also maintain appropriate performance statistics on FOI activity and report regularly to the Information Management Group. The Data Protection & Information Risk Officer will in addition provide advice and guidance to staff at all stages of the process as and when required.
- 9.13** **FOI Admin** is responsible for the central FOI administration tasks – FOI mailbox management, FOI/EIR logging, tracking, assigning reference numbers, central scanning/filing of all case records/correspondence received and sent, internally and externally, and compiling statistics.
- 9.14** **All staff** have a responsibility to recognise and respond to requests for information, and also to forward information promptly to the FOI/EIR Case Officer responding to the request, a Head of Service/IAO, or the Data Protection & Information Risk Officer when asked. All staff must conduct an annual basic FOI/EIR GOLD course. All staff must also ensure their ‘out of office’ message settings has advice about applicants submitting FOI requests either online using our [FOI enquiry form](#) or by email to foi@glasgowlife.org.uk

10.0 Model publication scheme

- 10.1** The publication scheme is a legal requirement of the legislation, and encourages the proactive and routine publication of information by Glasgow Life.
- 10.2** Glasgow Life complies with the Scottish Information Commissioner’s (SICO) publication scheme which lists the types of information that the SICO expect a public authority to make available by proactive publication.
- 10.3** Glasgow Life’s publication scheme is available via the website (in the Freedom of Information section at www.glasgowlife.org.uk/foi/Pages/home.aspx) and is maintained by the Data Protection & Information Risk Officer. Services and business areas have a responsibility to ensure information is actively contributed to the publication scheme. The upkeep of which includes contributing accurate, relevant, and useful information that will be of benefit to the public and will help reduce costs associated with FOI and increase openness and accountability.

11.0 Business as usual requests

11.1 Under the legislation, any written request (or verbal for EIRs) for recorded information is technically a request under FOI/EIRs. This includes the routine request often referred to as 'business as usual' where:

- the requests are simple and straightforward;
- the authority releases all the requested information on time; and
- it is unlikely that the applicant will be dissatisfied with the response.

11.2 Any response which does not meet all of the above criteria must include full details on review procedures as though it was responded to as an FOI request.

12.0 Receiving and responding to FOI/EIR requests

12.1 Glasgow Life's [5 step FOI/EIR process](#) for responding to requests under the legislation are set out in [Appendix A](#) and all employees should familiarise themselves with the information. **There is a statutory limit of 20 working days to respond.** There is also a useful [5 min, 5 step, quick-check](#), to follow.

12.2 Under the legislation, Glasgow Life has a duty to provide '[advice and assistance](#)' at every stage and at all times to persons who propose to make, or have made, requests for information.

12.3 Under the legislation, Glasgow Life has a duty '[to confirm or deny](#)' if it holds information and failure to do so may result in an investigation by the SICO.

12.4 Glasgow Life may not have to comply with a request if it falls under an exemption or exception allowed for in the legislation ([see section 13.0](#)).

12.5 Requests are 'applicant blind', meaning Glasgow Life cannot take the identity of the applicant into consideration when releasing the information. An exception to this may be made if the applicant proves vexatious ([see section 13.3](#) and [13.4](#)). Also, when [consulting third parties](#), do not disclose the identity of the applicant as this would breach the DPA.

- 12.6** Information provided by and belonging to Glasgow Life in response to a request under the legislation remains [copyrighted](#) and can only be used for the applicant's personal use or for other specific uses permitted in the Copyright, Designs and Patents Act 1988 and/or the Copyright and Rights in Databases Regulations 1997. Third party copyrighted information disclosed by Glasgow Life under FOI has the same obligations on the applicant under the Copyright, Designs and Patents Act 1988 and/or the Copyright and Rights in Databases Regulations 1997.
- 12.7** If an applicant wishes to use information provided by Glasgow Life for commercial purposes (including the sale to a third party) they must seek written permission under the Regulation on the Re-use of Public Sector Information Regulations 2015. Granting permission may involve a licensing arrangement, which may incur a fee. Other specific uses by the applicant of the third party copyrighted information being disclosed will require the applicant to seek the permission directly from the copyright holder.

