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SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

Handling Freedom of Information Requests

Policy and Procedure
SPA 063

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Policy Statement

[The Freedom of Information \(Scotland\) Act 2002 \(FOISA\)](#) gives a general right of access to recorded information held by public authorities. Any person who makes a request to a public authority is entitled to be given that information, subject to certain exemptions.

The Scottish Police Authority is committed to the principles of transparency and accountability that underpin this legislation.

In accordance with Section 23 of FOISA, the Scottish Police Authority (SPA) has adopted and maintains a publication scheme setting out the information we routinely publish.

The Authority's [Publication Scheme](#) has been approved by the Scottish Information Commissioner (SIC) and is available on the Authority's website.

Introduction

Freedom of Information (FOI) requests are dealt with by trained individuals within the Authority. The Corporate Management Team (CMT) manage the process, ensuring that requests and responses are handled efficiently. Staff are regularly made aware of the process and of the Authority's FOI duties and responsibilities as a public body.

The Authority must respond promptly and within 20 working days of receipt of a request. Under FOISA, the first working day of a request is the day after the date on which it is received.

Key points to remember:

- Proactively publish information where possible.
- Any request for information may be an FOI request.
- There is a duty to provide advice and assistance to requesters.
- Consider if responding to the request would exceed the upper cost limit.
- Seek advice for non-routine cases and/or if you think the request may be vexatious or repeated.
- There is a 20-working day period for response.
- Release information where possible.
- Exemptions apply to some types of information.

Freedom of Information or Data Protection

If an individual requests general information about the Authority and its activities, other recorded information, or third-party data, this is a Freedom of Information request.

If an individual requests information that relates to themselves, this is a Subject Access Request (SAR) handled as per the process detailed in the SPA Data Protection Policy. Details can be found on the Authority's [website](#).

The Information Management (IM) team manage the SARs process, ensuring that requests and responses are handled efficiently.

If unsure what type of request, speak to the FOI or IM team.

FOI and SARs handling performance is reported and published on a quarterly basis.

Receiving an FOI request

If you think you have received an FOI request, forward this immediately to foi@spa.police.uk

CMT manage the FOI process as set out in [Appendix A](#). However, under FOISA, all staff are obliged to assist and advise any person requesting information.

Requests under Section 8 of FOISA (Requesting information):

- Must be made in a written or recordable format.
- Must state the name of the requester and a return email or postal address.
- Must clearly describe the information being sought.
- Can be made by an individual or an organisation.
- Can be made by letter, fax, voicemail or email.
- Can be made from anywhere in the world.

To be valid under FOISA, requests do **not** need to:

- Be written on a special form.
- State a reason for the request.
- Mention FOISA or refer to 'Freedom of Information' in any way.

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Any written request for recorded information is technically a request under FOISA. However, routine requests are not recorded on the FOI register. Requests are considered "business as usual" where:

- The request is simple and straightforward.
- The Authority releases all the requested information on time.
- It is unlikely that the requester will be dissatisfied with the response.

Any response which does not meet these criteria is a response under FOISA and must include full details on review procedures.

4.1 Exemptions

Information should be provided where possible. However, this right is not absolute. In some cases, information is exempt from disclosure.

There are two types of exemptions, absolute and qualified.

Absolute exemptions entitle the authority to withhold information without going on to consider the public interest test. For example, this applies to information which is already publicly available (Section 25) and personal information (Section 38).

Qualified exemptions require a public interest test to be carried out to establish whether the information should be released.

There are 17 categories of exemption. These cover areas such as effective conduct of public affairs (Section 30), commercial interests (Section 33), law enforcement (Section 35) and confidentiality (Section 36).

If an exemption applies the requester should be given a written refusal notice which explains clearly why the information is not being provided. The notice should also inform the requester of their right to request a review of our decision.

If you believe information should not be disclosed, you do not need to understand the exemptions. You should explain in the Business Request form why you think it is exempt. CMT will then consider relevant exemptions, contacting IM for further expertise if required.

If the cost of replying would exceed £600 (or 40 hours) we do not have to reply. We also do not have to respond if we consider a request to be vexatious or a repeat request.

Environmental Information Requests (EIR)

The Environmental Information (Scotland) Regulations 2004 (EIRs) sit alongside FOISA and govern access to environmental information held by Scottish public authorities. This requires every Scottish public authority to publish environmental information and make it available on request.

Although the intention of both pieces of legislation is to allow the public access to information there are some differences between the two.

