



## SQA Freedom of Information Policy v3.0

<b>Why do we need this policy?</b>	This document provides the policy framework through which effective compliance with the Act can be audited. It also contains information to ensure that all staff are aware of their responsibilities under the Act, the processes used to comply with the Act and where to obtain guidance if necessary.
<b>What does the policy apply to?</b>	<p>This policy applies to all requests for information received by SQA and covers all the information we hold, ie all the information created, received and maintained by SQA staff in the course of their work.</p> <p>This policy applies to all SQA employees.</p>
<b>What support is available to help SQA implement this policy?</b>	<p>Support and advice is available from the Information Governance Team.</p> <p>Scottish Information Commissioner's Office website <a href="http://www.itspublicknowledge.info">www.itspublicknowledge.info</a></p>

### Policy Statement

## SQA Freedom of Information Policy

### 1 Introduction

As a Scottish public body, SQA will make its information available in accordance with the Freedom of Information (Scotland) Act 2002.

The Freedom of Information (Scotland) Act (FOISA) and the Environmental Information (Scotland) Regulations 2004 enable the public to access information held by SQA and other public authorities. These regimes aim to promote transparency and accountability, ensuring good decision making in the use of public money by public bodies. The Scottish Information Commissioner is responsible for enforcing and promoting Scotland's information laws.

FOISA and the Environmental Information (Scotland) Regulations encourage SQA to publish information where possible. SQA has to maintain a Publication Scheme which sets out the information that we regularly publish.

These regimes also require SQA, when we receive a [valid request](#) for information, either to make the information available or to explain why the information is being withheld. There are a limited number of specific exemptions to the information SQA is obliged to provide; these are set out in these laws.

This policy focuses on the requirements of FOISA. It is extremely important that all SQA employees read this policy and comply with it. Non-compliance with this policy will constitute a disciplinary offence and may result in disciplinary action, up to and including dismissal on the grounds of gross misconduct. SQA's Dispute Resolution Policy and Procedure contains details. If you think that you may have breached this policy, please speak to your line manager or Head of Service as soon as possible. Failure to report a breach immediately will constitute a further disciplinary offence.

## **2 SQA's commitment**

The Scottish Government and people trust SQA, as a public authority, to manage public funds and information wisely. While mindful of the need to maximise its competitive advantage to ensure financial sustainability, SQA aims to be recognised as a leading public body, and to promote a culture of transparency. We will work towards the recommendations in the Scottish Ministers' Code of Practice in relation to FOISA.

Specifically SQA will:

- ◆ work towards good information management practice across the organisation to ensure a clear understanding of the information held by each business area
- ◆ maintain a Publication Scheme listing the information held in specified classes, with arrangements for individuals to access this information and any charging scheme that may apply
- ◆ publish information in these classes on the SQA website where appropriate and possible
- ◆ provide an online form for individuals to submit FOISA requests
- ◆ ensure that all staff, and particularly those in customer contact roles, are trained in recognising and managing FOISA requests
- ◆ promptly acknowledge any FOISA requests and quickly clarify any uncertainty around the nature of the request
- ◆ assume that information should be disclosed unless there is a need to apply an identified exemption (an explanation of the exemptions is available on the staff portal with more detail on the Scottish Information Commissioner's website)
- ◆ where it is identified that the request will entail a significant degree of effort, estimate the cost of the work involved to assess whether it is appropriate to issue a fees notice to recover 10% of the costs (if the total cost is in the range of £100–600) or to claim an exemption in light of the excessive cost of compliance
- ◆ consult externally where a request is received for information held by SQA that relates to a third party
- ◆ ensure that a response is issued within the statutory deadline of 20 working days, explaining the information provided and the application of any exemptions
- ◆ promptly acknowledge any requests for review and ensure that a senior officer

- responds to the request within the statutory deadline of 20 working days, clearly explaining their decision to uphold, modify or set aside the previous response
- ◆ engage with the Scottish Information Commissioner to resolve any applications for a decision in relation to SQA
  - ◆ report FOI statistical data quarterly to the Scottish Information Commissioner
  - ◆ report quarterly to the SQA Management Team on compliance with FOISA
  - ◆ report annually to the SQA Audit Committee on compliance with FOISA
  - ◆ ensure that our suppliers/contractors are aware of our obligations in relation to FOISA
  - ◆ seek any opportunities to improve our practice in relation to FOISA

Since a request does not have to cite the Act, any request for information other than those made in a telephone discussion or face-to-face conversation should be treated as a FOISA request unless otherwise stated.

### **3 Responsibilities**

Everyone in SQA has a role to play in ensuring we meet FOISA legal obligations. All information held by SQA is subject to FOISA (this also includes information held in employees' homes or personal e-mail accounts if it relates to official SQA business). Anyone can request information held, including any correspondence.

Once information has been requested, section 65 of FOISA states that it is a criminal offence to destroy or modify it. It is also a serious disciplinary offence. SQA's Dispute Resolution Policy and Procedure contains details.

The following specific responsibilities also apply.

#### **Freedom of Information Officer:**

- ◆ Maintain the SQA Publication Scheme and provide additional information requested as part of the scheme.
- ◆ Log, acknowledge and contact appropriate colleagues to provide information and explanatory text for any FOISA requests received.
- ◆ Consider whether the Environmental Information Regulations apply to the request and advise on their application.
- ◆ Discuss the application of any exemptions to the request with appropriate colleagues.
- ◆ Issue the response to the requester and act as the point of contact for any follow-up correspondence.
- ◆ Where a requester asks for a review of SQA's original response, identify, collate and summarise information relevant to the specific request, as well as case law for any similar issues, to support the review by an impartial senior officer.
- ◆ Submit FOI statistical data to the Scottish Information Commissioner quarterly.
- ◆ Prepare a quarterly report for the SQA Management Team on compliance with

FOISA.

- ◆ Prepare an annual report for the SQA Audit Committee on compliance with FOISA.

### **Heads of Service:**

- ◆ Ensure good information management practice in their business area.
- ◆ Ensure that correct versions and working links are maintained for information listed in SQA's Publication Scheme.
- ◆ Provide promptly all relevant information and explanatory text that falls within the scope of any FOISA requests received.
- ◆ Quickly identify and advise the FOI Officer of any need to clarify the request.
- ◆ Identify any information that should not be disclosed, and discuss the application of appropriate exemptions with the Freedom of Information Officer.
- ◆ If asked by SQA's Senior Information Risk Owner, lead the completion of an impartial review of a previous SQA response to a FOISA request, seeking specialist legal advice if necessary.

### **All staff:**

- ◆ Recognise that any information request outwith the normal course of business, or where you are minded not to provide the information, should be classed as a FOISA request.
- ◆ Pass the request to the Freedom of Information Officer to log, acknowledge and collate a response as above.
- ◆ Comply with SQA's FOISA obligations and/or directions given in relation to FOISA by the various responsible officers highlighted above.

Please contact [foi@sqa.org.uk](mailto:foi@sqa.org.uk) if you have any questions in relation to SQA's FOISA obligations or processes. For more information please refer to the internal staff portal.

## **4 Review of policy**

The operation of this policy, and its effectiveness, will be reviewed annually.