

# Setting up your FOI function

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**Guidance for Scottish public authorities new to FOI**

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Scottish Information  
Commissioner

# Contents

<b>Glossary and abbreviations</b> .....	<b>ii</b>
<b>What do you need to do to prepare for FOI?</b> .....	<b>1</b>
You need to.....	1
General introduction to FOI .....	1
Resources .....	1
<b>Know and understand your statutory duties</b> .....	<b>2</b>
Legislation .....	2
<i>Freedom of Information (Scotland) Act 2002</i> .....	2
<i>Environmental Information (Scotland) Regulations 2004</i> .....	2
Statutory duties .....	2
<i>Responding to information requests and reviews</i> .....	2
<i>Providing advice and assistance</i> .....	3
<i>Adopting an approved publication scheme and proactively publish/ disseminate information</i> .....	3
Top tips .....	3
<b>Codes of practice</b> .....	<b>3</b>
Section 60 Code.....	4
Section 61 Code.....	4
Top tips .....	4
<b>Allocating responsibilities and resources</b> .....	<b>5</b>
Top tips .....	5
<b>Assess to what extent your current practices meet your FOI duties</b> .....	<b>6</b>
<b>Policies and procedures</b> .....	<b>6</b>
Responding to information requests and review requests.....	6
<i>Responding to requests</i> .....	6
<i>Deciding how to respond</i> .....	7
<i>Responding to reviews</i> .....	7
<i>Drafting your procedures</i> .....	8
Proactive publication .....	8
Other policies and procedures.....	9
Top tips .....	9
<b>Records management, record keeping and searching for information</b> .....	<b>10</b>

Current records .....	10
Requested information .....	10
Information request/ review records.....	11
Top tips .....	11
<b>Train your staff .....</b>	<b>12</b>
Top tips .....	12
<b>Logging and tracking requests and reviews, and gathering statistics .....</b>	<b>13</b>
Top tips .....	13
<b>Arrangements to monitor FOI performance .....</b>	<b>14</b>
Top tips .....	14
<b>Appendix 1: Resources and further information .....</b>	<b>15</b>
<i>Legislation .....</i>	<i>15</i>
<i>Codes of Practice .....</i>	<i>15</i>
<i>Roles and responsibilities .....</i>	<i>15</i>
<i>Responding to requests and reviews .....</i>	<i>15</i>
<i>Timescales .....</i>	<i>16</i>
<i>Advice and assistance .....</i>	<i>16</i>
<i>Proactive publication and dissemination .....</i>	<i>16</i>
<i>Training and awareness .....</i>	<i>17</i>
<i>Logging, tracking and FOI statistics .....</i>	<i>17</i>
<b>Document control sheet.....</b>	<b>18</b>

## Glossary and abbreviations

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Term used	Explanation
<b>The Commissioner</b>	The Scottish Information Commissioner
<b>EIRs/ The Regulations</b>	Environmental Information (Scotland) Regulations 2004
<b>FOI</b>	Freedom of Information, collective term for all FOISA and EIRs duties
<b>FOISA/ the Act</b>	Freedom of Information (Scotland) Act 2002
<b>SIC</b>	The Scottish Information Commissioner, staff of SIC (depends on context)
<b>The Section 60 Code</b>	The Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002
<b>The Section 61 Code</b>	Scottish Ministers' Code of Practice on Records Management by Scottish Public Authorities under FOISA

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## What do you need to do to prepare for FOI?

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1. This document is the start of your FOI journey: it is a reference document which signposts you to more detailed resources and guidance.
2. We recognise that the arrangements you put in place need to be proportionate and take account of your authority, its size, function and stakeholders. But **BE PREPARED!** This document may be relatively short, but there is plenty to read.

