

# UNIVERSITY STRATEGY & POLICY GROUP

## FREEDOM OF INFORMATION COMPLIANCE REPORT - 2012

### Introduction

1 The purpose of this report is to provide an overview of activity during 2012 in relation to information requests received and dealt with by the University under the Freedom of Information (Scotland) Act 2002. (FOISA). FOISA came into effect on the 1<sup>st</sup> January 2005 so there is now eight years' worth of records in dealing with these enquiries.

2 There is no legal requirement to collect or record statistics about the handling of information requests, however the Scottish Ministers code of practice suggests that the following information is collected and reported on:

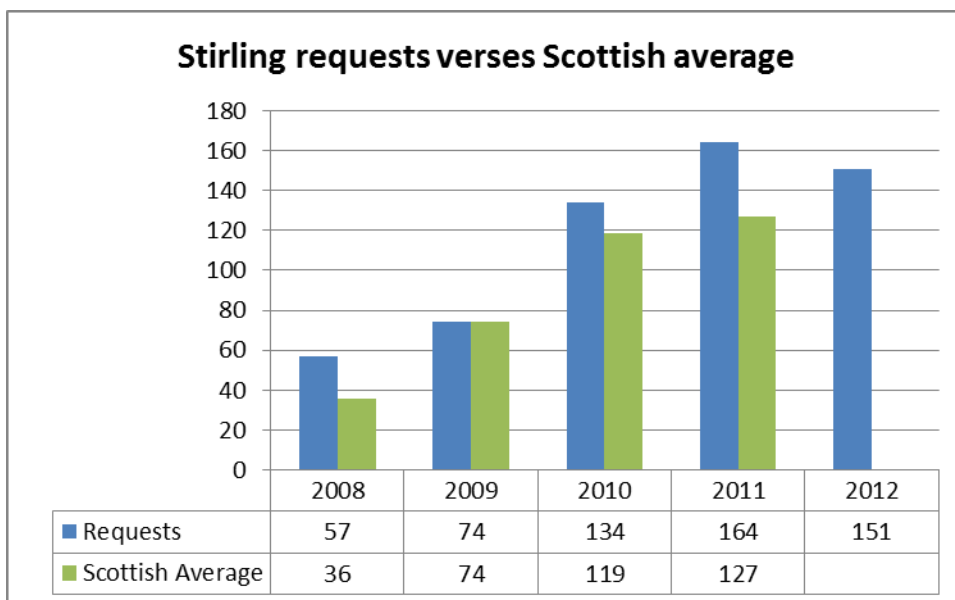
- The number of request received
- The proportion of requests answered within the statutory timescales
- The numbers of requests that have been refused and the reasons for refusal
- The number of times a fee has been charged
- The number of reviews carried out and the outcome of these
- The number of cases appealed to the Scottish Information Commissioner and the outcomes.