- Requests for information can be made orally under EIRs.
- The 20-day period for responding to requests can be extended to 40 days where the request is complex and voluminous and would involve a considerable amount of work.
- Provision for charging of fees is different: there is no upper or lower threshold and authorities can recover, in full, the cost of supplying the information.
- EIRs have exceptions rather than exemptions and all of these are subject to the public interest test.
- Information relating to emissions has special status and will have to be supplied in most cases.

If an EIR is received, the handling process is set out in [Appendix A](#).

Re-use of Public Sector Information (RPSI) Requests

The Re-use of Public Sector Information Regulations 2015 (RPSI) provides a right to use public sector information for a purpose other than the initial task it was produced for. The right relates to information that has been disclosed or made available proactively in terms of FOISA or The Environmental Information (Scotland) Regulations 2004 (EISR).

Requests for re-use of public sector information must be made in writing and state the purpose for which the information is to be re-used. A response to a RPSI request must be issued within 20 working days.

If an RPSI request is received, the handling process is set out in [Appendix A](#).

Corporate Management Team Responsibilities

The Corporate Management Team (CMT) manage FOI requests and report performance quarterly to the Senior Leadership Team (SLT).

Senior managers are responsible for ensuring that all relevant information is provided by their business area within the timeline specified.

CMT coordinate FOIs and will:

- Issue an acknowledgement to the requester.
- Record details of the request on the FOI register.
- Assign requests to the relevant business area(s) using the Business Request form. Where there is more than one relevant business area, one Lead area should coordinate the Business Request completion and provide information if held.
- Request clarification from the requester where necessary. Once clarification is received, we must reply within 20 working days from receipt of clarification (not from receipt of the original request).
- If no clarification is received, we will remind the requester after 20 working days. If no clarification is received after 40 working days, we will write to the requester explaining that the request is closed with details of the review procedure and their right to apply to the Commissioner for a decision.
- Ensure that the request is responded to within the 20-working day period (except where clarification has been sought).
- Collaborate with relevant partner agencies affected by the request.
- Work with business areas to ensure any harm associated with the release of the information is identified.
- Liaise with Information Management in complex cases or where there are differences in interpretation of the legislation.
- Apply exemptions based on the harm identified.
- Carry out a Public Interest Test where relevant exemptions apply.
- Redact documents where required.
- Issue the final draft for review and sign off.
- Issue the final response to the requester in writing.
- Ensure that the request, response and any other relevant details are recorded on the FOI register for reporting, review and audit purposes.

Records relating to FOI requests will be retained for Current Year + 3 years. Statistical information on FOI requests will be retained for Current Year + 10 years in accordance with the SPA Retention Schedule.

Review and Appeals

Requesters can ask for a review if they are dissatisfied with the original decision. They must specify why they are dissatisfied and submit their request within 40 working days. The original decision will be reviewed by an independent reviewer (where possible and practical) who was not involved in the original decision-making process.

If a requester is dissatisfied with the outcome of a review, or no response is received within 20 working days, they can appeal to the Scottish Information Commissioner (SIC) within 6 months. The SIC will then usually investigate the case and issue a decision.

Information Management handle appeals to SIC. They will work with the responsible SLT lead during the investigation as they have the necessary subject expertise.

Compliance

8.1 Diversity

There is no adverse impact on any group in terms of race, religion, gender, sexuality, disability or age in relation to this procedure. The application of this procedure will be monitored to ensure compliance with our Equality Outcomes.

8.2 Health & Safety

There are no specific health and safety issues relating to this procedure.