13.0 Exemptions and exceptions

- 13.1** The legislation provides exemptions/exceptions that may allow Glasgow Life not to disclose requested information. A list of exemptions and exceptions can be found in [Appendix B](#).
- 13.2** The most likely exemptions/exceptions to be used by Glasgow Life are for personal information, information available by other means, commercial interests and cost of compliance if estimated to be excessive, [see section 13.5](#).
- 13.3** The legislation allows for a request to be exempt by classing it as "[vexatious](#)" or "[repeated](#)". The history of the request will be looked at to establish whether it is vexatious or repeated. Characteristically, vexatious requests are typically obsessive and cause unjustified distress and disruption. It is the request, not the requestor that is deemed vexatious or repeated, so future requests will not be automatically refused. A requestor asking for information that has already been supplied to them can be treated as repeated.
- 13.4** Any decision to consider a request as 'vexatious' or 'repeated' will require the agreement of the Director of Finance and Corporate Services and the Data Protection and Information Risk Officer. Requestors deemed as vexatious or

repeated must be given the right to appeal this decision by being informed of their right to request an internal review. Once a requestor has been informed that their request is being treated as vexatious or repeated, Glasgow Life is not obliged to provide any further response to any repeated requests for substantially similar information until a “reasonable interval of time” has passed (see 13.3 above regarding distinction between requests and requestor).

- 13.5** Glasgow Life has the right to refuse to process any request for information where the costs associated with that request are [estimated to exceed £600](#). This is calculated for the most appropriate grade to carry out the ‘manual tasks’ associated with locating, retrieving and providing the information and is capped at a flat rate of £15 per hour max, which equates to appx 40 working hours. It is not based on determining whether the information is held or deciding whether it should be disclosed. Where it is intended to apply this exemption, a breakdown of the work involved in complying with the request will be required for the Data Protection & Information Risk Officer, stating how the £600 limit would be reached, and by how far it would be exceeded.

14.0 Confidentiality and protective markings

- 14.1** Any information considered to be or marked as confidential (or other similar security classification) is not necessarily a material consideration in decisions about disclosing or withholding information under the legislation. Although there are circumstances where information might correctly be considered as confidential, each request must be considered on its own merits within the terms of the legislation and be able to clearly demonstrate to the applicant and the SICO why the information should not be disclosed.

15.0 Refusal of requests

- 15.1** Glasgow Life will be obliged to disclose any information in response to a request unless there is exemption provided for in the legislation. If Glasgow Life chooses to refuse a request for information under any of the reasons outlined in Appendix B, the applicant will be informed of the reasons for this decision within twenty working days.

- 15.2** When a request is refused, the applicant will be informed of the procedure for requesting an [internal review](#) of Glasgow Life's handling of the request, and of how to make a complaint to the SICO if they remain dissatisfied.
- 15.3** Glasgow Life will conduct a Review led by the respective Service Director when dealing with complaints about the discharge of the duties under the legislation, including the handling of requests for information.
- 15.4** In exceptional circumstances, where a request is made for information that is subject to a current piece of work and premature disclosure is not deemed in the public interest, Glasgow Life may choose to withhold the information temporarily. Every effort will be made to indicate a date when a future request would be honoured.

16.0 Release of Glasgow Life employee names and details

- 16.1** As a public authority, there is recognised justification for the disclosure of employee names and contact details in limited circumstances.
- 16.2** Glasgow Life will release staff names of Grade 9 and above as per the principles set out in our [Information Use and Privacy Policy and Privacy Statement](#).
- 16.3** For staff below Grade 9, consent will normally be sought if release of names is appropriate. In some cases, the public interest in disclosure of personal details may be judged to outweigh an individual's preference to restrict such disclosure. The final decision on release of information lies with the Heads of Service/Information Asset Owners for initial FOI responses and Service Directors for reviews, or the Director of Finance and Corporate Services as policy lead.
- 16.4** Those staff with public facing roles or those already in the public domain are more likely to have their names released. Personal contact details (ie, home address, home telephone number, personal email address) will never be released in response to a request under the legislation. See section 17.0 for further information on the release of third party information.
- 16.5** Requests for salary information will be answered by providing pay bands.