### You need to...

3. To prepare for FOI you need to:
  - (i) know your statutory duties
  - (ii) know and understand your responsibilities under the Ministers' Codes of Practice on Good FOI Practice and Records Management
  - (iii) allocate responsibilities and resources at appropriate levels of your organisation
  - (iv) assess to what extent your current practices already meet your FOI duties
  - (v) put in place policies and procedures for responding to information, proactive publication and other areas impacted by FOI
  - (vi) review records management practices
  - (vii) train your staff
  - (viii) put in place arrangements to log and track information requests and reviews, and gather statistics about them
  - (ix) put in place arrangements to monitor FOI performance to understand and demonstrate how well you are meeting statutory duties.

### General introduction to FOI

4. This guidance, and other resources for new authorities are available on the Commissioner's website at:  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/NewAuthorities/NewAuthoritiesArea.aspx>
5. If you are brand new to FOI, you may find it helpful to read our general information leaflet "Your Right to Know". Although this is aimed at people using FOI, it will give you a sound, non-technical introduction (and remember, you can refer other people to it as well).  
<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=5487&SID=5024>

### Resources

6. Appendix 1 contains links to a range of resources, grouped by area. If you can't find what you are looking for, give us a call.

7. There is a handy checklist on our website that helps you keep track of what you need to put in place.  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/NewAuthorities/NewAuthoritiesArea.aspx>

## Know and understand your statutory duties

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### Legislation

8. You do not have to be a legal eagle to implement FOI. You do have to know what legislation you are subject to and what arrangements you need to put in place. There may be occasions where you need more technical help, for example when you are deciding whether to withhold information, but our wide range of briefings and guidance will help at the point you need them.

#### *Freedom of Information (Scotland) Act 2002*

9. FOISA is an Act of the Scottish Parliament which gives everyone the right to ask for any information held by a Scottish public authority and requires you to publish information proactively.

#### *Environmental Information (Scotland) Regulations 2004*

10. The EIRs are derived from a European Directive on access to environmental information. The EIRs give everyone the right to ask for environmental information held by a Scottish public authority (and some other bodies) and require authorities to disseminate information (i.e. publish).
11. If your authority is subject to FOISA, it is also subject to the EIRs.

### Statutory duties

12. FOISA and the EIRs impose the following. You **must**:
- (i) respond to information requests and requests for review within statutory timescales
  - (ii) adopt an approved publication scheme and proactively publish/ disseminate information
  - (iii) provide advice and assistance.

#### *Responding to information requests and reviews*

13. Under section 1(1) of FOISA and your authority has a duty to respond to requests for information that it holds. You must respond promptly and no later than 20th working day after receipt.
14. Under regulation 5(1) of the EIRs your authority has a similar duty, which is to make the environmental information you hold available when requested to do so. You must do this as soon as possible and no later than the 20th working day after receipt. You can extend the response to a request for environmental information by a further 20 working days, but **only** if it is both “*voluminous and complex*” to deal with. If you need to extend the response time, you must tell the requester as soon as possible, but in any event within the original 20 working day deadline.
15. An acknowledgement is not a response.

### *Providing advice and assistance*

16. Under section 15(1) of FOISA and regulation 9(1) of the EIRs, you must provide advice and assistance to a person who proposes to make, or has submitted a request for information, as far as it is reasonable to do so.
17. The duty applies to all stages of handling requests: before, during and after. Offer meaningful advice and assistance, even if you are considering refusing a request because it would cost too much to comply with, or it is vexatious or manifestly unreasonable
18. Advice and assistance is all about helping people, removing barriers that might prevent requesters and potential requesters from accessing the information they want. It is an opportunity to communicate with your requesters to build trust, confidence and develop a relationship based on openness and transparency. Good advice and assistance often helps requesters to be more focused on the information they really want to see, reducing the authority's work in responding.
19. If you follow the guidance in the Section 60 Code on advice and assistance, you will meet your statutory duties under FOISA and the EIRs.

