

Scotland's Commissioner for Children and Young People

Freedom of Information Policy

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1 Policy Statement

SCCYP (Scotland's Commissioner for Children & Young People) is committed to the principles underlying the Freedom of Information (Scotland) Act 2002 ("FoISA") and the Environmental Information (Scotland) Regulations 2004 ("EIRs"). The legislation provides a general 'right of access' to much of the information held by SCCYP, in order to ensure greater openness and accountability. SCCYP fully recognises the 'right to access' and will not restrict access to information unless a statutory exemption applies.

At the same time we wish to maintain the trust of our stakeholders, and will ensure that in all cases where information relating to third parties is the subject of a request, we will consider whether it is appropriate to use the commercial interests or personal information exemptions, and will consult the third parties as appropriate to enable us to make this decision.

2 Purpose

The purpose of this policy is to ensure that the provisions of the Freedom of Information (Scotland) Act 2002 are adhered to and in particular that:

- a significant amount of routinely published information about SCCYP is made available to the public as a matter of course through the Publication Scheme;
- other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner; and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

Decisions on the use of exemptions, including consideration of the public interest test, will be made by Scotland's Commissioner for Children and Young People based on recommendations from the Chief Officer and Information Officer.

3 Related Legislation

SCCYP is obliged to abide by all relevant UK and European Union legislation. The requirement to comply with this legislation shall be devolved to employees of SCCYP, who may be held personally accountable for any breaches of information security for which they may be held responsible. SCCYP shall comply with the Data Protection Act 1998 and other legislation as appropriate.

4 Related Policies and Guidance

The SCCYP FOI Policy is supplemented by a number of related and supporting policies, procedures and guidance. All of these sit under the umbrella of the SCCYP Information Management Policy. All are available via the SCCYP electronic records and document management system, TRIM. Where reference is made to these additional policy documents, a footnote is provided with the file name of the policy.

Related Policies

- Data Protection Policy
- Information Management Policy Statement
- Records Management Policy

FOI Procedures

- Dealing with a request for information
- Complaints and request for Review
- Charging Policy
- Copyright Policy

4.1 Publication Scheme

We have a publication scheme which makes it easier for people to find out about the information we publish or which is readily available without the need to make a special freedom of information request. This scheme is available via the SCCYP 'Freedom of Information' section on the website www.sccyp.org.uk and where possible includes direct links to published documents.

The Publication Scheme also specifies:

- what information is routinely available as a matter of course
- how information is made available, and
- whether information is available free of charge or on payment of a fee.

4.2 Responding to requests

Where information is not available under our publication scheme, then an individual may make a request for information. The Freedom of Information (Scotland) Act 2002 (FOISA) provides people with a right of access to the information we hold, subject to certain exemptions. The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we hold.

- Requests must be made in writing or any other form that is recordable, such as e-mail, letter, or fax.
- If a requestor wants information about a service we contract out to a private company they will need to make the request to us.
- If the request is from a young person who is 12 or over they have the same rights to information as anyone else. If they are under 12 they can still ask for information but we may need to ask them to show that they understand what they are asking for.
- We must provide the information requested, or tell the requestor why we will not provide it, as quickly as possible and in all cases within 20 working days.

4.3 Information that we may withhold

There may be limited circumstances where information requested will be withheld where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it. Information may be withheld, for example where its disclosure would:

- breach the law of confidentiality
- harm an organisation's commercial interests
- endanger the protection of the environment.

Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation.

Whenever information is withheld we will inform the person requesting the information of this, and will set out why that information cannot be released.

Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

4.4 Reviews and Appeals

Where a person is unhappy with our response to their request, they have a right to ask us to review our decision. If they are still unhappy with our response they may appeal to the Scottish Information Commissioner.

4.5 Records Management

SCCYP manages its information and records following the FOI(S)A S61 Code of Practice for Records Management in order to ensure our response to information requests are accurate, complete and timely.

5 Responsibilities for Freedom of Information

5.1 Corporate Responsibility

Scotland's Commissioner for Children and Young People has overall responsibility for Freedom of Information within SCCYP, and has delegated the management of this to the Chief Officer. All members of staff will receive an introductory briefing on the Freedom of Information Act procedures as part of their induction training.

5.2 Information Officer Responsibility

The Information Officer is responsible for:

- drawing up guidance on freedom of information
- the development and maintenance of SCCYP's Publication Scheme,
- promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely search and retrieval of information to meet FOI enquiries.
- The processing of non-routine requests for information that are subject to the terms of FOISA and EIRS
- The coordination of contact between SCCYP and the Scottish Information Commissioner - including Investigations, Appeals, and the Publication Scheme.

5.3 Line Management Responsibility

Line Managers are responsible for ensuring that their staff are aware of

- the existence and content of this Policy.
- their personal responsibilities for FOI
- how to access advice on FOI matters

5.4 All Staff Responsibility

Everyone within SCCYP is responsible for ensuring that they comply with this policy. In doing so staff are individually responsible for ensuring that the correct procedures for the management of information and records are followed to support the effective and timely identification and retrieval of information required to meet requests for information.

6 Policy Review

The FOI Policy shall be maintained, reviewed and updated by the Senior Management Team.

Document History

Issue	Date	Author	Comments
1	15 Jun 2010	Gillian Munro	Approved by Management Team