3 All these factors are covered in the report below.

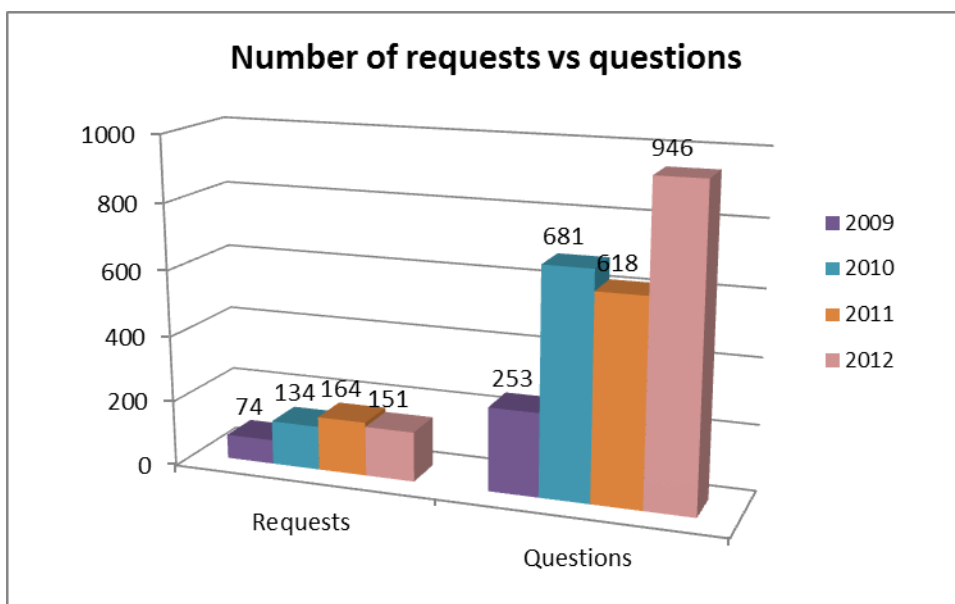
### Analysis of requests received

4 The University had a total of 151 Freedom of Information requests in the period 1 January 2012 to 31 December 2012. This compares to a total of 164 in 2011 and is the first time the number of requests has fallen from the previous year since 2007. This represents an 8% decrease in the number of requests since 2011 but is still an increase of 122% since the first year of FOI in 2005 when there were only 68 requests received.

5 The number of requests received at Stirling is broadly in line with other Scottish HEIs. The graph below shows number of requests Stirling has received over the past five years against the average requests received by other Scottish HEIs (the Scottish average figure for 2012 is not likely to be available until later in the year).

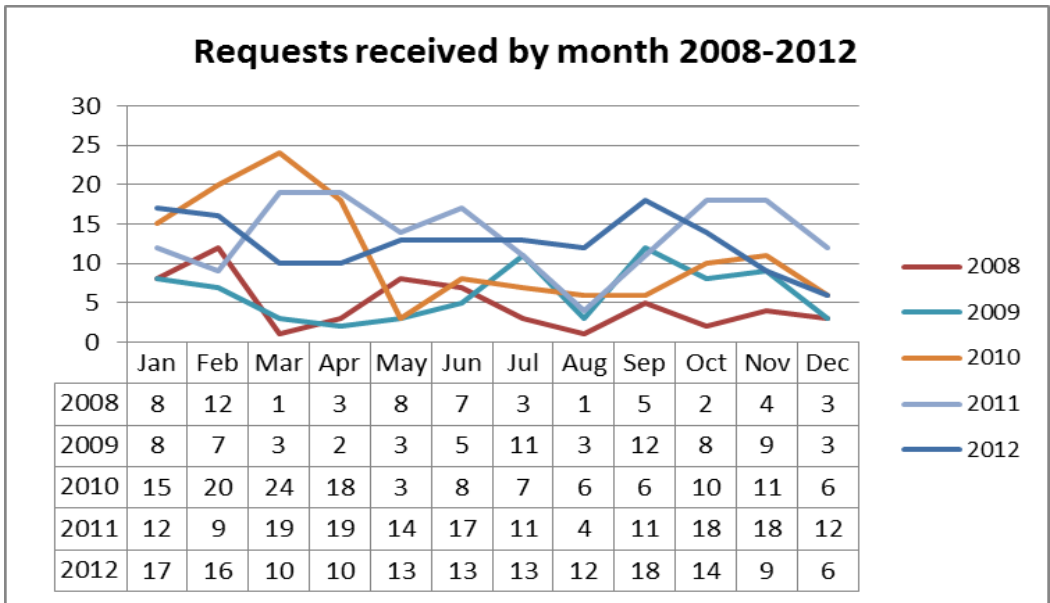


6 Contained within the 151 requests were 946 individual questions i.e. an average of 6.3 separate questions per request. This is a significant increase on the number of questions received in 2011 when there were only 618 questions with an average of 3.7 per request.