17.0 Consultation with third parties

- 17.1** If third parties are involved it is best practice that they are [consulted](#) or at least notified as soon as possible, so that their views can be included for consideration of the request, particularly if the disclosure may cause harm. However, do not disclose the personal details of the applicant.
- 17.2** Glasgow Life recognises that in some cases the disclosure of information may affect the legal rights of a third party, for example where information is subject to an 'actionable breach of confidence' or where it constitutes 'personal data' within the meaning of the DPA. Unless an exemption provided for in the Act or exception in the EIRs applies in relation to any particular information involving third parties, Glasgow Life will be obliged to disclose that information in response to a request. Glasgow Life will always try to gain the consent of employees (see section 16.0).
- 17.3** The fact that the third party has not responded to the consultation does not relieve Glasgow Life of its duty to disclose information under the legislation, or its duty to reply within the time specified in the Act or the EIRs.
- 17.4** In all cases, it is for Glasgow Life, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the Act or the EIRs. A refusal to consent to disclosure by a third party does not, in itself, mean information should be withheld.

18.0 Legal advice

- 18.1** Requests for legal assistance should first be directed to the DPIRO who may be able to assist. If appropriate the DPIRO will raise a request on behalf of the Service for legal assistance through GL Contracts. Alternatively, the Service with approval from the Service Director may elect to procure external legal advice at additional expense to the Service (in exceptional circumstances) by submitting a request through GL Contracts. In any respects all requests for reviews will be notified to GL legal for information or for assistance.

19.0 Public sector contracts

19.1 When entering into contracts Glasgow Life will refuse to include contractual terms which aim to restrict the disclosure of information held by Glasgow Life or information relating to the contract itself. Unless an exemption provided for under the Act is applicable in relation to any particular information, Glasgow Life will be obliged to disclose information in response to a request, regardless of the terms of a contract.

20.0 Records management

20.1 Glasgow Life is required to be compliant with the section 61 Code of Practice on the Management of Records under the legislation.

20.2 A request for information cannot be refused on the grounds of an inability to locate a document or information due to poor records management. It is also a criminal offence to destroy, conceal, block, erase, or alter, material because it has been requested under the legislation.

20.3 Glasgow Life's Records Retention Schedule contains information about the creation, management, retention period, and disposal of records.

21.0 Implementation

21.1 Awareness of the revision of the policy will be made via manager's briefings, e-news and in the 'Managing Information' FOI area on our intranet.

21.2 The policy will appear in the FOI area of the intranet under 'Managing Information'.

21.3 Manager briefings will be used to alert all staff when the policy has been updated and particularly in respect of their responsibilities.

21.4 The policy will be available in Glasgow Life's publication scheme.

21.5 Glasgow Life will provide FOI awareness training for all staff and advanced training for request handlers.

21.6 The Data Protection & Information Risk Officer will be available to assist and guide individual staff groups about FOI awareness as and when requested.

22.0 Process for monitoring compliance/effectiveness

22.1 The Data Protection & Information Risk Officer will routinely report a summary of FOI activity to IMG, including the number of requests exceeding 20 working days to complete and the number of internal reviews requested.

22.2 The number of complaints will be monitored and regularly reviewed by the Head of Corporate Services/SIRO and the Data Protection & Information Risk Officer.

22.3 An ongoing satisfaction questionnaire, sent to every 5th requestor, will provide an indication of how successfully Glasgow Life is fulfilling its FOI obligations.

22.4 Quarterly questionnaires to a random sample of 30 staff members will provide an indication of the level of awareness amongst staff and be used to inform future training initiatives.

23.0 Promoting equality of access

23.1 Glasgow Life is committed to ensuring that all people are given full and equal access to make a freedom of information request.

23.2 Where necessary, staff will assist and advise the applicant by helping to complete the FOI request for them and read it back to ensure that an accurate record of the request has been taken. Where possible, applicants should endorse the request to show that it has been agreed.

23.3 Glasgow Life will arrange to provide assistance to applicants who have difficulty with spoken English or whose first language is not English; provide support for visually impaired customers; or arrange sign language interpretation when appropriate. Please refer to the procedures in the comments, compliments and complaints policy.

23.4 Where an applicant is unable, or reluctant, to make a request on their own, we will accept valid requests brought by a third party when there is appropriate personal consent from the applicant and the third party has a valid name and contact

reference. Anyone can a request on behalf of another person (e.g. a solicitor on behalf of a client, or an elected official on behalf of a constituent). However, the person on whose behalf the request is being made must be named or the request is not valid.

