

Freedom of Information and Environmental Information Policy

Owned and maintained by:	Corporate Governance Manager
Date checked/ created:	March 2023
Next review date:	March 2024

Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs) places a duty on us to prepare and implement systems and processes to comply with the legislation. Under these Acts a person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

Our approach

Reporting in public is a principle of the public audit model. It contributes to openness and transparency in the conduct of public bodies in Scotland. Our audit work is carried out in the public interest and we believe that it is enhanced by the principles of the Freedom of Information and Environmental Information legislation. We embrace the legislation and are committed to its continued successful implementation.

There are some special considerations which relate to the audit process and these are recognised in the legislation. We will make use of relevant exemptions and exceptions only where we consider that this is necessary in the public interest.

We have one Publication Scheme covering the Auditor General, the Accounts Commission and Audit Scotland and we will follow a consistent approach to information handling and requests.

A professional relationship with the bodies we audit and other stakeholders is very important. If a request is made to us for disclosure of information obtained from a public body as part of our audit work we will, where reasonably practical, consult the body before complying with the request. We will also continue to liaise with other audit and scrutiny bodies in developing best practice in this area.

Scope

This policy applies to the Auditor General, the Accounts Commission and Audit Scotland.

Roles and responsibilities

Audit Scotland provides support to the Auditor General and the Accounts Commission and have established clear information management roles and responsibilities.

The Corporate Governance Manager and Corporate Performance Officer are responsible for the operational processing of requests. The Auditor General is Audit Scotland's Accountable Officer and to support his duties under this legislation we have established the Knowledge, Information & Technology Governance Group (KITGG).

It is the KITGG's remit to ensure that information risks are assessed and mitigated to an acceptable level by having in place robust policies, procedures and processes.

The KITGG has established an Information Requests Panel to meet and decide on using exemptions in complex FOI requests and exceptions in EIR requests.

Panels are convened by Corporate Governance and are composed of staff from across the main business groups. The membership of each panel varies to ensure independence and objectivity.

Information we hold

We are committed to openness and transparency in our work. We are committed to supplying information to a request unless there is a valid reason for withholding it under the legislation.

When a request is received for information you must not alter, deface, block, erase, destroy or conceal applicable information with intent to prevent disclosure. To do so is an offence under the Act and will result in action under Audit Scotland's disciplinary policy and could incur a risk of personal prosecution.

Training and awareness

We are committed to ensuring full staff awareness of our statutory obligations around Freedom of Information, Information Security and Environmental Information Regulations. All staff receive mandatory training on the pertinent legislation and its implications for our work.

The training of staff is regularly tracked and monitored to maintain organisational compliance. We are committed to maintaining effective systems for handling Freedom of Information and Environmental Information Regulations requests to meet our obligations under the pertinent legislation.

Guidance on the application of FOISA and the EIRs are available on SharePoint.

Annual newsletters are shared with colleagues across Audit Scotland outlining our performance on FOI and EIRs, which covers the types of requests that have been received and the timescales in which we responded.

Charges

Audit Scotland may invoke a charge for providing information, which is not contained in our publication scheme, in accordance with the costing threshold within FOISA and the EIRs.

When a request is estimated to exceed £600 to fulfil, we will, whenever possible, attempt to narrow its scope and provide what we can within the threshold rather than refusing it outright.

Supplementary documentation

The following documents should be used to support and supplement this policy:

- Freedom of Information (Scotland) Act 2002
- Freedom of Information (Scotland) Act 2002 section 60 and 61 codes of practice
- Environmental Information (Scotland) Regulations 2004

Change log

Date	Author	Description
19/09/2012	Corporate Governance Manager	Revised policy approved by Audit Scotland Board.
24/10/2013	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
20/08/2014	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
17/09/2015	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
03/05/2016	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
23/08/2017	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
23/09/2018	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
18/09/2019	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
30/09/2020	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
22/09/2021	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
05/04/2022	Corporate Governance Manager	Revised policy approved by Audit Scotland Board
04/04/2023	Corporate Governance Manager	No changes to the policy. Update to Board on changes anticipated given Scottish Government consultation