



Handling Requests for Information under Freedom of Information (Scotland) Act 2002

Policy and procedure

1. Introduction

As a Scottish public authority GTCS is required to comply with the requirements of the Freedom of Information (Scotland) Act 2002 (*FOISA*). This policy has been developed following the good practice guidance set out in the [Section 60 Code of Practice](#).

Freedom of Information (Scotland) Act 2002 is concerned with an individual's general right of access to most of the recorded information held by Scottish public authorities. Recorded information includes printed documents, computer files, letters, emails, photographs and sound or video recordings. The supervisory authority for FOISA is the Scottish Information Commissioners Office.

FOISA is recognised as a specific statutory corporate function within GTCS and should receive the necessary levels of organisational support both at strategic and operational levels.

2. Scope

This policy applies to all employees of GTCS.

3. Purpose

This policy will:

- clearly define roles and responsibilities
- provide a framework to ensure that GTCS has the most effective procedures and practices in place to handle requests for information.
- Provide guidance on how to respond to a request

4. Roles and responsibilities

Director of Regulation and Legal Services/Data Protection Officer

The Director of Regulation and Legal Services has overall strategic responsibility for FOISA and will ensure that there is a clearly established responsibility at a senior level within GTCS for overseeing compliance with

FOISA and creating a culture supportive of the public's right to access information. The day to day management of FOISA is undertaken by the Information Compliance Officer.

Information Compliance Officer

The Information Compliance Officer has responsibility for the day to day management of FOISA as detailed below.

- First point of contact for enquires relating to FOISA
- Managing the FOI@gcts.org.uk mailbox
- Providing advice, guidance and training to GTCS staff on how to handle information requests
- Providing advice on style and appropriate presentation of a response
- Providing guidance on the use of exemptions and the Public Interest Test

GTCS Directors and Senior Managers

It is the responsibility of the relevant Senior Manager (or Director in the absence of Senior Manager) to gather and collate the information requested and to assist the Information Compliance Officer to draft a response.

Corporate Management Team

It is the responsibility of the Corporate Management Team (CMT) to review and approve draft responses to requests for information within the timeframe confirmed by the Information Compliance Officer. CMT will also provide support to their Senior Managers where required to gather the information for the response.

5. Receiving requests for information

GTCS should treat any external request for information as a request being made under FOISA unless it is a request for personal information, this would be treated as a Subject Access Request under the Data Protection Act 2018. A request does not have to state that it is being made under FOISA in order for it to be treated as a FOISA request. For example, someone might email a GTCS member of staff asking for statistics on the number of teachers from a particular country who have registered with GTCS in the last ten years. This is a FOISA request.

6. Providing a response

A FOISA request for information can be received by any member of staff. It is important that all members of staff are aware of the procedure to follow. The procedure is attached at Appendix 1.

It is important to note that when a member of staff receives a request for information in the first instance they must inform their line manager of the request. Then, without delay, send a copy of the request to the Information Compliance Officer using the FOI mailbox – FOI@gtcs.org.uk

Requests for information must be answered as soon as possible and within 20 working days.

At this point, the Information Compliance Officer will take on the responsibility of managing the request.

The Information Compliance Officer will:

- Establish if the response is valid.

A valid request must contain a full name, an address for correspondence and clear detail on what information is being requested. The requester can be an individual, a company or an organisation but in each case they must provide their real name. Requests made under a pseudonym will be invalid.

If the request is by email, the applicant's full name must be given in the body of the email. The name in the email address (e.g. john.smith@emailaddress.com) is not sufficient.

If the request is not valid, the Information Compliance Officer will communicate this to the requester providing guidance and advice on what is required to ensure the request is valid and, if required, seek clarification on what information is being requested.

If the request is valid, confirmation of receipt and timeframe for response will be sent to the requester.

- Inform CMT of receipt of a valid request
- Discuss with the relevant Senior Manager the scope of the request including where any exemptions must be applied

If exemptions are to be applied and a Public Interest test is required the Information Compliance Officer will draft this and discuss findings for inclusion in the response with the Senior Manager.

