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**GLASGOW LIFE**  
**FREEDOM OF INFORMATION POLICY**

**1. Introduction**

**1.1. Policy Statement**

The Freedom of Information (Scotland) Act 2002 (“FOISA”) provides all individuals and organisations with a legal right to access recorded information held by public authorities subject to certain exemptions.

Requests for environmental information will be handled by Culture and Sport Glasgow (“Glasgow Life”) under the Environmental Information (Scotland) Regulations 2004 (the “EIRs”) which give similar rights to information held by Glasgow Life, subject to a number of exceptions.

Glasgow Life recognises the importance of complying with its obligations under FOISA and the EIRs and is committed to promoting a culture of openness, transparency and accountability across the organisation.

**1.2. Purpose and Scope**

This policy has been produced to demonstrate compliance with the provisions of FOISA and the EIRs. The Chief Executive has overall responsibility for ensuring compliance with this legislation.

The policy provides a framework for compliance and incorporates guidance from the Office of the Scottish Information Commissioner (“OSIC”) which regulates FOI in Scotland. The policy is supported by appropriate procedures and guidance documentation available on the Glasgow Life’s intranet pages. The following policies should also be taken into account:

- Information Use and Privacy Policy
- Records Management Plan
- Information Security Policy and corporate Information Security Guidelines
- Data Protection privacy statements (published on the external council website)

The policy applies to all staff in relation to all recorded information held by Glasgow Life (either in manual or electronic format). This includes but is not limited to information created by, received or maintained by staff or by other organisations where the information is held on behalf of Glasgow Life.

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Glasgow Life also publishes responses to Freedom of Information requests via a Disclosure Log. We aim to publish this information here if there is a substantial public interest in disclosure of the information. For example, if it relates to our decision-making processes around high-profile issues or the spending of public funds.

For personal data reasons we cannot publish any requests that would identify an individual. For example if an applicant has made a request in relation to correspondence on their complaint file.

The Disclosure Log can be viewed at:

<https://www.glasgowlife.org.uk/glasgow-life-disclosure-log>

## 2. Publication Scheme

Section 23 of FOISA requires all public authorities to adopt and maintain a publication scheme. Publication schemes are intended to make it easier for members of the public to locate and access information.

Glasgow Life has adopted the 'Model Publication Scheme' which is the standard publication scheme approved by the Scottish Information Commissioner.

The Publication Scheme sets out:

- the categories of information that Glasgow Life publishes;
- how we publish the information (or how we intend to do so); and
- whether the information is provided free or for a charge.

Glasgow Life also maintains a "Guide to Information" as required by the Model Publication Scheme.

## 3. Requests for Information

### 3.1 Information Teams

FOISA provides a right of access to recorded information held by Glasgow Life subject to certain exemptions. Glasgow Life deals with a large number of enquiries that it receives as business as usual requests without treating them formally under FOISA.

It is, however, important that staff are aware that all requests for information received in a 'permanent format' (e.g. in writing or recorded telephone call) are valid requests for information and must be processed by Glasgow Life.

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Glasgow Life has an internal freedom of information team. This team is responsible for receiving requests from applicants and sending those requests to the Council's Information and Data Protection Team (IDPT) who assist with their processing. The IDPT log each request and then issue them to the relevant Glasgow Life officers. They also assist with the collation of information, the redaction of data and the preparation of response letters. Each request is assigned to a case officer who will process the request from start to finish, working with the information holder within Glasgow Life. All decisions in relation to information requests must be made by Glasgow Life. The responses are issued to applicants by the Glasgow Life freedom of information team.

The majority of FOI requests will be received by Glasgow Life via their own internal team. However, where individual members of staff receive requests for information directly it is important that they forward the request to the Glasgow Life team without delay.

### 3.2 Environmental Information

Where an individual makes a request for environmental information, Glasgow Life is required to process the request in terms of the EIRs. The rules relating to the EIRs vary slightly from requests made under FOISA, for instance, requests do not have to be made in a permanent format i.e. verbal requests will be considered valid. The definition of 'environmental information' is very broad. When a request is initially received by Glasgow Life, an assessment will be made by the teams noted above on whether to treat the request under the EIRs or FOISA. More information and guidance on the EIRs can be found on the [Glasgow Life website](https://www.glasgowlife.org.uk/about-us/freedom-of-information-environmental-information) here:

<https://www.glasgowlife.org.uk/about-us/freedom-of-information-environmental-information>

### 3.3 Time Limits

FOISA provides that all requests for information must be responded to promptly and within 20 working days. There is no scope within the legislation to extend the statutory timescale.

Where a department has been identified as the relevant information holder in relation to a request that has been received, they will receive a notification containing the details of the FOI request and given a deadline to provide a response to the relevant team.

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Staff should be aware that failure to respond within this period is a breach of the legislation and could leave Glasgow Life open to enforcement action by the Scottish Information Commissioner. If, unusually, staff become aware that we will not be able to comply with the statutory timescale for compliance, we need to inform the applicant of this fact and the reasons for the delay. This should be done within the original timescale for compliance.

There are internal escalation protocols in place to ensure that Glasgow Life responds to information requests on time. Where officers do not respond to the FOI teams within the requested time frames, matters will be escalated to line managers and, in some cases, to relevant Heads of Service and Directors.

It is important that staff understand that whilst FOI may not be part of their normal day to day job, all staff have responsibilities to ensure that Glasgow Life complies with its statutory requirements under FOISA.

### **3.4 Searching for Information**

On receipt of an information request staff should carry out searches for the information promptly and to the timescales advised in the notification email. Searches must be thorough and cover all potentially relevant records, both electronic and hard copy.