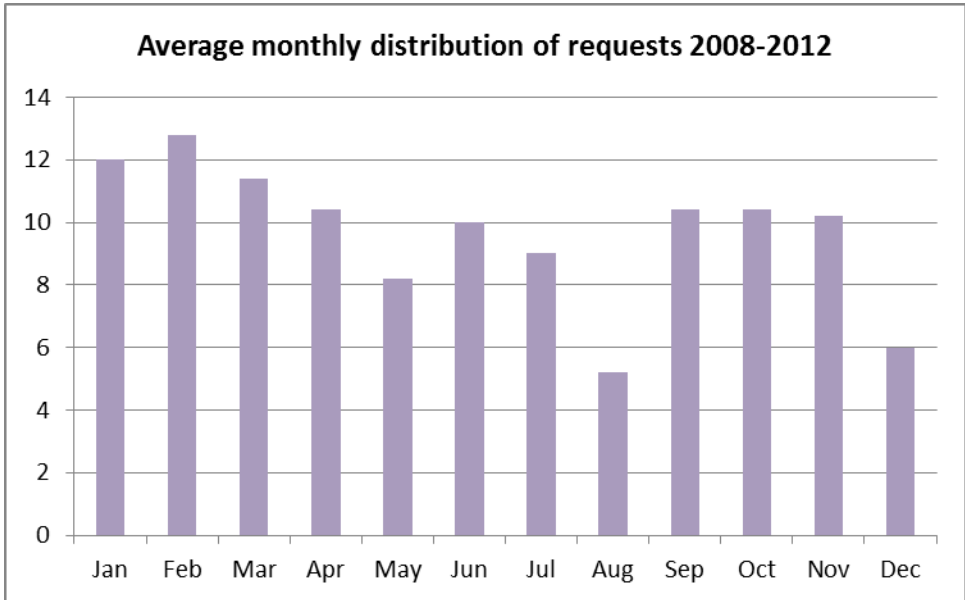


### Monthly trends

7 On a month by month basis there were less fluctuation in the number of requests than there has been in previous years with the number remaining fairly even throughout the year and only dropping slightly in November and December. As the majority of requesters are journalists the pattern of requests can sometimes be linked to events in the wider world i.e. there can sometimes be fewer requests when journalists are occupied by reporting on other events. However, the requests received in July and August 2012 were slightly higher than in previous years showing that the London Olympics did not distract all potential requesters.

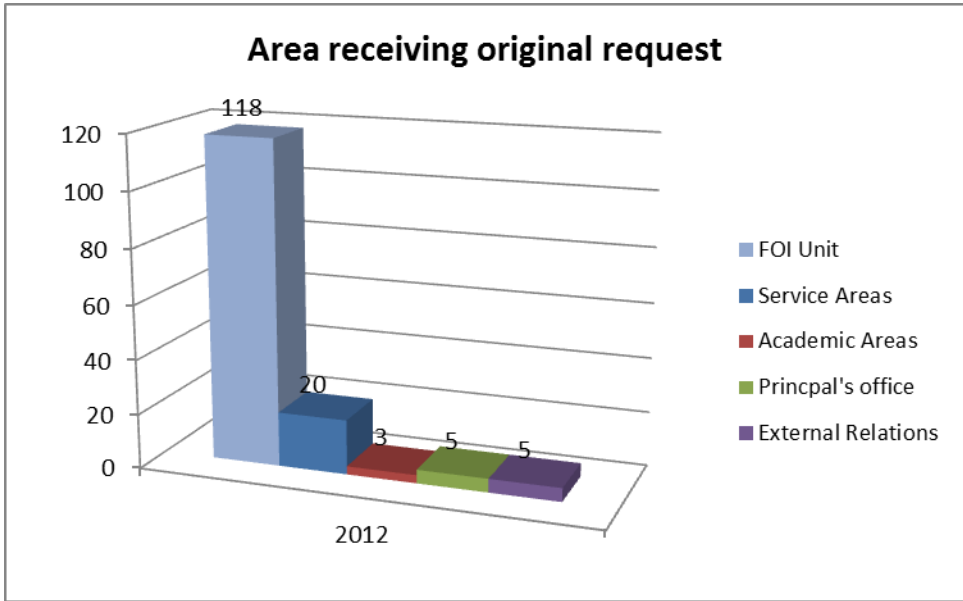


8 Taking the average number of requests received each month over the last five years shows that the summer months, particularly August, and December are the quietest times of the year when it comes to the number of requests received.



