



MIRREN PARK
SCHOOL

Mirren Park School

**Freedom of Information
and Environmental Information Policy**

December 2022

Document Control

Change Record

Version	Date	Author	Reason for Issue/ Change
1	20/12/2022	Anthony Dowling	New staff responsible for FOI.
2			
3			
4			
5			
6			
7			

Document Review and Approval

Name	Action	Date	Communication

Contents

1	Introduction.....	5
2	Scope	5
3	Responsibility	6
3.1	Corporate Responsibility	6
3.3	SMTs	6
3.4.	Employees.....	6
3.5	Governance Groups and Working Groups	7
3.7	Training, guidance & advice	7
3.8	Requirement for Internal Review/ Appeal to the Scottish Information Commissioner .	8
4	Audit	8
5	Review.....	8

Freedom of Information and Environmental Information Policy

1 Introduction

- 1.1 Mirren Park School is obliged to respond to requests from the public for the information it holds.
- 1.2 The Freedom of Information (Scotland) Act 2002 (or "FOISA") came into force on 1 January 2005. Under FOISA, a person who requests information from a Scottish public authority, is entitled to be given access to this. This right is subject to certain exemptions, which are set out in FOISA.
- 1.3 The Environmental Information (Scotland) Regulations 2004 (also referred to as 'the EIRs') also came into force on 1 January 2005. Every Scottish public authority has a duty to make environmental information available on request. No types of information are excluded from the potential scope of environmental information. Court cases have confirmed that environmental information should be interpreted broadly. This includes the state of the elements of the environment, such as air and atmosphere, water, soil, land etc., as well as factors, such as substances, energy, noise, radiation or waste.
- 1.4 Anyone, anywhere, can request information. They need not say why they want it, and Mirren Park School has 20 working days in which to issue a full response. There are a range of limited exemptions, such as for personal data or material which is held in confidence, but these are narrowly defined, and the presumption will always be in favour of openness.
- 1.5 The School has developed a Publication Scheme. This is a statutory obligation under FOISA, but it is intended that it will both be of use to the public in locating and accessing information, and to the School in reducing the number of FOI enquiries. The School's Publication Scheme was most recently updated in 2022,
- 1.6 This Policy defines the responsibilities for continued compliance with the School's obligations under FOISA and the EIRs.

2 Scope

- 2.1 This policy applies to all services and employees of Mirren Park School and covers all information held. It may, however, be read alongside other School policies and guidelines on use of data and wider information governance issues.

3 Responsibility

3.1 Corporate Responsibility

The School has a corporate responsibility for FOISA and EIR compliance and is a designated "Independent School" under FOISA.

3.2 SMTs

3.2.1 Each Service and its senior management will retain a departmental responsibility for ensuring compliance with the provisions of FOISA and the EIRs.

3.2.2 All Services are required to nominate a departmental FOI officer or officers and to deal with Service specific FOI and EIR requests. Mirren Park's FOI officer is Louise Poole.

3.2.3 The main role of the Service FOI officer is to ensure compliance within his/her Service, by dealing with Service specific FOI and EIR requests, passing on advice and training and maintaining the accuracy of the Service's input into the School's Publication Scheme. The Records Manager will maintain an up-to-date list of Service freedom of information officers. The records manager for Mirren Park is Anthony Dowling.

3.3 Employees

3.3.1 All employees are individually responsible for ensuring that they familiarize themselves and comply with School FOI and EIR guidance. Advice can be obtained at any time from Information Governance team.

3.3.2 The Records Manager, based within the Information Governance Team, has a co-ordinating role and processes any cross-departmental FOI and EIR requests. Although requests relating to only one Service are the responsibility of that Service, subject to any guidance from the Records Manager and legal advice from the Information Governance Solicitors, the Records Manager will have corporate oversight of all FOI and EIR requests.

3.4.5 The Information Governance team offer ad hoc advice on FOI and EIR issues.

3.4.6 Legal advice on FOI requests is provided by human resources and solicitors.

3.4 Governance Groups and Working Groups

3.4.1 Each Service FOI officer is a member of the FOI Working Group (“FOIWG”), which meets quarterly and is chaired by the Records Manager. The members of the FOIWG each have responsibility for dealing with FOI and EIR issues within their department and disseminating training and good data protection practice throughout their department. The members of the group will each have the responsibility for:

- dealing with enquiries which relate to their department
- disseminating training and good information practice throughout their department
- updating and maintaining departmental input into the publication scheme.

3.5 Publication Scheme

The School’s Publication Scheme has been approved by the Information Commissioner. The Freedom of Information Working Group will continue to maintain and review the Publication Scheme, as appropriate.

3.6 Training, guidance & advice

The Records Manager is responsible for developing and updating detailed procedures and guidance on how FOI and EIR enquiries are to be handled.

These cover

- identifying an enquiry
- using the publication scheme
- identifying information
- considering exemptions
- offering help and assistance
- calculating fees.

The Information Governance team are responsible for overseeing the School's Information Governance Learning and Development Strategy. The purpose of this strategy is to ensure that the learning and development needs of individual groups in relation to data protection and wider information governance are adequately addressed. The strategy identifies the training needs of employees who have specific requirements and those who require only a general awareness.

3.7 Requirement for Internal Review/ Appeal to the Scottish Information Commissioner

Any applicant dissatisfied with the response to their enquiry can submit a requirement for Review. This must be responded to within 20 working days. Internal Reviews are conducted by the Records Manager. If the applicant is still not satisfied, he/she has a right of appeal to the Scottish Information Commissioner.

4 Audit

Freedom of Information procedures are subject to routine internal and external audit, including self-assessment via the Office of the Scottish Information Commissioner's self-assessment modules, and recommendations implemented accordingly.

5 Review

To ensure compliance with FOISA and the EIRs, this policy will be reviewed by the Freedom of Information Working Group (chaired by the Records Manager) at least two-yearly. However, more regular updates will be made as necessary to maintain the accuracy and currency of this policy in line with any legislative changes, significant cases, guidance from the Scottish Information Commissioner, or other lessons learned, which inform best practice.