### *Adopting an approved publication scheme and proactively publish/ disseminate information*

20. Section 23(1) of FOISA requires your authority to adopt and maintain a publication scheme which sets out the information you publish proactively and explains how to access it. Your authority's publication scheme must be approved by the Commissioner.
21. Regulation 4(1) of the EIRs requires you authority to actively disseminate environmental information.
22. The best way to comply with these duties is to adopt the Commissioner's Model Publication Scheme (MPS) and notify the Commissioner that you have done so. When you adopt the MPS you will have to publish a Guide to Information. The Guide, a form of index or catalogue, signposts the public to your authority's published information.
23. Experience indicates that four to six weeks is usually sufficient time to set up an MPS, produce your Guide to Information and submit your notification form.

### **Top tips**

- ✓ Think of FOI as another opportunity to communicate: engage with requesters as the clearer requests are, the easier it will be for you to respond to them
- ✓ Publish as much as you can and put customer service at the heart of what you do
- ✓ FOI sets out the minimum: it helps to provide context to the information you disclose and you can publish more than required by the Model Publication Scheme.
- ✓ Don't wait to start: populate your Guide to Information (part of the publication scheme) from today onwards
- ✓ If you're disclosing information, it doesn't matter which regime the request is under. Environmental information is often the hardest to define. Why not try to identify what environmental information you hold before FOI "Go Live"?

### **Codes of practice**

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24. You must be familiar with the two Codes of Practice produced by the Scottish Ministers. Although they are not law, the Commissioner treats failure to comply with them as a breach of duties under FOI.
25. The Codes also give helpful advice and guidance on a range of FOI areas.

### **Section 60 Code**

26. This is the Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.  
<http://www.gov.scot/Resource/0046/00465757.pdf>
27. The Section 60 Code gives guidance on what your authority can do to ensure that best practice is demonstrated at every stage of dealing with a request for information or review.

### **Section 61 Code**

28. This is the Scottish Ministers' Code of Practice on Records Management by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002  
<http://www.gov.scot/Resource/Doc/933/0124124.pdf>
29. The Section 61 Code sets out the practices authorities should follow in relation to the creation, keeping, management and final disposal of records; and describes the particular arrangements which apply to authorities which transfer their records to the National Records of Scotland or other public archives.
30. Good record keeping is essential to good FOI practice as being able to locate and retrieve information efficiently is one way to keep costs down. It is also critical to proactive publication as it ensures you actively consider what should be published and whether information is up-to-date.

### **Top tips**

- ✓ Download the Codes now and become familiar with them before you start
- ✓ Use the Codes in conjunction with our checklist to make sure your procedures and policies cover everything they need to

## Allocating responsibilities and resources

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31. Your whole organisation, not just one person or group of people, is subject to FOI. This means that *everyone* in the organisation must know what their roles and responsibilities are in relation to FOI.
32. The Section 60 Code states that:  
*“FOI should be recognised as a specific statutory corporate function within an authority. As such it should receive the necessary levels of organisational support at both strategic and operational levels as well as sufficient resources to ensure compliance with Scotland’s access to information regimes”*
33. To comply with the Code and to implement FOI well you need to:
  - (i) allocate **lead FOI management** responsibility *and* accountability to a senior member of staff
  - (ii) give **senior managers** responsibility and accountability for establishing and applying FOI procedures/practices and staff training
  - (iii) ensure that policies make it clear who is responsible for responding to requests and reviews
  - (iv) ensure policies make it clear who is responsible for setting up and maintaining your publication scheme.
34. Most authorities assign **day-to-day responsibility** for FOI to one member of staff or a team. This person often co-ordinates responses across business areas and monitors timescales for responses.
35. As well as assigning responsibility you must make sure that the person or team has:
  - (i) sufficient authority to deal with issues and disagreements within the organisation
  - (ii) is supported by robust practices and procedures
36. You must have sufficient staff resources to comply with your authority’s FOI duties. You’ll need staff cover for periods of planned/unplanned absence. Your authority’s duty to respond to requests within 20 working days does not change because the person with responsibility for issuing responses is on annual or sickness leave.
37. We also recommend that you set targets for responding to information requests and monitor performance against them.