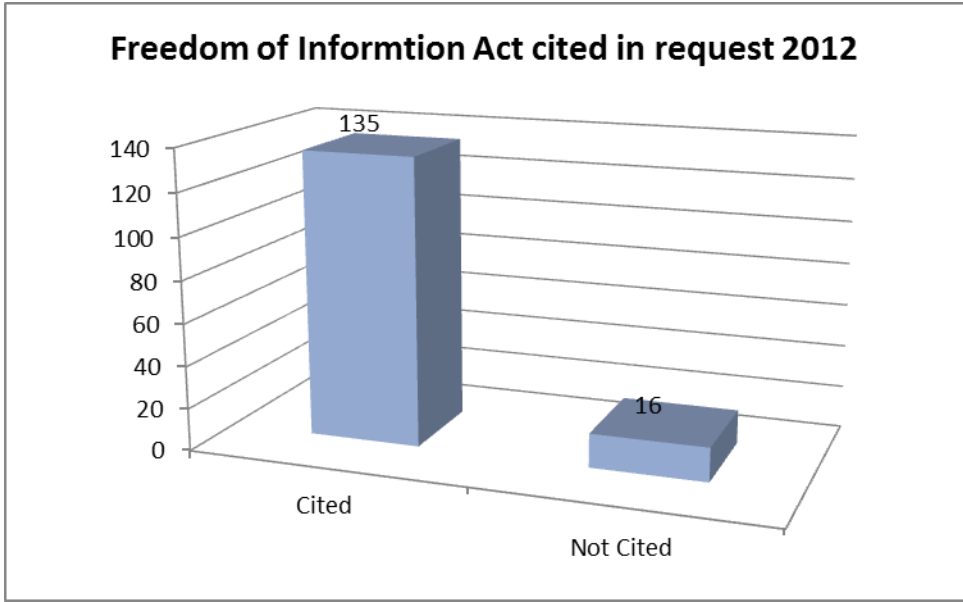
**Receipt of request**

9 The graph below shows that in 2012 the majority of requests came in directly to the FOI Unit (mainly via the FOI email address). Some requests do come in directly to other service areas such as HR but the number is much lower than the directly received requests. In 2012 there were only three requests that were sent directly to academic areas.



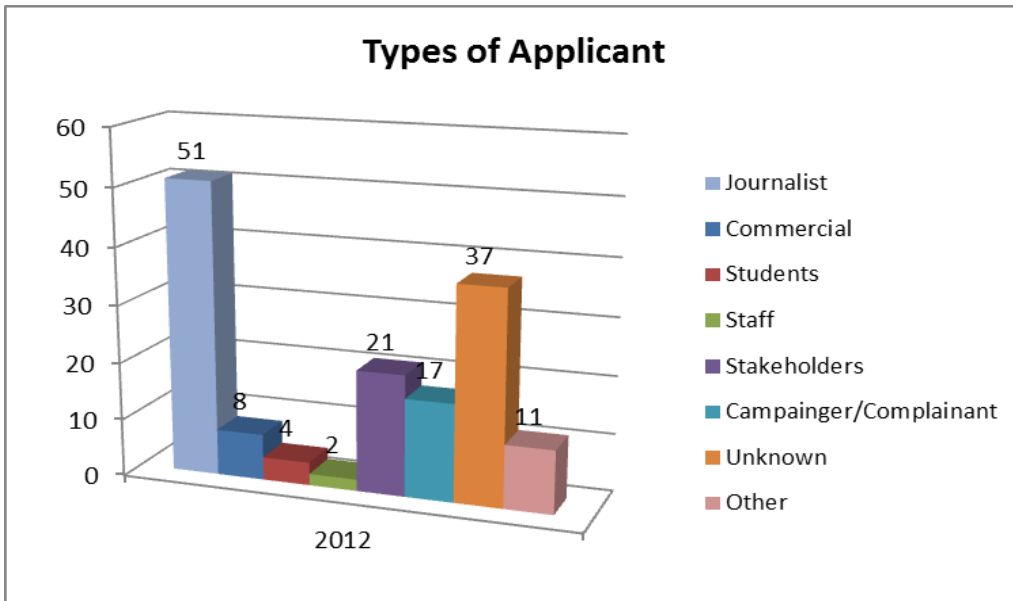
10 Records are not kept of the areas that provide the responses to questions as many queries require information from a number of different sources. However the majority of requests are dealt with by service areas and only a small fraction are forwarded to Schools for action.

