UNIVERSITY *of* STIRLING

FREEDOM OF INFORMATION & DATA PROTECTION ANNUAL REPORT - 2015
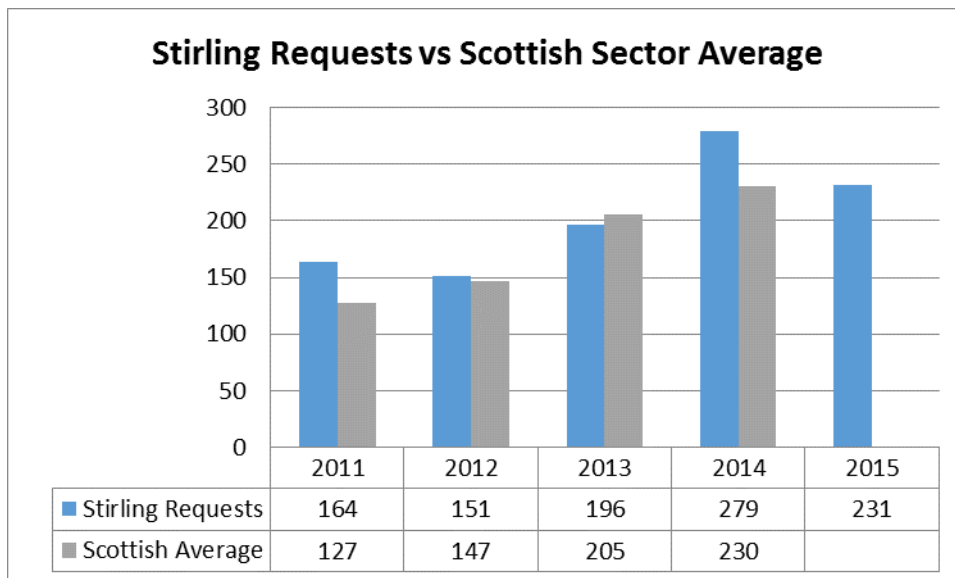
Introduction

1   The purpose of this report is to provide an overview of activity during the calendar year 2015 in relation to information requests received and dealt with by the University under the Freedom of Information (Scotland) Act 2002. (FOISA). The report also covers activity in relation to the Data Protection Act 1998 (DPA) and the Environmental Information (Scotland) Regulations 2004 (EIRs).

Analysis of Freedom of Information requests received

2   The University had a total of 231 Freedom of Information requests in the period 1 January 2015 to 31 December 2015. This compares to a total of 279 in 2014. This is the fall in the number of requests since last year but is still the second highest number of requests received in a single year following last year's record high.

3   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.

Stirling Requests vs Scottish Sector Average

|	2011	2012	2013	2014	2015
Stirling Requests	164	151	196	279	231
Scottish Average	127	147	205	230	

4   Contained within the 231 requests were 1601 individual questions i.e. an average of 6.9 separate questions per request. This is higher than the total number of questions last year (1440) and is the highest ever number of individual questions.

Requestor Details

5   In 2015 the largest group of requesters were 'undeclared' where the requester provided no information about their background.   Once again the largest group of identifiable requesters were journalists.   However, the number of requests from journalists has been fairly steady over the last five years with 50 requests from journalists back in 2011.   This compares to commercial requesters which has increased significantly during the same time period from 3 to 46.   Commercial requesters are generally seeking information about University contracts.

