

Freedom of Information

1. Background

The Freedom of Information (Scotland) Act 2002 (FOISA) is an Act of the Scottish Parliament which gives everyone the right to ask for any information held by a Scottish public authority.

It was introduced to give people the legal right to ask for and be given information from a wide range of public organisations in Scotland and relates mainly to local authorities and consequently, as a SCIO, SLLC has not to date been subject to freedom of information legislation.

However, in September 2013 the Scottish Government extended FOISA to include recreational, sporting, cultural or social bodies established and financed, wholly or in part, by Scottish local authorities. The order comes into effect on 1 April 2014 and thereafter **SLLC will be subject to** the FOISA legislation.

2. The Act

FOISA places three basic requirements on us:

- that we routinely make available as much information about ourselves as is reasonably possible (the Publication Scheme)
- that we ensure that, where an individual requests information that we hold but have not already published, we provide the applicant with the relevant information and
- that we have in place a properly structured approach to managing records

Anyone, anywhere, can ask the SLLC to give him/her information in terms of the Freedom of Information (Scotland) Act 2002 ('FOISA').

Requests for information don't have to mention FOISA but all requests for information must be dealt with under the provisions of the Act.

3. What do I need to know about FOISA?

- We have 20 working days to provide the information requested. The clock starts ticking when the information request is received by anyone in SLLC so be aware of what you need to do if you are the first point of contact.(see Appendix 1).
- All information held by all staff and SLLC Board members relating to SLLC activities come under the provisions of the FOISA. This includes what you consider to be your **notes and written comments** which may be on reports / letters /memos/ notepads etc. It covers information held in electronic format on all desktop equipment (all drives including the C\ drive) and on pen drives and any other portable storage device whether or not these are part of a formal file structure or "personal". It covers all written material whether or not it is held in a formal filing system or held in anyone's "personal" filing cabinet or desk.
- It is a **criminal offence** to destroy or alter information once a request to which it relates has been received.

4. Who can make a request?

Anyone can make a request. There is no age limit on who may make a request – the law gives the right to any one over the age of 12 but this could be lower depending on the maturity of the child. The rights are not limited to residents of South Lanarkshire.

We cannot ask applicants why they are requesting information. Applicants do not need to quote (or even be aware of) the Act, or their rights under it, when making a request for information.

5. Do the requests need to be in writing?

The only requirements are that applicants must make their request **in permanent format (e.g. in writing or email)**.

Verbal requests (e.g. those made over the telephone) are not valid. However, if you receive such a request, you should advise the applicant how to make the request official. In these instances you can advise that a paper copy of a request form is available for completion or equally direct them to the FOI section on SLLC's website.

6. What do I need to do to deal with FOI requests?

It depends on your job. All staff should be aware about the basic implications of FOISA and be sure of their role in dealing with requests for information.

Being aware of the information contained in this bulletin is a good start.

7. As a manager what can I do to be well prepared for FOI requests?

- Know what information you and your team hold
- Manage that information in accordance with good records management principles.
- Know the operational procedures and processes in your team / section for dealing with requests for information.
- Know who to ask for advice and guidance

8. Find out more

Advice and guidance is available through the FOI contacts

And finally, remember **IF WE HOLD THE INFORMATION WE MUST DISCLOSE IT**

NB. Guidance notes and further information will be available on the SLLC FOI Folder on the I drive (please contact your manager if you don't have access to the I drive) for those staff that need to have a detailed knowledge and understanding of the processes and procedures that are in place to deal with requests for information

Appendix 1 overleaf

Appendix 1

Freedom of Information Flowchart