### Top tips

- ✓ One characteristic of successful authorities is senior level commitment to FOI, openness and transparency
- ✓ Authorities tell us that time and effort now to plan and communicate FOI is a worthwhile investment.



## **Assess to what extent your current practices meet your FOI duties**

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39. Our experience of helping new authorities shows that often setting up FOI duties is not about introducing wholesale change, but about adapting existing good practice.
40. While there is no recommended approach, or specific resource available on this, we encourage you to think about whether you can adapt any of your current practices such as responding to enquiries, logging and tracking enquiries, publication of information on your website.

## **Policies and procedures**

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### **Responding to information requests and review requests**

41. The Section 60 Code refers to the importance of establishing and embedding appropriate procedures and practices and recommends you have an FOI policy statement.
42. The Commissioner supports this wholeheartedly. Your FOI policy and procedure should be tailored to your own authority. The procedure should include all your request handling processes, from identifying a request through to responding to a request for review. We also recommend that it sets out roles and responsibilities. This is essential for your authority and helpful for requesters.
43. Your procedures should ensure that by following them, your authority collectively meets both its statutory duties and the Codes of Practice.

#### *Responding to requests*

44. A “request” needs only to ask for information and provide the requester’s name and contact details for their FOI rights to apply. Under FOISA, the request must be made in a recordable format, such as letter, email or audio file. Under the EIRs you can receive a verbal request.
45. The request can come in to any part of the authority.
46. The requester does not have to mention FOI law or their rights.
47. Your authority must respond. A response can be any one of the following:
  - (i) A request for clarification. If a response is received, the clarified request is treated as a new request.
  - (ii) Disclosing the information.
  - (iii) Issuing a fees notice (FOISA section 9).
  - (iv) A notice that you don’t hold the information (FOISA section 17, EIRs regulation 10(4)(a)).
  - (v) A refusal on the grounds of excessive cost (FOISA section 12) or manifestly unreasonable (EIRs regulation 10(4)(5)).
  - (vi) A “neither confirm nor deny” notice (FOISA section 18 only).
  - (vii) A refusal on the grounds that the request is vexatious or repeated (FOISA sections (14(1) and 14(2)), or manifestly unreasonable ((EIRs regulation 10(4)(b)).

(viii) A refusal, withholding information, either fully or partially (FOISA section 16, EIRs regulation 13).

48. Depending on the information requested, your response may be a combination of any of the above. For example, you may not hold some of the information and you may disclose some of the information.

#### *Deciding how to respond*

49. Both FOISA and the EIRs contain a “presumption” in favour of disclosure. This means that your default position should be to disclose information in response to requests. It is much harder to withhold information than to disclose it. So it is in your authority’s interests to give information rather than to refuse it.

50. When you decide how to respond to a request, you must focus on the requested information and respond in terms of FOI law, complying with the Section 60 Code. Your response will depend on the specific circumstances of the information; each request must be handled on a case-by-case basis.

51. If you **disclose** information you must issue a response enclosing the information. It is good practice to set out the rights to review and appeal.

52. If you **withhold** information you must issue a response:

- (i) saying that you hold the information<sup>1</sup>
- (ii) specifying the exemption (in FOISA) or exception (in the EIRs) on which you are relying
- (iii) saying why you think the exemption or exception applies
- (iv) if the public interest test applies (as it does to all the exceptions and many of the exemptions), you must also set out:
  - (a) the competing arguments for why the public interest would be served by disclosing and withholding the information.
  - (b) your reasons for determining the balance is in favour of withholding it.
- (v) setting out the requester’s right to request a review and, if still dissatisfied, to appeal to the Commissioner.

#### *Responding to reviews*

53. Where a requester is dissatisfied with the way an authority has handled their request for information, section 20(1) of FOISA and regulation 16(1) of the EIRs provides the requester with the right to ask the authority to review its handling of their request.