6   There was a fall in the number of requests from students in 2015 compared to 2014 as there were fewer requests from journalism students completing assignments.
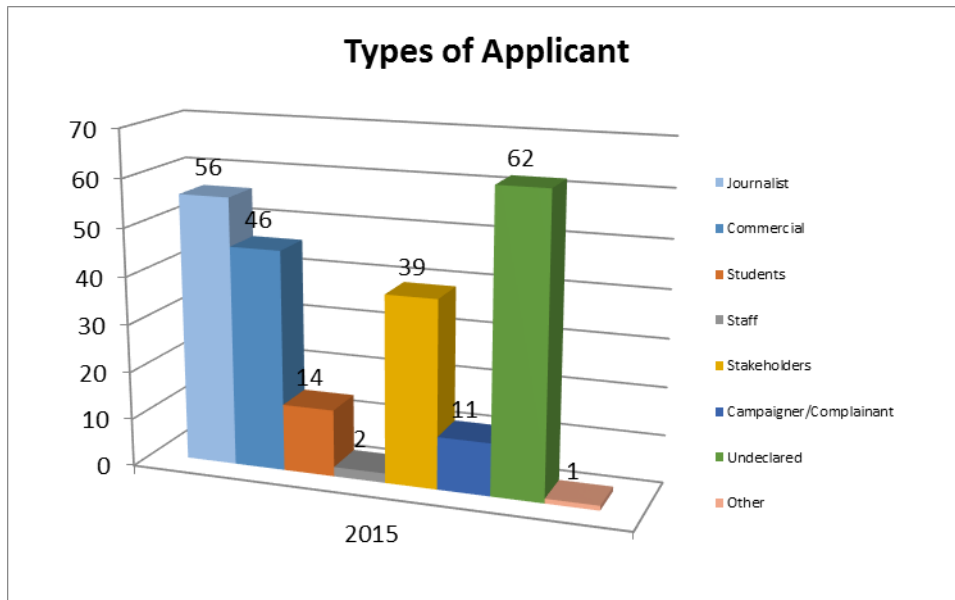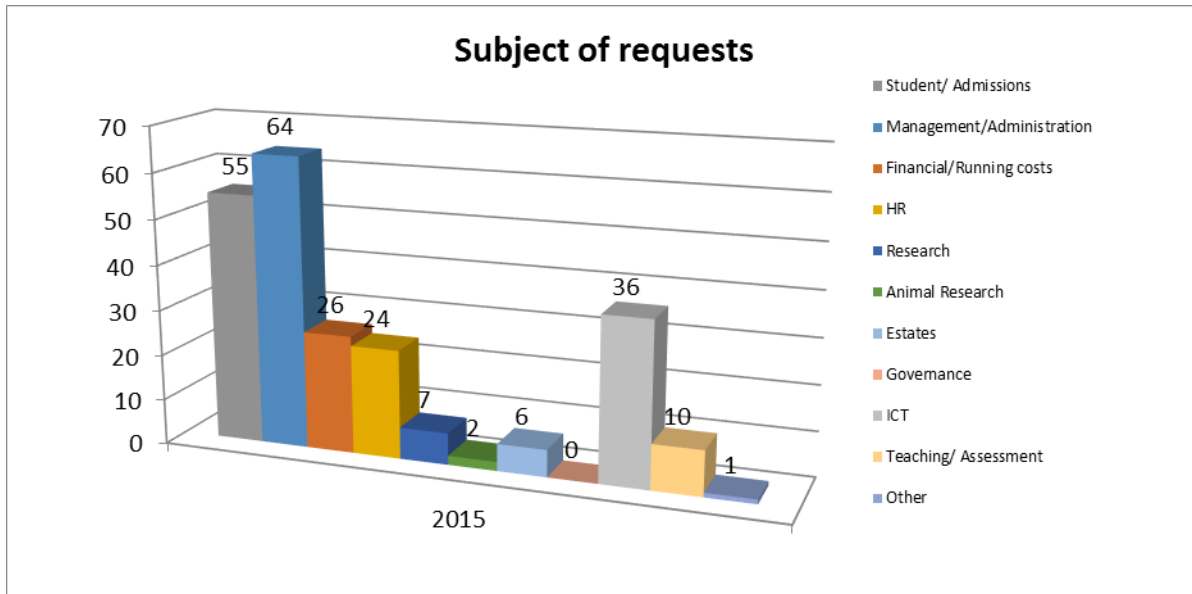

Types of Applicants over the past 5 years

	Journalist	Commercial	Students	Staff	Stakeholder	Campaigner	Undeclared	Other
2011	50	3	10	11	16	16	51	7
2012	51	8	4	2	21	17	37	11
2013	57	20	6	3	32	14	62	2
2014	88	39	42	1	35	18	56	0
2015	56	46	14	2	39	11	62	1