11 The majority of recorded requests have cited the legislation either by direct reference to the Act or implicitly by virtue of having used the FOI email address. A person making a request for information is not legally obliged to quote the legislation in the request. A smaller number of information requests have been dealt with and answered under FOI where no reference was made to the Act by the applicant.



## Requestor Details

12 It can be seen from the following chart that the single largest identified requesting group in 2012 was Journalists with 51 requests (33.8% of the total). However there is a large group of applicants who do not declare what their backgrounds are so they are recorded as unknown. Many of the commercial type queries come in under this unknown category as they tend not to declare their background.



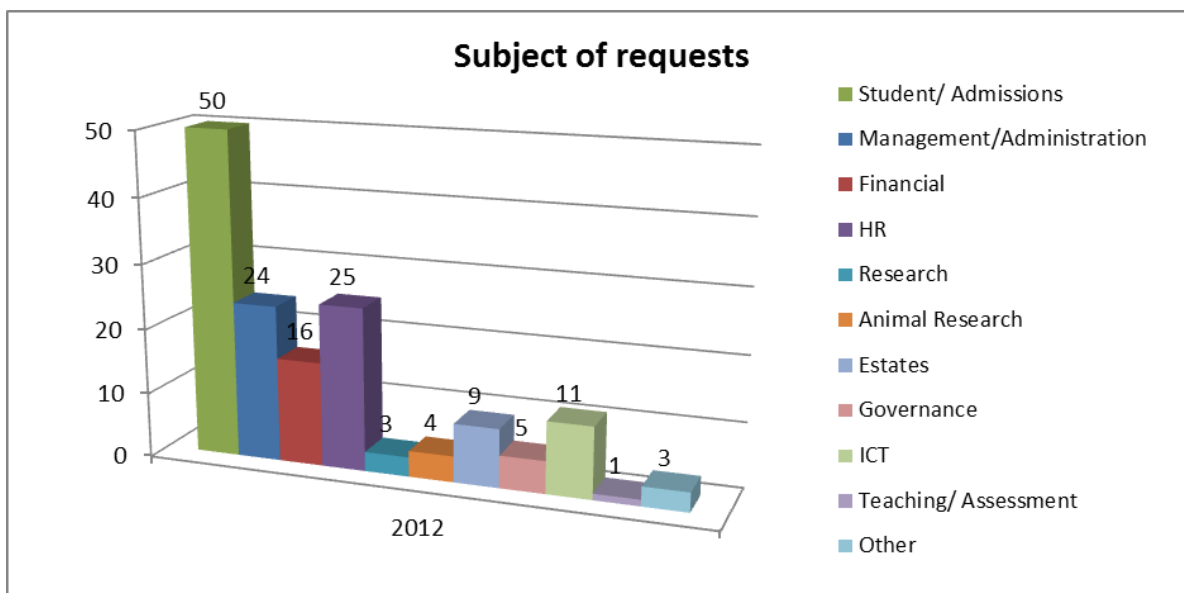
13 In 2012, 46 out of the 151 information requests came from requestors who had previously submitted a request on one or more occasions in the previous seven years and hence are classified as repeat requestors.

## Request Details

14 The following chart shows the breakdown of the types of information requests in broad categories. The largest category is for students/admissions. These requests can be broad ranging but this year there have been a number of requests relating to fee status and numbers of Rest of UK (RUK) students. We also receive questions about the welfare and discipline of students and general questions about student numbers.

15 In a similar vein the University also receives a significant number of requests relating to staff numbers, pay, discipline and welfare of staff.

