Freedom of Information Policy

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Business Area	Strategic Planning & Governance
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Why do we need the policy?

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 is it for?

This policy applies to all users of SQA's information and information systems (employees, agency workers, contractors, and others with authorised access to SQA's information or systems)

What support is available?

Contact the FOI team by e-mail at foi@sqa.org.uk, or look at the FOI Handling Procedures on the Managing your information pages.

We use links to signpost relevant policies and information so please let us know if you come across broken links so we can fix them.

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.

   The Freedom of Information (Scotland) Act 2002 established a general right of access to information held by public bodies in Scotland. Under FOISA any individual has the right

   - To access information proactively published by SQA and recorded in its Publication Scheme
   - To request any information held by SQA, regardless of when it was created, by whom, or the form in which it is held
   - To receive the requested information, subject to certain exemptions, within 20 days of the date of their request

2. **Purpose**

   The purpose of this policy is to provide a framework for ensuring that the provisions of FOISA are adhered to by all staff.

3. **Scope**

   FOISA and this policy applies to all recorded information held by SQA. This means that it applies to all information created, received, and maintained by SQA. Information can be held in a variety of media but will most commonly be paper or electronic.

4. **Approach**

   A centralised FOI team is responsible for managing and responding to all FOI requests. A case management approach is in place supported by comprehensive Handling Procedures.

   FOI requests are typically submitted via an online form but occasionally these requests are submitted to teams directly or as part of another communication. These requests must be sent immediately to foi@sqa.org.uk to ensure that FOISA requirements are met. Section 6 of the Handling Procedures contain guidance on how to identify a FOI request.

   The FOISA Handling Procedures and templates for dealing with requests are available on the Managing your information page via Tools.

5. **Responsibilities**

   SQA recognises its responsibilities under the Act to provide a general right of access to information held.

   Specific responsibilities are set out below.

5.1   Senior Management

The Executive Management Team is responsible for approving the policy and ensuring that there are adequate arrangements in place to ensure compliance with FOISA requirements.

5.2   Directors

Directors are responsible for overseeing responses to requests in their directorate and for approving the response issued to requesters.

5.3   Heads of Service

Heads of service will typically be appointed as case managers to lead on the identification, search, and provision of information for a response. Case managers must follow the instructions and advice provided by the FOI team, be guided by the FOI Handling Procedures, and provide responses by stated deadlines to ensure that SQA can respond to requests on time.

5.4   FOI team

The FOI team is responsible for managing FOI requests from receipt of the requests to issue of the responses in compliance with FOISA and the Code of Practice.

This responsibility includes providing advice, maintaining the publication scheme, developing guidance material, and promoting compliance with the Act and this policy.

5.5   All employees

To support the identification and retrieval of information needed to respond to FOI requests, employees must adopt good information management practices in accordance with published guidance. All information relevant to a request must be provided when requested.

Suppliers and contractors must be made aware of SQA's obligations under FOISA.

6.   Disclosure of employee names

Requests for information sometimes ask for the names of specific members of staff.

Every request for information will be carefully considered, however,

- the names of senior employees - heads of service and above - will be disclosed as part of a request, unless it is not relevant to the request, 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.

In some circumstances, disclosure of an employee's name will be carefully considered and discussed with the employee before a response is issued.

7. Disclosure log

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

8. Publication scheme

SQA has a duty to maintain a publication scheme. The publication scheme must be reviewed regularly, and this will be carried out on an annual basis. All business teams will be involved in the review.

The publication scheme is available on SQA's website.

9. Compliance

It is a criminal offence to deliberately 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.

10. 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
- Disciplinary Policy

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)