24.0 Arrangements for review of the policy

24.1 This policy is to be reviewed after three years, or as any changes to practice occur.

24.2 The policy will be reviewed by the Head of Corporate Services. Consultation will be sought from other staff members as appropriate.

APPENDIX A – The 5 min, 5 step, quick-check, and 5 step FOI/EIR process

- A1.** For any request, it is essential to start looking at it as soon as possible when it is received. Plan ahead the work you will need to do to respond within 20 working days.
- A2.** The 5 step FOI/EIR process provides the high level steps that are followed when handling an FOI request. They are supported by more detailed procedures and guidance available on the FOI area of the intranet within the ‘managing information’ section.
- A3.** In addition to the 5 step FOI/EIR process, there is also a 5 min, 5 step, quick-check.
- A4.** The 5 min, 5 step, quick-check:
1. **Is it for me** (does my area hold most of the information falling within scope)? If not pass it on to the appropriate person straight away and advise [FOI Admin](#)
 2. **Is it valid** (for an FOI request to be valid, it must identify the applicant’s name and contact details)?
 3. **Am I clear on what information is being sought?** This sounds obvious, but it helps to get a second opinion as requests can be interpreted differently
 4. **Do we hold it?** Is there anyone else who may hold some of this information who I need to get in touch with?
 5. **Who will need to be notified or consulted?** Always advise [FOI Admin](#) if not already notified. FOI Admin will log, assign a reference to use for the request and issue the [statutory deadline for the response](#). If the request is straightforward a response may be cleared at Head of Service/IAO level, but if it’s likely to be [sensitive](#) or involve other stakeholders e.g. [legal advice](#) or [third party consultation](#), you may need to [plan](#) for this as soon as possible

For more detailed information:

[Link to: The full 5 step FOI/EIR process flowchart \(PDF\)](#)

[Link to: Get it right first time \(PDF\)](#)

[Link to: FAQs](#)

[Link to: Templates and resources](#)

A5. Full details about the 5 min, 5 step, quick-check, are available in the procedures and guidance.

A6. The 5 step FOI/EIR process (high level):

1. Receiving a request (week 1)

- If request is valid and clear, the request is logged both by the FOI/EIR case officer and FOI Admin on to their FOI logs. FOI Admin will issue a case reference number for the FOI/EIR case officer to use. An acknowledgement is then sent to the applicant by the FOI/EIR case officer (using appropriate template).

2. Assessing a request (week 1 to 2)

The FOI/EIR case officer will assess:

- Searches - Do we hold the information?
- Is the cost limit exceeded?
 - if not held or exceeds cost limit - provide a response.
- Are the EIRs applicable?
- Is it a repeat/vexatious request?
- Are any third parties involved? Plan consultations.
- Update case records and log.

3. Considering a request (week 2)

The FOI/EIR case officer will consider:

- Locate all information.
- Any sensitivity about withholding information?
- Consult third parties as soon as possible and assess responses.
- Update case records and log.

4. Preparing a response (week 2 - 3)

The FOI/EIR case officer will prepare a response:

- Use appropriate template.
- Use correct exemptions/exceptions for withheld information and make sure the harm and public interest tests have been carried out as required and documented.
- Quality-check the response.