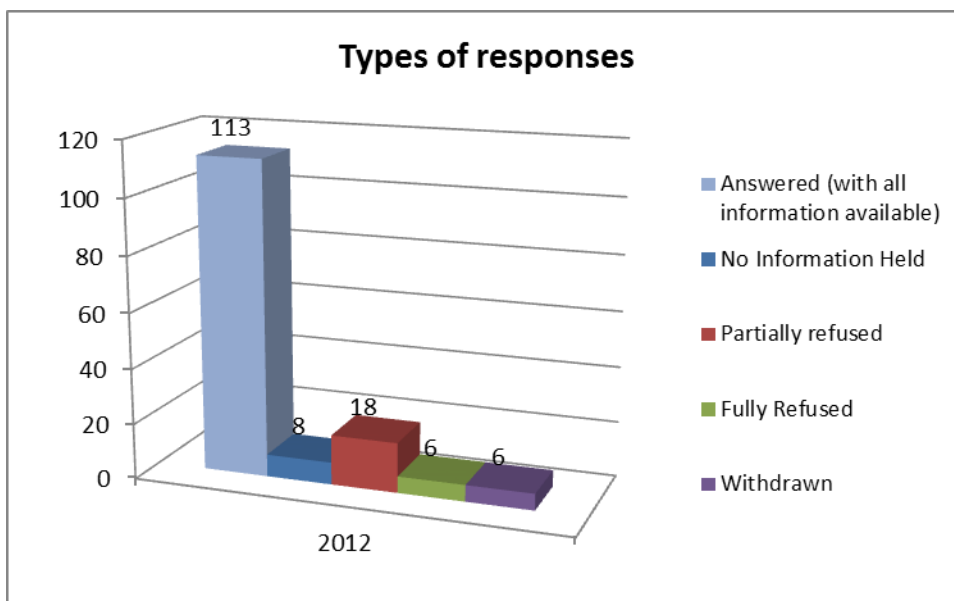
16 The other largest category of requests is Management/Administration which is a general category for questions about the University or how it is run. This can include questions about policies and regulations, legal queries or requests for contact details. There were a number of questions in 2012 relating to the awarding of honorary degrees.



### Request Outcomes

17 As can be seen from the chart below, the majority (74.8%) of queries were answered with all the information available, which is similar to the figure of 72.5% in 2011. This may mean that some of the information requested was not held but where the information was available it was provided. There were 8 responses in 2012 where none of the information requested was held by the University. Refusals, either of the whole request or one of its components, accounted for 15.8% of requests compared to 21.9% in 2011.

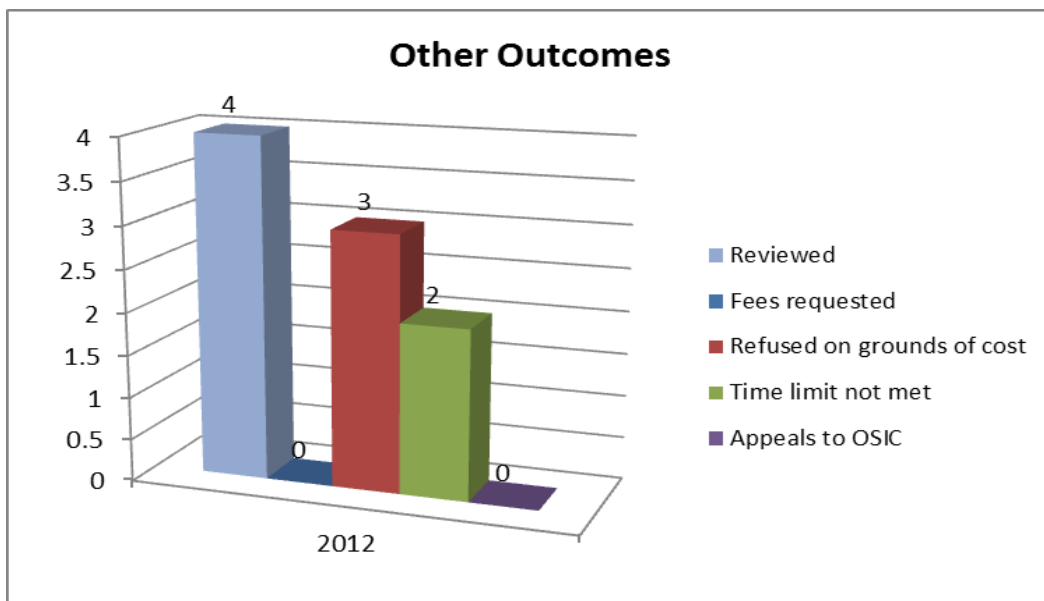
18 The most common reason for fully or partially refusing the requested information was on the grounds of data protection (section 38). Some other exemptions used included 'commercial interests' (section 33), 'information otherwise available' (section 25) and 'confidentiality' (section 36).