8.3 Communication

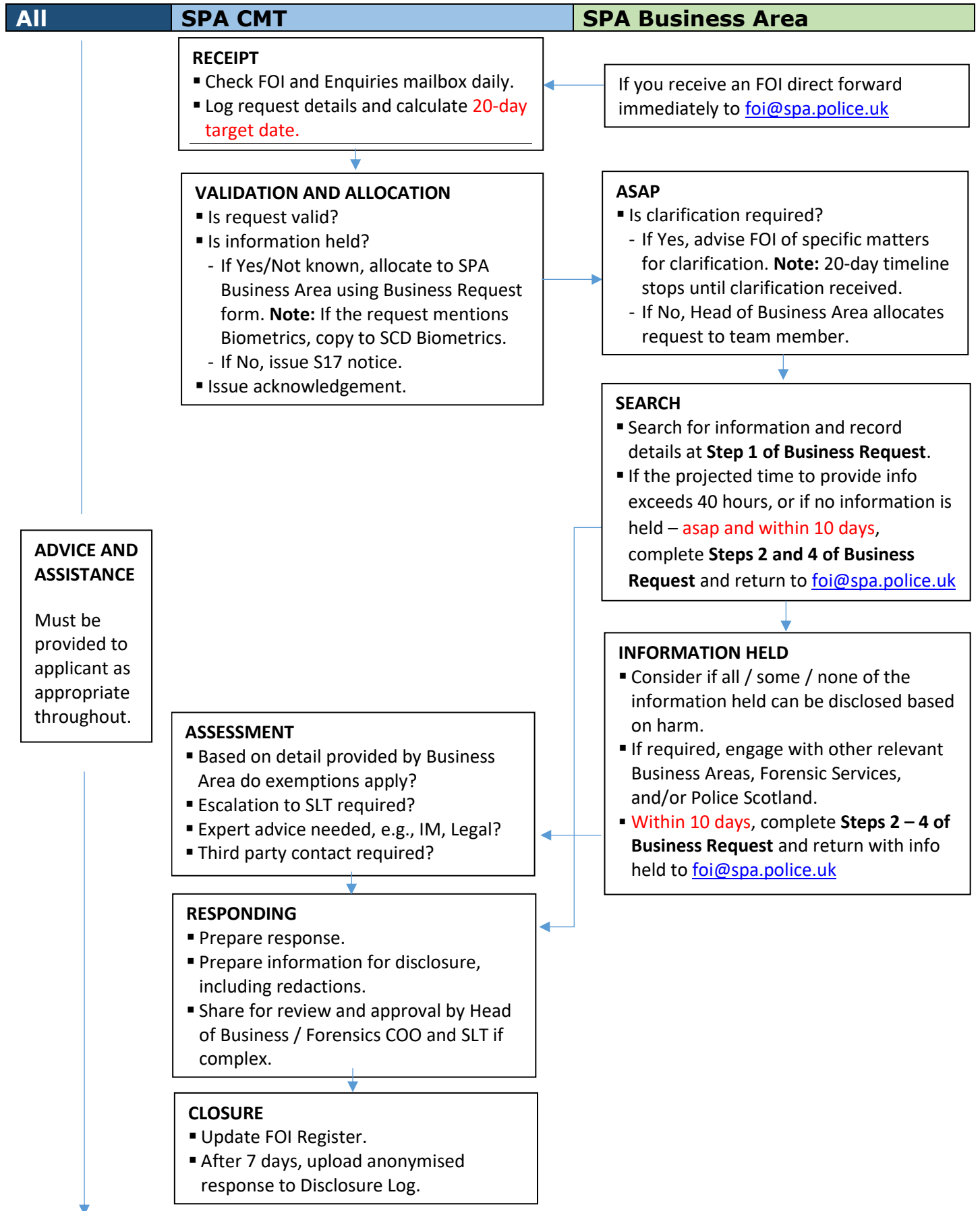
This procedure is available to staff on SharePoint and to the public on our website. Line Managers are responsible for ensuring that staff are made aware of the procedure and their responsibilities.