54. Although requesters are not required to specifically ask for a review, they must state, in writing, why they are dissatisfied. If you get such a communication you must trigger the review process.

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<sup>1</sup> There is a provision in section 18 of FOISA which allows an authority, in limited circumstances, to refuse to confirm whether it holds information.

55. The aim of the review is to allow the authority to:
- (i) confirm the original decision
  - (ii) substitute a different decision; or
  - (iii) reach a decision for the first time.
56. So your authority's review procedures must enable you to take a fresh look at the response. This is a second chance to put right any errors in the response to the request. The review should be independent and it is good practice for the reviewer to be someone who was not involved in the initial response. It is important that reviewers receive suitable training and are supported with procedures.
57. All reviews must be completed within 20 working days. This includes issuing the full response to the requester and setting out the right to appeal to the Commissioner within 6 months and the subsequent right to appeal to the Court of Session.

#### *Drafting your procedures*

58. Nowhere is the old adage of "don't reinvent the wheel" more relevant than in relation to policy and procedures. We recommend you:
- (i) ensure your procedures take account of the Section 60 code, including important areas like procurement, consulting with third-parties and issuing responses
  - (ii) look at what existing authorities do. As with other Scottish public authorities, the Commissioner is subject to FOI and has a request handling procedure in place. You can view our own Responding to Information Requests: Guidance and Procedures on our website at <http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=7940&sID=105>
- While our procedures may not be exactly what your organisation needs they will give you an idea of the scope and level of detail we work to. Do be aware though that we can't investigate appeals against ourselves, but we can accept appeals against your authority! So if you "borrow" from our procedures, you need to make sure you adjust them to your authority.
- (iii) support your procedures with letter templates that include standard text such as review and appeal rights.

#### **Proactive publication**

59. Proactive publication is not an area that lends itself to a single procedure because it can encompass elements of communication plans, records management, governance and website management. We strongly recommend you adopt the Commissioner's Model Publication Scheme.
60. We also recommend that you review your existing practice to ensure that overall you are meeting your statutory duties and the Section 60 Code. Areas to think about include:
- (i) Who monitors, maintains, reviews and updates your Guide to Information under the publication scheme?
  - (ii) Who decides what to publish and how is that approved?

- (iii) At what point do you think about whether something should be published? For example, our own Guidance on managing our Key Documents requires us to decide whether a document should be published and the frequency of review at the time of approval.
- (iv) How do you make sure that you update information so that you are always publishing an up-to-date version?

61. Don't forget, your approach should be proportionate to the size and complexity of your authority.

### **Other policies and procedures**

- 62. Your organisation may be subject to other legislation which requires you to publish specific information, or to make information available in a particular way. It is important that you identify these and ensure that your policies take account of FOI requirements and vice versa.
- 63. As a data controller, you'll already be used to answering subject access requests made under the Data Protection Act 1998 (the DPA). Make sure you know the differences between responding to requests made under the DPA and under FOI.
- 64. Two other areas we would draw your attention to are procurement and relationships with third-parties, particularly if you are subject to the Procurement Reform Act (Scotland) 2014.
- 65. Your new duties under FOI impact on the relationships you have with third parties who supply your authority with information, and on the way you handle and make available contractual and procurement-related information (whether proactively or in response to an information request).
- 66. It is important that your standard contract terms and conditions make it clear that you are required by law to respond to requests for information in the contract or provided by the contractor.
- 67. We recommend you read what the Section 60 Code says about these matters.

### **Top tips**

- ✓ Involve staff responsible for the relevant areas e.g., your procurement manager.
- ✓ Your FOI policy and procedure should be tailored to your own authority. The procedure should include all your request handling processes, from identifying a request through to responding to a request for review.
- ✓ Policies and procedures are often easily forgotten in the heat of the moment. Some authorities put up posters or give staff handy leaflets summarising what they have to do and when.