19 During 2012 there were four requests to carry out internal reviews where the applicant was dissatisfied with the original response to the request. In three of these cases the internal review confirmed the original response. In the fourth case some additional information was released to the applicant. To date there have been no appeals to the Scottish Information Commissioner relating to requests made during 2012.

20 Three requests were refused on the grounds of excessive costs (i.e. the cost of complying would exceed £600) and there were no cases where fees were requested<sup>1</sup>.

21 There were two requests within the year where the statutory 20 working day time limit was not met which is a significant improvement on the previous year when there were seven. Further training is being arranged to address these issues.



### Environmental Information

22 The University is also required under the Environmental Information (Scotland) Regulations 2004 to respond to requests for environmental information held by the University. During 2012 there were no requests for information falling under the description of this legislation.

### Publication Scheme

23 As part of the Freedom of Information legislation, the University is required to have a Publication Scheme and actively publish a range of information we hold on a number of different classes of information in our approved Publication Scheme.

24 A review of our Publication Scheme took place in January/February 2012 and an additional thorough review was conducted in November/December 2012. These reviews checked that the University is publishing all the information we are required to make

<sup>1</sup> Fees can be charged where the cost of complying is between £100 and £600 but only 10% of the cost can be recovered and the first £100 of cost can not be claimed. The maximum fee that can be charged is therefore £50. The maximum salary rate that can be used to calculate the costs is £15 per hour.

available by cross checking with the Model Publication Scheme approved by the Scottish Information Commissioner (OSIC). Links to information on the website were checked and updated as required, new documents posted on the website, or details provided on how the information can be obtained where it is not available on the University's website.

25 The University's current Publication Scheme is approved by OSIC until May 2013. OSIC are encouraging all public authorities to adopt a new Single Model Publication Scheme. Work is currently being done by members of the Scottish Higher Education Information Practitioners Group (SHEIP) to develop a sector wide solution for adapting the current HEIs Publication Scheme to meet the requirements of the new Single Model scheme. This work will be ready in time to adopt the new scheme in May. It is likely that there will be a reasonably amount of work required to update our webpages to meet the new requirements.

### **Assessment of Compliance**

26 As highlighted above there were a couple of occasions during the year when the statutory deadline was missed. However when looking in detail at the circumstances of these cases the breaches can be considered as minor. The four reviews that were requested represented just 2.6% of the total responses in the year so we can conclude that most applicants were generally content with the responses they received.

27 The University will be receiving a practice assessment visit from OSIC in February 2013 when an assessment will be made of the University's processes and practices in fulfilling our obligations under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. OSIC will then report on their findings and advise the University if there are any areas for improvement.

28 In preparation for the OSIC visit two self-evaluations have been completed, one specifically relating to our Publication Scheme, and a range of information has been provided to OSIC on our policies, practices and sample responses to requests for information.

### **Equality implications**

29 There are no equality implications of this report.

### **Resource implications**

30 There will be additional work associated with the forthcoming practice assessment visit and the implementation of the new Single Model Publication Scheme, however this will be absorbed within the capacity of the Policy, Planning & Governance team.

31 The burden of complying with the legislation falls not only on the FOI Unit within Policy Planning & Governance but also on those service areas responsible for maintenance and extraction of statistical information from systems, and at times this has necessitated the diversion of resource and effort from key functions.



## **Recommendations**

32 Members are asked to:

- Note the update on Freedom of Information activity during 2012

Policy, Planning & Governance  
February 2013