- Work with the Senior Manager to draft a response
- Provide the draft response to CMT for review
- Provide the response to the requester
- Log the request and response on the [FOI Register](#)

7. Exemptions

FOISA governs all recorded information held by GTCS; however, there are certain circumstances when information may not be released because it is exempt under FOISA. Examples of exemptions that may be used by GTCS are:

FOISA Exemption	Type of exempt information
A request is received for copies of Annual Reports and Accounts for the last five years	<i>Exemption 25 – Information otherwise accessible.</i> Where information is available elsewhere for example on the GTCS website. In this instance, we must be assured that the recipient has appropriate access, for example, they are able to access the internet.
A request is received for information relating to an ongoing Fitness to Teach investigation	<i>Exemption 35 – Law enforcement.</i> Disclosing information relating to an ongoing investigation may cause harm to the investigation proceedings.
A request is made by a teacher who is the subject of a fitness to teach investigation for all information held on them	<i>Exemption 38 – Personal information.</i> Any request for person information should be refused under FOISA and dealt with as a Data Protection Subject Access Request.

8. Fees

How charges are worked out under FOISA

GTCS is entitled to charge for making information available in response to requests under FOISA. The charges are based on the:

- estimated costs of staff time to find information
- any costs associated with putting information into a particular format
- copying and postage costs.

We do not charge for the time taken to determine whether we hold the information requested, or the time it takes to decide whether the information can be released. The charge for supplying information is:

- free, if the costs are less than £100, but you may be asked to pay copying charges
- 10% of our costs and copying charges, if the costs are more than £100.

- we may not supply information if it costs more than £600 to do so. GTCS are required to provide advice and guidance to the requester on how the scope of the request can be narrowed to bring it within the fee limits.

When working out the fee, staff time should be calculated to a maximum £15 per person per hour. The standard charge for photocopying is 10p per A4 sheet. Any specialist copying or printing will be charged at cost to GTCS. All charges are to be paid in advance. A fee notice should be issued to the requester explaining the fee structure along with an explanation of how the fee has been calculated.

9. Publication Scheme

Publication schemes are a requirement under FOISA. It is the statutory duty of all Scottish Public authorities, to adopt and maintain a publication scheme that has been approved by the Scottish Information Commissioner. A publication scheme is both a public commitment to make certain information available, and a guide to how that information can be obtained. The scheme also details how much it will cost if there are any charges. The GTCS Publication Scheme can be accessed [here](#).

10. Review of Policy

This policy will be review annually or sooner if required by changes to FOISA legislation.

11. Role of the Scottish Information Commissioner

If a requester is unhappy with the response they receive, they can ask GTCS to undertake a review. If they are still unhappy following the review, they can appeal to the Office of the Scottish Information Commissioner. A link to the area of the website is provided [here](#).

Freedom of Information (Scotland) Act 2002

Procedure for Handling Requests for Information

1. Introduction

This procedure provides GTCS employees with guidance on how to handle requests for information in compliance with Freedom of Information (Scotland) Act 2002 (FOISA).

2. Recognising a FOISA Request for Information

A request for information which is more substantive than what would be considered a “Business as Usual” enquiry, for example a request for statistical information should be treated under FOISA.

For a request to be valid the requester does not have to mention FOISA.

A request can be received in a variety of ways, such as:

- by email to an individual’s inbox, or other general mailboxes such as FOI@gtcs.org.uk or GTCS@gtcs.org.uk
- submitted through social media such as Facebook and Twitter,
- contained within other correspondence, for example, within a complaint letter or correspondence on a range of matters.
- Voicemail - our new telephone system will have the capability to save messages as emails making them accessible for future reference if required

3. What do I do if I receive a request for information?

The first step when you receive a request for information which should be handled under FOISA is to inform your Senior Manager of the request, then without delay, forward the request to the Information Compliance Officer using the FOI@gtcs.org.uk mailbox.

If the request is left on your voicemail, save the voicemail message and send this to the Information Compliance Officer using the FOI@gtcs.org.uk mailbox.

4. Establishing the validity of a request

It is the responsibility of the Information Compliance Officer to establish whether or not a request is valid.

5. Supporting the preparation of a response

When required, it is important that you provide support in relation to the gathering of information or drafting of a response to your Senior Manager or the Information Compliance Officer.

6. Point of Contact

If you have any questions or queries relating to a FOISA request, please contact the Information Compliance Officer who will be happy to talk you through the process.

Contact details:

Suzanne Valente, Information Compliance Officer

Tel: 0131 314 6053

Email: foi@gtcs.org.uk