## **Records management, record keeping and searching for information**

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68. You need to make sure your authority complies with the Section 61 Code. We encourage you to think about records management in three ways:
- (i) Current records.
  - (ii) The information being requested.
  - (iii) Records relating to the request itself and any subsequent review.

### **Current records**

69. Remember, when you receive an information request:
- (i) it is for the information you hold *at the time the request is received*
  - (ii) you must be careful not to delete or amend any of the requested information at this point as it is a criminal offence to delete or alter records with the intent to conceal it<sup>2</sup>
  - (iii) the more information you have, the more you have to read and consider, and this can add time and cost.
70. So before you receive requests, ask yourself a few questions:
- (i) When was the last time you tidied up your records?
  - (ii) Are you saving things you don't need any more?
  - (iii) Do you need to revise the way you name and index documents?
  - (iv) Do your records management plans and procedures ensure compliance with the Section 61 Code?

### **Requested information**

71. Good records management practices and procedures are essential for effective FOI. If you can search for, locate and retrieve requested information quickly and efficiently, you are more likely to respond on time and reduce internal costs.
72. Make sure that guidance and responsibilities for searching for information are included in your policies and procedures.
73. When you get a request you must be able to identify:
- (i) what information is being asked for
  - (ii) whether you hold the information, and if so
  - (iii) where, and in what format
  - (iv) whether it is already published and so accessible by the requester
  - (v) if the case is being dealt with under FOISA, whether it will cost more than £600 to respond (including keeping a record of the calculation).

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<sup>2</sup> Section 65 of FOISA/regulation 19 of the EIRs

- (vi) whether you can and should issue a fees notice (including keeping a record of the calculation)

### **Information request/ review records**

74. We recommend you keep copies (electronic or hard copy) of:

- (i) the request and review request (if received)
- (ii) correspondence with the requester and third parties
- (iii) a record of searches asked for and their outcomes. You can set up a standard form and store completed forms with your other documentation. This record will help if you are asked to review your response, especially if challenged about whether you hold information
- (iv) the request and review responses, including the information disclosed
- (v) the information you hold
- (vi) information withheld and under what exemption
- (vii) correspondence with the Commissioner if the requester appeals.

### **Top tips**

- ✓ Start now! Involve your Records Manager
- ✓ Rehearse how you will search for requested information held by different business areas or in individual staff email accounts

## Train your staff

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75. Senior managers must ensure that staff are adequately trained and fully supported at all levels in carrying out their FOI duties:
76. The Section 60 Code states that:
- “Authorities must ensure, as a minimum, that all staff:*
- *can recognise a request that has been made to them; and*
  - *are aware of any procedures for forwarding requests or enquiries to staff who are able to answer them.”*
77. As a minimum:
- (i) Staff with responsibility for responding to FOI requests should have the appropriate skills, knowledge and levels of authority to carry out their role.
  - (ii) Staff in contact with the public must be able to explain to the public how to make a request to the authority and the key provisions of both FOISA and the EIRs to potential requesters.
  - (iii) Staff carrying out reviews and anyone covering staff absence must be given the necessary skills and knowledge to carry out their duties.
  - (iv) FOI awareness training should be part of your new staff induction training.
  - (v) FOI policies and procedures must be easy to access and kept up-to-date.
78. We also recommend that staff are aware of your records management policies and how to search for and your locate information.
79. It is important that staff keep up with changes and developments in FOI, and in particular with the Commissioner’s decisions. We recommend that you:
- (i) subscribe to our weekly decisions round-up, and other regular publications. See our resources section for more information
  - (ii) consider including FOI in staff newsletters, briefings, etc.
  - (iii) carry out a training needs assessment for your dedicated FOI staff.
  - (iv) make sure any lessons learned from handling requests are passed onto staff.

### Top tips

- ✓ Find out what other authorities do and whether there are training materials you can "borrow" from them
- ✓ Don't make training and awareness a once-only event. Deliver refresher training and communicate important FOI issues regularly
- ✓ Give staff easy to use advice about recognising requests and simple instructions about who to pass them to.