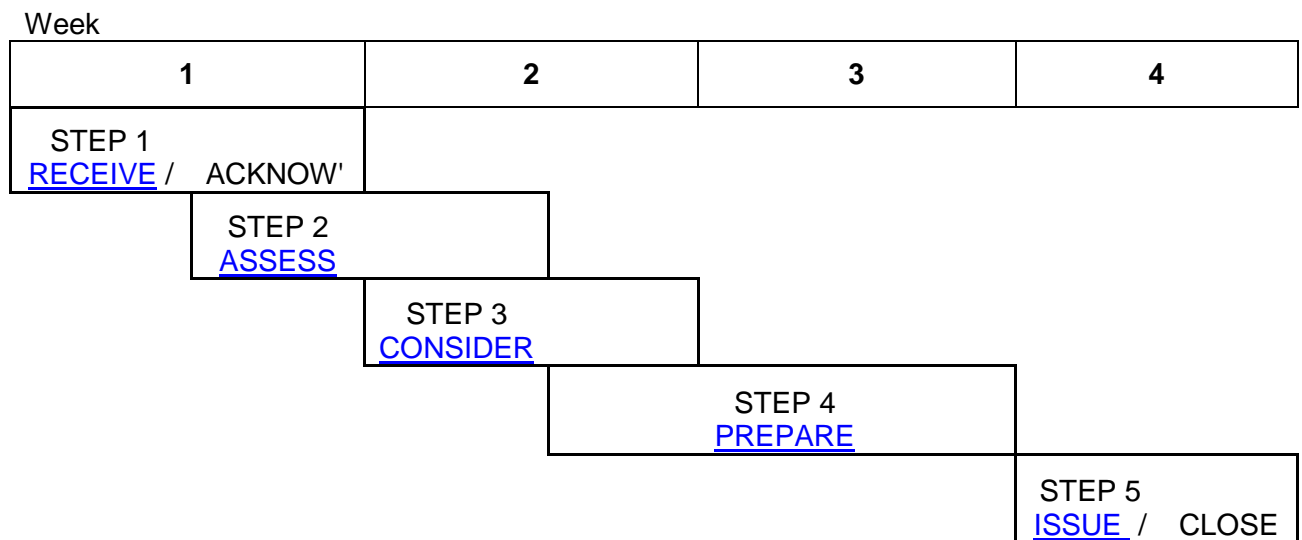
- Inform [corporate communications team and/or other stakeholders](#) if appropriate.
- Liaise with DPIRO for compliance checks.
- Arrange sign off by Head of Service/Information Asset Owner.
- Update case records and log.

5. [Issuing a response](#) (week 4)

The FOI/EIR case officer will issue a response:

- Approved [response issued](#) to the applicant.
- Copies of all correspondence centrally filed with FOI Admin (foi@glasgowlife.org.uk) and central FOI log and Service FOI log updated and case marked as closed.

5 step FOI/EIR process



APPENDIX B – Withholding information

- B1.** There is a general presumption in favour of the release of information. However, it is not the case that Glasgow Life has to release all information that it holds in response to a request for information.
- B2.** There are a number of [exemptions](#) for FOI requests and exceptions for EIR requests. If we decide that an exemption or exception applies, we can redact the exempted information rather than withhold the full document.
- B3.** When applying an exemption or exception, we must explain to the applicant what exemption/exception we have applied and the reasons why.
- B4.** This section lists the exemptions and exceptions that may be applied.
- B5.** Full details how to apply the exemptions or exceptions, including the tests that must be carried out to justify their use, and standard text to be used, can be found on the Managing Information [shared drive](#) accessible via the Managing Information section of the intranet. See tables below for exemptions and exceptions.

FOISA EXEMPTIONS (Sections/subsections)		Absolute	Qualified	Class (PI)	Content (Pr)
25	Accessible by other means	■		■	
26	Prohibitions on disclosure	■		■	
27	Intended for future publication		■	■	
28	Relations within the UK		■		■
29	Formulation of Scottish Government Policy		■		
30	Effective conduct of public affairs		■		■
31(1)	National security		■		■
31(2)	Defence		■		■
32	International relations		■		
33	Commercial interests and the economy		■		■
34	Investigations & proceedings		■		
35	Law enforcement		■		■
36(1)	Legal privilege		■		
36(2)	Confidentiality	■			
37	Court records		■		
38	Personal information		■		
39(1)	Health & safety		■		■
39(2)*	Environment		■		■
40	Audit functions		■		■
41	Communications with her Majesty & Honours		■		

*FOISA class-based sub-section exemption 39(2)(Environment), as above, to handle request for 'environmental information' under the EIRs		Absolute	Class (PI)	Content (Pr)
EIR EXCEPTIONS and REGULATIONS				
Regulation 6(1)(b)	Otherwise accessible	■		
Regulation 10(4)(a)	No information held		■	
Regulation 10(4)(b)	Manifestly unreasonable		■	
Regulation 10(4)(e)	Internal communications		■	
Regulation 10(5)(a)	Public safety			■
Regulation 10(5)(b)	Prevention of crime			■
Regulation 10(5)(d)	Legal advice			■
Regulation 10(5)(e)	Confidentiality of Commercial interests			■
Regulations 11(2) and (3)	Personal information	■		

**Absolute = no Public Interest or Harms Tests required; PI = Public Interest Test only;
Pr = Harm Test & Public Interest Test required**