

SCOTTISH QUALIFICATIONS AUTHORITY

POLICY NAME	Freedom of Information
VERSION NUMBER	v6.1
POLICY AUTHOR	Alyson Barrie, FOI Manager
POLICY OWNER	Michael Baxter, Director of Finance and Corporate Services
BUSINESS AREA OWNER	Steve Borley, Head of Strategic Planning & Governance
POLICY EFFECTIVE FROM	6 October 2020
POLICY REVIEW DATE	30 April 2021
APPROVER	Executive Management Team
DATE OF APPROVAL	September 2020
DATE OF EqIA	Not required

Why do we need this policy?	This policy is needed to ensure that all requests for information received under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, are treated consistently and in accordance with the legislation.
Who does the policy apply to?	This policy applies to all users of SQA's information and information systems (employees, agency workers, consultants, and others with authorised access to SQA's information or systems)
What support is available to help SQA implement this policy?	Contact a member of the Information Governance team by phone, or e-mail at foi@sqa.org.uk . Scottish Information Commissioner's Office website www.itspublicknowledge.info

1. Introduction

This policy forms part of a suite of policies that support the effective and safe use of SQA's information and information systems.

As a Scottish public body, SQA is required to make its information available in accordance with the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. These regimes promote transparency and accountability, ensuring good decision making in the use of public money by public bodies.

SQA already publishes a large amount of information on its website along with a [Guide to information available through the Publication Scheme](#) that sets out the information that SQA routinely publishes. The Publication Scheme is reviewed on a regular basis and where it is in the interest of SQA and the public we will publish more.

1. Purpose

This policy provides a framework to support SQA's compliance with the legislation. It also provides a framework through which effective compliance with the legislation can be audited.

2. Scope

FOI legislation applies to any kind of recorded information however old the information is and includes information recorded on paper, computer files (including emails), video and microfiche. FOI requests must be made by the requestor in a permanent form, for example, by email.

All information held by SQA is subject to FOI. This includes information held in employees' homes or personal e-mail accounts if it relates to official SQA business (although SQA no longer permits the use of personal email for SQA business).

This policy does not apply to requests for information that is not confidential, nor considered sensitive and therefore can be readily dealt with by business teams under business as usual.

3. Responsibilities

All users of SQA information must comply with FOI legislation and this policy.

4.1 Employees

All employees are responsible for:

- Ensuring that they understand and comply with the requirements of FOI legislation and this policy in relation to their role particularly if they work in a team that regularly receives FOI requests.
- Adhering to internal guidance on information management and any other instructions provided to them in relation to their role. This will aid the retrieval of information to respond to requests.

- Complying with the FOI Manager's instructions, including timescales to support meeting statutory deadlines, in regard to requests for information and explanatory text.
- Sending any requests that would not be treated as business as usual or that state that information is being requested under freedom of information legislation to the FOI mailbox as soon as they are received.
- Ensuring that suppliers/contractors are made aware of SQA's obligations in any contracts as they may be required to provide information in response to a request.

4.2 *Freedom of Information Manager*

The FOI Manager is responsible for:

- Acknowledging requests and liaising with requesters to clarify requests, where needed.
- Managing all freedom of information requests from logging the initial request to issuing the response to the requester within the 20 working days statutory deadline.
- Considering if any exemptions apply to requests and discussing these with appropriate teams where required.
- Consulting externally where a request for information held by SQA relates to, or is held by, a third party including a supplier.
- Preparing the final response to issue to the requester.
- Publishing responses on the Disclosure Log on the SQA website
- Informing EMT of all requests and decisions.
- Managing requests for a review of a decision within the statutory deadline of 20 working days.
- Liaising with the Scottish Information Commissioner where required.
- Overseeing the maintenance and review of SQA's Publication Scheme.
- Producing statistical information and reports for internal and external reporting purposes.
- Identifying training needs and delivering training when needed.

4.3 *Heads of Service*

Heads of service are responsible for:

- Ensuring that staff adhere to SQA policies and guidance on records and information management in their business area to support the identification and retrieval of the correct information requested under FOI legislation.
- Ensuring that staff comply with the FOI Manager's requests for information and timescales to ensure that legislative timescales are met.
- Identifying information they believe should not be disclosed in response to a request (in accordance with legislative provisions) and discussing with the FOI Manager.
- Conducting an impartial review of a previous SQA response to a request when asked by the FOI Manager (only applicable to trained reviewers).
- Ensuring that staff comply with requests to update and review SQA's Publication Scheme and that web links and documents are kept up-to-date.
- Informing the FOI Manager of any requirements for FOI training within their business team.

4. **Disclosure of employee names**

Requests for information sometimes include a request to provide the names of specific members of staff. Information relating to an individual's role in the public sector is subject to disclosure although requests for personal information, such as home address, would be exempt from disclosure.

Every request for information will be carefully considered, however,

- the names of senior staff (heads of service and above) will be disclosed as part of a request, unless it is not relevant, and
- SQA may disclose the names of an employee below head of service level based on the nature and responsibilities of their role, and/or the content and context of the request.

The employee's Director or line manager will notify the employee of the request and discuss it with them before the response is issued to the requester.

5. **Disclosure Log**

SQA will publish responses to FOI requests in accordance with agreed criteria.

6. **Compliance**

It is a criminal offence to destroy or modify information after an FOI request has been received by SQA.

Any attempt to destroy or alter information, or the deliberate withholding of information, is a disciplinary offence and may constitute gross misconduct.

7. **SQA Policies and Procedures**

This policy should be read in conjunction with the following SQA policies and procedures, which are reviewed and updated as necessary to meet SQA's business needs and legal obligations.

- Data Protection Policy
- Information Security Policy
- Email Policy
- Records Management Policy
- Retention and Disposal Policy
- Home Based Worker Policy
- Dispute Resolution Policy

The following documents are also relevant:

- Dispute Resolution Procedure

This policy respects and complies with the following applicable laws:

- United Kingdom General Data Protection Regulation
- Data Protection Act 2018
- EU General Data Protection Regulation (2016/679)