## Logging and tracking requests and reviews, and gathering statistics

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80. The Section 60 Code states that:

*“Authorities must ensure that they have robust, proportionate systems to allow them to log, track and monitor the requests for information they receive.”*

81. You must log, track and monitor requests and reviews to manage them. This is particularly important for making sure you respond to requests and reviews within the 20 working day timescale. It’s also good practice to log, track and monitor any requests or reviews that have been appealed to the Commissioner.

82. How sophisticated your systems are depends on the volumes of requests you expect to receive and your organisational structure. Some authorities manage their FOI with simple spreadsheets; some need case management systems so that multiple staff have access.

83. If you do need a case management system, you may be able to adapt an existing workflow rather than purchase a new system. In our own office, for example, we have adapted one workflow to record general enquiries, requests and reviews.

84. Every quarter the Commissioner will ask you to submit your FOI statistics to our statistics portal. We will send you instructions and log-in details when it’s time to start making submissions. The Commissioner publishes these statistics quarterly so anyone can refer to them.

85. View the statistics portal and the schedule of information you will be asked to submit at <http://www.itspublicknowledge.info/ScottishPublicAuthorities/StatisticsCollection.aspx>

### Top tips

- ✓ Don’t forget to log, track and monitor any requests that are appealed to the Commissioner
- ✓ Log, track and monitor well and you are less likely to miss deadlines for response



## Arrangements to monitor FOI performance

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86. It is important that your authority monitors its FOI performance, using your monitoring information.
87. As a minimum you should be able to demonstrate how well you comply with timescales.
88. Authorities that do well set targets and monitor against target at senior level and build FOI into their risk and governance systems.
89. Excellent authorities also monitor other aspects of their FOI practice for example: lessons to be learned, what proportion of requests result in review, what proportion of reviews result in appeals to the Commissioner, feedback from requesters – it really is down to you.

### Top tips

- ✓ Senior level commitment can often be demonstrated by how well managers monitor the organisation's FOI performance and react to lessons learned

## Appendix 1: Resources and further information

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### *Legislation*

1. You can find out more about the legislation on our website  
<http://www.itspublicknowledge.info/Law/Legislation.aspx>
2. What environmental information do you hold? The definition is wider than you might expect. It includes, for example, food safety, building maintenance and cleaning materials. See our guidance:  
<http://www.itspublicknowledge.info/Law/EIRs/WhatIsEnvironmentalInformation.aspx>
3. More information about the EIRs can be found in our series of EIRs briefings on our website  
<http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx>

### *Codes of Practice*

4. Section 60 Code. The Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.  
<http://www.gov.scot/Resource/0046/00465757.pdf>
5. Section 61 Code. The Scottish Ministers' Code of Practice on Records Management by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002  
<http://www.gov.scot/Resource/Doc/933/0124124.pdf>

### *Roles and responsibilities*

6. Guidance can be found in section 1 of the Section 60 Code  
<http://www.gov.scot/Resource/0046/00465757.pdf>

### *Responding to requests and reviews*

7. Technical guidance is available from the Briefings and guidance section on our website  
<http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx> , including
8. FOISA briefings on:
  - (i) [Fees and Excessive Cost of Compliance](#),
  - (ii) [Vexatious or Repeated Requests](#)
  - (iii) [Public Interest Test](#)
9. EIRs briefings on
  - (i) [What do the EIRs require public authorities to do?](#)
  - (ii) [Handling Requests for Environmental Information](#)
  - (iii) [The Exceptions](#)
10. For guidance on receiving a request and responding to requests, see section 4 and 9 of the Section 60 Code  
<http://www.gov.scot/Resource/0046/00465757.pdf>
11. The Scottish Information Commissioners own Guidance and Procedures are at  
<http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx>

