



Setting up your FOI function

Checklist for Scottish public authorities new to FOI

We recognise that when preparing for freedom of information (FOI), the arrangements you put in place need to be proportionate and take account of your authority, its size, function and stakeholders.

This checklist will help you to keep track of what you need to have in place to be able to meet your FOI statutory duties and develop good practice from the start.

Know and understand your statutory duties

We have adopted a publication scheme, and published information that we hold in accordance with the scheme.

We have provided information to the public on how they can make information requests to us.

We have made reasonable preparations to enable us to respond to requests for information.

Staff training

Staff know that any information request now carries legal rights.

Staff can recognise a request, and a request for review.

Staff know they must give advice and assistance, and they know how to.

Staff know who to refer requests to, or how to respond to it themselves.

We have included FOI in our staff induction.

We have considered how we will keep staff informed e.g. of changes to legislation and good practice codes.

Procurement and contracts procedures have been updated to reflect the requirements of the Section 60 Code of Practice.

Staff who manage procurement and contracts have read the relevant section of the Code.

Advice and assistance

We have established a central point of contact for anyone who wants to make a request for information.

We can tell people about the kind of information we hold, e.g. on a particular topic.

We have considered how we can help people to narrow their request to avoid fees.

Processes and procedures for requests

We have a nominated senior member of staff who has strategic responsibility for our FOI performance.

We have established who will have responsibility for:

logging requests when they come in

handling requests, including collecting information from colleagues

handling requests for review

And we have told staff who has these responsibilities.

We have resilience arrangements to ensure that requests can be handled in the absence of staff who normally handle requests.

We have ensured that our FOI staff have been empowered to chase colleagues for input into FOI responses.

We have implemented a logging and tracking system which:

Shows us what requests we have

Tells us what stage they're at

Allows us to see whether they are going to meet the statutory deadlines

Can be used to provide statistics to senior staff and the Commissioner.

We set internal deadlines for colleagues to respond to us.

We ask requesters for clarification, if needed, as soon as possible.

Where we consult third parties, we give them deadlines for responding to us.

We keep a record of our searches, especially where we conclude that information is not held.

We keep a note of our calculations where we find that complying with the request will exceed the £600 upper limit.

We have escalation procedures in place for when colleagues fail to respond.

Issuing responses

When we release all the information, we say that it is a full release.

If we don't hold the information, we tell the requester – with reference to s17 FOISA/Reg 10(4)(a) EIRs.

If we withhold information, we state that we hold the information, specify the exemption or exception we are relying on, and state why it applies.

If we are relying on a FOISA exemption which is subject to the public interest test, or any EIRs exception, we explain the public interest factors we considered and the reasons why these favour applying the exemption.

If we issue a fees notice, we specify the fee and how to pay it.

If we are refusing on grounds of excessive cost, we refer to the fees regulations.

Any refusal we issue includes details of the requester's right to ask for a review, and that there is a further right of appeal to the Commissioner.

Any response to a request for review also includes the requester's right (on a point of law only) of appeal to the Court of Session following an investigation by the Commissioner.

We have developed template responses that cover these basic scenarios.

Processes and procedures for reviews

We have ensured our review system is fair and impartial and complies with the Section 60 Code of Practice.

Logging and tracking systems can record receipt and progress of requests for review and appeal to the Commissioner.

We have a mechanism for capturing lessons learned from each review.

Performance management

Our senior staff management team are aware of the requirements of the Section 60 Code of Practice.

We produce the statistics which the Commissioner asks us for every quarter.

We have established clear reporting arrangements to keep senior managers up to date with organisational performance in terms of FOI.

We review our requests to identify frequently requested information and consider whether it could be published up front.

Support

We know who to go to for general and legal advice on FOI matters.

We have made contact with our peers in other organisations who can offer support.

We have signed up for the Commissioner's Decisions Round-up and Inform newsletter.

We are familiar with the support available on the Commissioner's website.

We have included FOI in our learning and development plans.

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