

Our Ref: FOISA 47 22-23

27 April 2023

Sarah Collins

Sent by email

Dear Ms Collins,

## **Freedom of Information Request 47 22-23: Review Request**

Thank you for your email received on 3 April 2023 requesting a review of the response from City of Glasgow College to FOISA 42 22-23.

On 18 March 2023, under the terms of the Freedom of Information (Scotland) Act 2002, you requested information on precautionary suspensions. You sought the number of lecturers currently on precautionary suspension and the total number of lecturers suspended on a precautionary basis since the 2018/19 academic year. For the same period, you also sought a breakdown of the reasons for these precautionary suspensions and the number of lecturers who returned to work or were dismissed after a precautionary suspension.

The College responded to your request on 3 April 2023. I confirmed that the College holds the information you requested and outlined our view that disclosing the information in such detail would make it possible to identify the staff members involved. I explained that the information requested constituted personal information, which is exempt from disclosure under Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002. I also highlighted that disclosure would contravene the data protection principles in Schedule 1 of the Data Protection Act 1998. For these reasons, I confirmed, the College was withholding the information.

We received your request for an internal review shortly thereafter on the same day. In your email, you stated that you “do not believe it would be possible to identify individuals by asking for numbers of those on precautionary suspension now or since 2018”. You also highlighted concerns regarding the College Secretary handling requests and internal reviews, as well as acting as the Data Protection Officer.

Firstly, it is important to highlight that precautionary suspensions are not applied often in the College and, therefore, the number of lecturing staff affected over the requested period is particularly low. Of course, as previously confirmed, your original request sought the number of lecturers on precautionary suspension now or since 2018, as well as a breakdown of the reasons why and whether they returned to work or not.

After consultation with colleagues in HR and Data Protection, it remains our view that this constitutes personal information and its disclosure could lead to the identification of individuals involved. This would, as previously explained, be unfair, contrary to their expectation and undermine the disciplinary process. I, therefore, uphold the College’s original decision to apply an exemption under Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 and withhold this information.



**Principal & Chief Executive: Paul Little** BA (Hons), ATD, PGCM, PG DipM, MSc, MCIPR, AMP Harvard, FNI, FRSA, FloD

City Campus Executive Suite, 6th floor - 190 Cathedral Street, Glasgow G4 0RF | [principal@cityofglasgowcollege.ac.uk](mailto:principal@cityofglasgowcollege.ac.uk)

tel: +44 (0)141 375 5555 | [www.cityofglasgowcollege.ac.uk](http://www.cityofglasgowcollege.ac.uk) | City of Glasgow College Scottish Charity No SC036198.

Upon reviewing FOISA 42 22-23, however, I believe that the College should have considered if the scope of your original request could have been amended to allow for the information to be disclosed in an appropriate way. Section 15 of the Freedom of Information (Scotland) Act 2002 requires public authorities to provide reasonable advice and assistance to applicants. After further discussion with colleagues, and taking into account the small number of individuals involved and the sensitive nature of the requested information, I am unable to provide alternative suggestions on how the request could be reformulated or how the information could be reported in a way that would not potentially compromise the personal data of the individuals concerned.

I appreciate that this is not the decision that you sought. Please be assured that the College takes its obligations under the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 seriously. We are required to balance the public interest in the disclosure of information against the rights of individuals to have their personal data protected. On this occasion, we are unable to provide the requested information for this reason.

Finally, you raised two other concerns in your request for an internal review which require to be addressed. It is a long-established practice that the College Secretary handles Freedom of Information requests and any subsequent internal review requests on behalf of the College. I understand that neither the Scottish Information Commissioner nor the College's internal auditors have ever raised any concerns regarding the College's practice in this regard. I am also happy to confirm that the College Secretary and the Data Protection Officer are distinct roles and are not held by the same person. However, the College Secretary will seek advice as appropriate from the Data Protection Officer when considering Freedom of Information requests that pertain to personal information.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Scottish Information Commissioner for a decision within 6 months of receiving the College's response. For further information, please visit the Scottish Information Commissioner's [website](#).

Yours sincerely



Drew McGowan  
College Secretary