Glasgow Life must be able to evidence what searches were carried out. Staff should, therefore, record the details of the searches at the time to show the date, time, databases/records searched, search criteria used and any other staff involved. Where staff require guidance on carrying out searches they should consult with the assigned case officer within the Information and Data Protection Team and Glasgow Life's guidance on conducting searches which is available on the intranet.

Staff must advise the case officer of the results of the searches even if no information has been identified. Where staff believe it is not necessary to carry out searches the reasons for this must be documented, for example, because they are aware that Glasgow Life does not record the type of information being requested or because it is likely that the cost of complying with the request would exceed the limits set out in FOISA (currently this limit is £600 based on a capped hourly rate of £15 per hour).

### **3.5 Withholding Information**

Once staff have completed the relevant searches, all information identified as falling within the scope of the request must be provided to the case officer.

The presumption should always be in favour of disclosing information (other than personal data). However, there are many valid reasons where information should not be disclosed. There are various exemptions contained within FOISA that allow Glasgow Life to withhold information that has been requested. In most cases the information should only be withheld if the public interest in withholding the information is greater than the public interest in disclosing it.

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Examples of where information can be exempt from disclosure are as follows:

- Information is readily accessible elsewhere e.g. on Glasgow Life's website.
- Information consists of personal data and disclosure would breach the principles contained within data protection law – as noted above, there is no presumption in favour of disclosing personal data.
- Information is subject to a duty of confidentiality.
- Information is intended for future publication within 12 weeks.
- Information, if disclosed, may prejudice the effective conduct of public affairs.
- Information if disclosed, may prejudice the commercial interests of Glasgow Life or another organisation.

The case officer assigned to the request will be able to provide guidance on the exemptions. Where it is considered that the exemptions apply to some of the documentation, staff should use a highlighter pen (or the highlighter tool, if applicable) to mark the information that they consider should not be disclosed. The case officer will apply redactions to the document (i.e. blank out the text in question), where appropriate, using the correct software to ensure that these cannot be undone.

Whilst the Information and Data Protection team can provide guidance on the use of the exemptions, the information holder is responsible for deciding whether information can be released into the public domain through FOI or if an exemption applies which prohibits disclosure.

As above, it is important that all information is provided to the case officer so that it can be saved to the file for audit purposes.

All staff must be aware that, under section 65 of FOISA, it is a criminal offence to conceal, delete, change or destroy information that is the subject of an FOI request.

### **3.6 Duty to Provide Advice and Assistance**

Glasgow Life is required to provide reasonable advice and assistance to individuals requesting information at all stages of a request, for example:

- Where an individual has requested information in a specific format, we should aim to do this (if practical);
- Where the request is not clear, we should work with the individual to clarify what information they are looking for;
- To narrow the scope of a request that is likely to exceed the cost limit;
- Where we do not hold the requested information or an exemption applies, we may be able to provide other information that might be of interest or use to the applicant;
- Where we do not hold the information but we believe another public authority is likely to hold it, we should signpost the applicant to that other authority.

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## **4. Reviews and Applications to the Scottish Information Commissioner**

### **4.1 Review Procedure**

If an individual is dissatisfied with how we have handled their request for information they can ask for the response to be reviewed. The review can either relate to the substance of the initial response or relate to a procedural matter e.g. where we have failed to provide a response within the statutory timescales.

In accordance with section 20 of FOISA, for a review request to be valid it must:

- be made no later than 40 working days from receipt of the initial response or 40 working days from the last date the response should have been issued if Glasgow Life has failed to respond (Glasgow Life has discretion as to whether it will accept a late review request as valid);
- be in writing or another permanent format;
- state the individual's name and address for correspondence (includes email address);
- specify the information request that the review relates to;
- provide reasons why the individual is dissatisfied with the response.

Glasgow Life's initial response letter will always include information on the individual's review and appeal rights. Staff should be aware that if a request is dealt with under business as usual, individuals still have review and appeal rights under FOISA.

To ensure that all reviews are impartial and independent these are carried out on behalf of and approved by the relevant departmental Director. Where a request for review has been made, a full investigation of the initial response will be carried out. This may involve reviewing the initial case file, liaising with the information holder and requesting that further searches are carried out.

The review can either uphold Glasgow Life's initial decision, uphold the initial decision in part or overturn the initial decision. All review responses contain details on the individual's further appeal rights to the Scottish Information Commissioner.

### **4.2 Applications to the Scottish Information Commissioner**

The FOI regime in Scotland is regulated by the Scottish Information Commissioner.

The Commissioner has a wide variety of powers under the FOISA to ensure compliance.

Individuals who are unhappy with how Glasgow Life has dealt with a request for information may, after first seeking an internal review of their request, refer the matter to the Scottish Information Commissioner. The Commissioner will investigate the matter and make a determination as to the action which Glasgow Life should take. This may include a determination as to whether

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information should be disclosed. All Decision Notices issued by the Commissioner are sent to Glasgow Life's Chief Executive and published on the Commissioner's website. Once a Decision Notice has been issued, both Glasgow Life and the individual can make a further appeal to the Court of Session on a point of law only.

The Commissioner also has powers to issue Enforcement Notices to compel public authorities to take steps to comply with a breach of FOISA. If the public authority fails to comply with an Enforcement Notice by the time limit specified it may be referred to the Court of Session and found to be in contempt of Court.

### **5. Policy Review**

This policy will be reviewed on a regular basis and as required by any new legislative or operational requirements.

**6. Further Information**

For more information on this policy you can contact the Glasgow Life Information Compliance Team at [foi@glasgowlife.org.uk](mailto:foi@glasgowlife.org.uk)