12. See our guidance on information requests  
<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=7940&sID=105> (Be aware that we can't accept appeals against ourselves, but we can accept appeals against your authority! So if you "borrow" from our procedures, you need to make sure you adjust them).
13. The list of standard template letters we have in place to respond to requests for information in Appendix 1 of our Responding to Information Requests: Guidance and Procedures on our website at:  
<http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx><sup>3</sup>
14. Section 9 of the Section 60 Code gives guidance on responding to requests  
<http://www.gov.scot/Resource/0046/00465757.pdf>
15. Read the Common Questions about requests for information  
<http://www.itspublicknowledge.info/FAQ/PublicAuthorityFAQ/RequestsFAQ.aspx>
16. Section 10 of the Section 60 Code provides guidance on how to follow best practice when setting up your review procedures  
<http://www.gov.scot/Resource/0046/00465757.pdf>

#### *Timescales*

17. Read the Common Questions about timescales  
<http://www.itspublicknowledge.info/FAQ/PublicAuthorityFAQ/TimescalesFAQ.aspx>

#### *Advice and assistance*

18. Guidance on providing advice and assistance is contained through the Section 60 Code, but you will find sections 5 and 9 particularly helpful  
<http://www.gov.scot/Resource/0046/00465757.pdf>

#### *Proactive publication and dissemination*

19. The MPS, guidance, notification form and other resources are available at  
<http://www.itspublicknowledge.info/mps>
20. A range of guidance and resources to help you can be found on our website  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/PublicationSchemesHome.aspx>
21. Further guidance on proactive publication can be found in section 3 of the Section 60 Code  
<http://www.gov.scot/Resource/0046/00465757.pdf>
22. Our Key Documents Handbook: Policy, Procedures and Guidance for the Management of Key Documents shows how proactive publication can be built into other, related guidance.  
<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=8859&sID=4362>

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<sup>3</sup> Do be aware that we can't accept appeals against ourselves, but we can accept appeals against your authority! So if you "borrow" from our letters, you need to make sure you adjust them.

*Training and awareness*

23. Commissioner's weekly decisions round-up.  
<http://www.itspublicknowledge.info/home/News/Decisionroundups/DecisionsRoundUpHome.aspx>
24. Section 1 of the Section 60 Code <http://www.gov.scot/Resource/0046/00465757.pdf>

*Logging, tracking and FOI statistics*

25. Sections 1 (paragraph 1.1.5) and 2 of the Section 60 Code,  
<http://www.gov.scot/Resource/0046/00465757.pdf>
26. Our statistics portal and the schedule of information authorities submit  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/StatisticsCollection.aspx>

## Document control sheet

Document Information	
Full name of current version: Class, Title, Version No and Status. <i>E.g. C5 Key Documents Handbook v01 CURRENT ISSUE</i>	C2 Setting up your FOI function: Guidance for Scottish public authorities new to FOI v01 CURRENT ISSUE
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Summary of changes to document				
Date	Action by <i>(initials)</i>	Version updated <i>(e.g. v01.25-36)</i>	New version number <i>(e.g. v01.27, or 02.03)</i>	Brief description <i>(e.g. updated paras 1-8, updated HOPI to HOOM, reviewed whole section on PI test, whole document updated, corrected typos, reformatted to new branding)</i>
02/03/16	AR	01.00	01.01	Final approved version created
02/03/16	AR	01.01	01.02	DCS updated
02/03/16	LB	01.02	01.03	DCS updated and document published
02/03/16	LB	01.03	01.04	DCS updated and document republished
27/06/16	LC	01.04	01.05	Broken hyperlinks at paras 4 and 7 corrected and DCS updated
29/06/16	KB	01.05	01.06	DCS updated and document republished
12/09/17	KB	01.06	01.07	Review date updated, DCS updated, published on website
11/05/18	KB	01.07	01.08	Review date updated, published on website
19/11/18	SH	01.08	01.09	Correction para 65: addition of "request" after "information"
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