Freedom of Information (FoI)

- Legislation
- What is a Freedom Of Information/Environmental Information request?
- Answering enquiries at SASA
- Indirect FOI/EIR requests received from the SG
- Guidance on answering enquiries
- E-learning modules on FOI
- SASA FOI contact

Legislation

The purpose of the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs) is to encourage greater transparency in public decision-making. Under this legislation citizens officially have the right of access to recorded information held by local councils and other public bodies. Except in the case of a few exemptions, public bodies have to make all relevant material available. The Acts also give citizens a right to know and a right to appeal to the Information Commissioner if they do not get the information they are seeking.

What is a Freedom Of Information/Environmental Information request?

Any enquiry for recorded information could be an FOI/EI enquiry. It can be made by post, email, telephone, voice mail or in person. It is difficult to define but if the request is for information which is not related to routine enquiries e.g. test results, or would take more than a day to answer then it should be treated as one.

Requests for information about the effect of substances, discharges or releases into, and likely to affect, the environment eg pesticides or GMOs, will come under the EI Regulations but also require to be answered within 20 days.

NB Requests at SASA are probably more likely to be made under EIR rather than FOI(S)A.

Answering enquiries at SASA

SASA follows SG guidance on answering and monitoring FOI/EIR requests. NB Section Heads are the initial contact point for passing requests on to other sections. Please also see:

- logging in requests - log all requests on the FOI/EIR logsheet (FOI-EIR Logsheet.xls) in the FOI folder on the P drive (P:\FOI folder)
- SG Freedom of Information Unit timeline.

Telephone enquiries

Environmental Information requests can be made verbally. A form for telephone enquiries can be found in the INFObank.

Out of Office

All staff who are out of the office and using the Out of Office Assistant message should include this statement or similar:

If you are making a Freedom of Information or Environmental Information request please re-direct your enquiry to foi@sasa.gsi.gov.uk.

This will go to a public folder which is checked daily.

Indirect FOI/EIR requests received from the SG

If the SG forwards a FOI/EIR request to only one section of SASA and there is a "nil" response, no record/log is neccessary.

If a request is sent from SG to only one section of SASA and there is a response, that action should be recorded, by that section. Please use the "indirect" page of the FOI/EIR logsheet (FOI-EIR Logsheet.xls) in the FOI folder on the P drive (P:\FOI folder).

If a request from SG is received which may involve responses from several sections it should be referred to SMB support, as soon as possible, who will co-ordinate a response, and log it.

Guidance on answering enquiries

Detailed SG guidance on handling requests is provided in these documents:

- Step by Step Guide to FOI and EIRs requests
- Exemptions and exceptions summary table
- Step by Step Guide to FOI and EIRs reviews
- Guide to FOI and EIRs Appeals
- Guide to NRS Requests and consultation with SG

See also the SG website. Further information is also available on the Scottish Information Commissioner's website.

E-learning modules on FOI

The SG has put together e-learning modules covering a brief history of FOI, an introduction to FOI plus an assessment, as well as information on where to find help.

SASA FOI contact

For more information, please contact your FOI Lead Officer Jill Tivey on ext 48826 or by email. See also the SG FOI Unit's newsletters.