8.4 Monitoring and Review

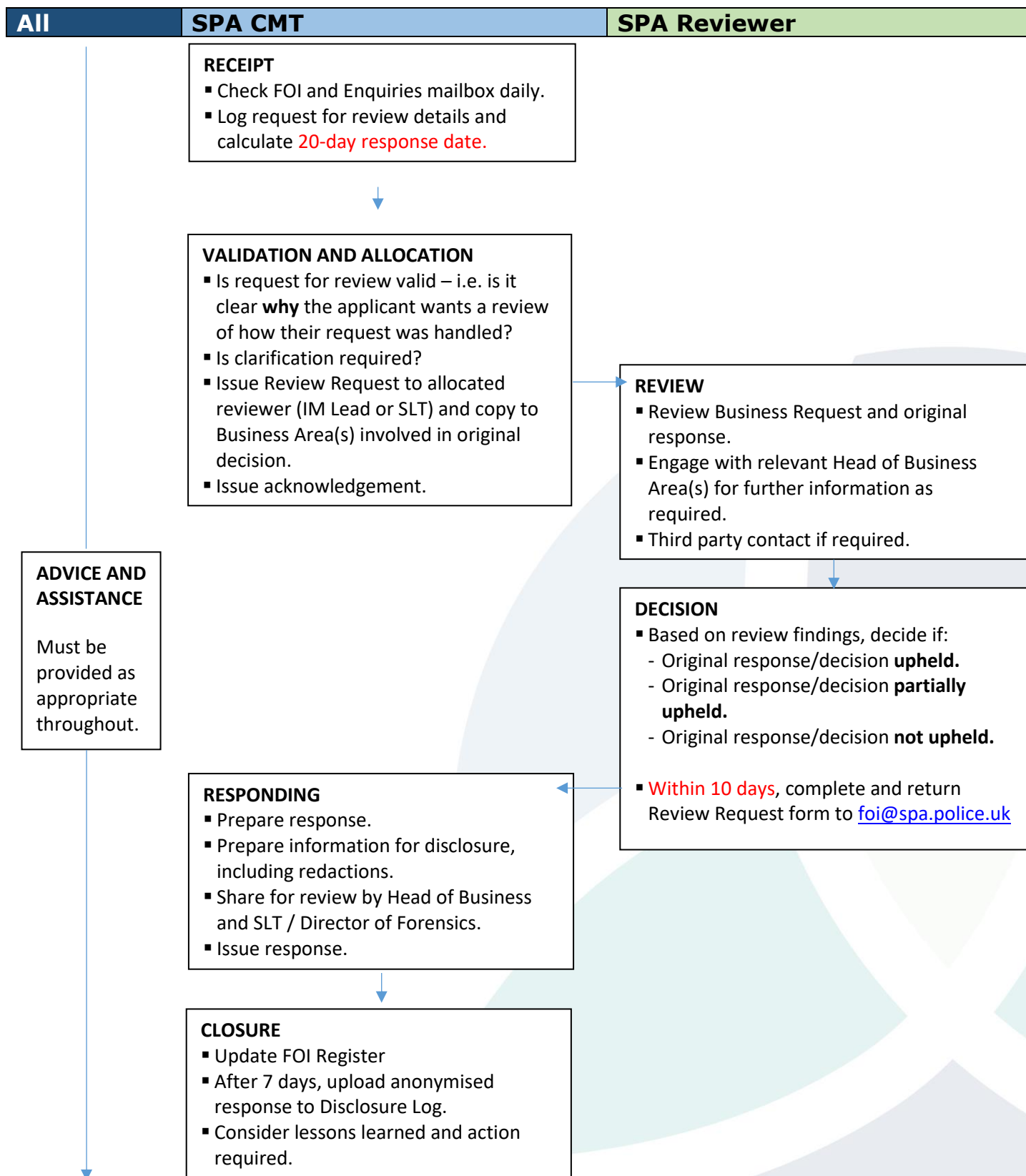
This procedure will be reviewed annually to ensure arrangements continue to meet statutory requirements and best practice. Review will be carried out by CMT on behalf of the SPA Chief Executive as document owner.

Appendix A – Information and Review Request Handling Process

Information Request Handling Process – FOISA and EIRs



Review Request Handling Process



Version Control

Version	Date	Author	Description/Amendment
V0.1	Mar 2013	IM Lead	Document Creation
V0.2	Apr 2013	IM Lead	Amend area function names
V0.3	Apr 2015	Director of Governance & Assurance	Review of overall policy
V0.4	May 2015		Updated with comments from Members
V1.0	Jun 2015		Updated with comments from CEO
V1.1	Feb 2021	CMT	Review of overall policy
V1.2	May 2021	CMT	Revised CMT process
V1.3	Jan 2022	CMT	Review of overall policy
V1.4	Jun 2022	CMT	Review of overall policy/procedure
V1.5	Dec 2022	CMT	Review and update to appendices
V1.6	Jun 2023	CMT	Review and update to appendices
V1.7	Dec 2023	CMT	Review and update to appendices
V1.8	Dec 2024	CMT	Review and update of policy/procedure and associated documentation

Document Review

Role Title	Draft Review (Y/N)	Review (Y/N)	Sign Off Required (Y/N)	Date
Head of Information Management	Y	Y	N	
Director of Governance & Assurance	Y	Y	Y	
CEO	Y	Y	Y	09/06/15
Head of Strategic Business Mgmt	Y	Y	Y	12/02/21
SMT	Y	Y	Y	27/06/22
SLT	Y	Y	Y	06/01/25

Version	Date	Name(s)
V0.1	March 2013	Interim Head of Legal, D Yates
V0.2	April 2013	SPA Board
V0.3	April 2015	CEO, SPA Audit & Risk Committee
V0.4	May 2015	CEO
V1.0	June 2015	CEO, Staff, Published on Intranet
V1.1	February 2021	CEO, SPA Corporate, SPA Forensic Services, Intranet
V1.2	May 2021	SPA Corporate Team
V1.3	January 2022	SPA Corporate Team
V1.4	July 2022	Published on SharePoint, Intranet and website
V1.5	January 2023	Published on SharePoint, Intranet and website
V1.6	July 2023	Published on SharePoint, Intranet and website
V1.7	Jan 2024	Published on SharePoint and website
V1.8	Jan 2025	Published on SharePoint and website