7   In 2015, 84 out of the 231 requests (36%) came from requestors who had previously submitted a request on one or more occasions in the previous 10 years and hence are classified as repeat requestors.
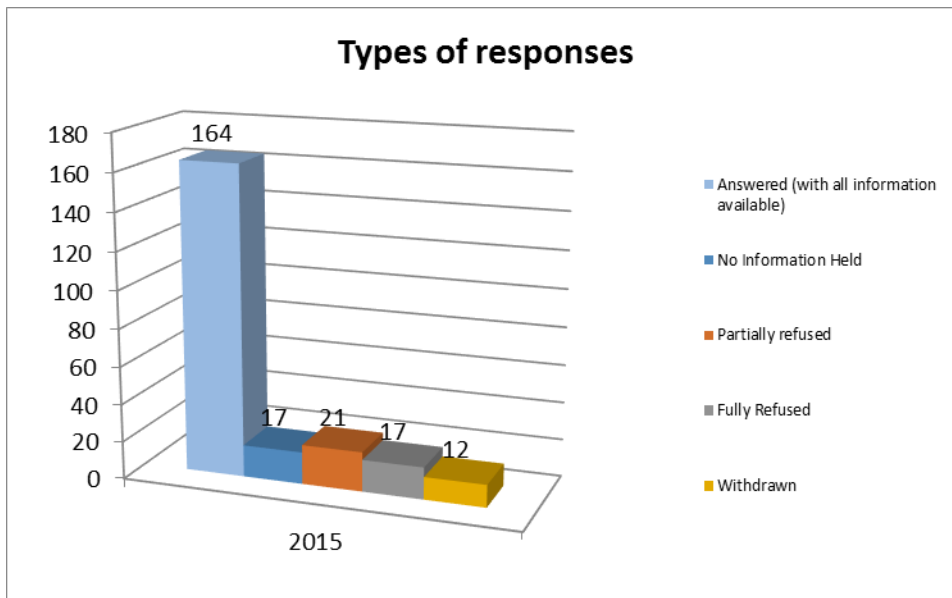
Request Details

8   The following chart shows the breakdown of the types of information requests in broad categories.   The largest category is for management/administration, this is often a catch all category used when the request does not fit neatly into another category but would include requests for information about the University's policies, procedures and services.   This is followed closely by students/admissions.   As well as requests about student numbers this would cover information about student discipline, academic misconduct, drop-out rates, widening access, awards etc. The majority of requests about ICT are asked by commercial requesters who want to know about software, hardware and maintenance contracts.

Subject of requests

Student/ Admissions: 55
Management/Administration: 64
Financial/Running costs: 26
HR: 24
Research: 7
Animal Research: 2
Estates: 6
Governance: 0
ICT: 36
Teaching/ Assessment: 10
Other: 1

2015

Request Outcomes

9   As can be seen from the chart below, the majority (70.9%) of queries were answered with all the information available, which is slightly lower than the figure of 71.7% in 2014. There were 17 responses in 2014 where none of the information requested was held by the University. Refusals, either of the whole request or one of its components, accounted for 16.5% of requests compared to 15.0% in 2014.

Types of responses

Answered (with all information available): 164
No Information Held: 17
Partially refused: 21
Fully Refused: 17
Withdrawn: 12

2015

10 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 'information otherwise available' (section 25), and 'confidentiality' (section 36).

Exemptions Used over the past 5 years

	S25 – Otherwise available	S27 – Intended for future publication/ Research	S30 – Prejudice to conduct of public affairs	S33 – Commercial Interests	S35 – Law Enforcement	S 36 - Confidentiality	S38 – Personal Information	S39 – Health & Safety
2011	2	0	7	9	0	2	8	0
2012	5	0	0	4	0	2	13	0
2013	2	2	0	2	1	5	12	1
2014	7	0	2	9	0	3	13	0
2015	5	2	2	2	0	3	17	1

Note that more than one exemption can be used to refused one request

11 Six requests were refused on the grounds of excessive costs (i.e. the cost of complying would exceed £600)[1]. There was one request classed as vexatious and three turned down on the grounds they were repeated requests.

Other reasons for refusal

	S8 – Not valid request	S12 – Costs	S14 Repeated or vexatious	S18 – Neither Confirm nor deny
2011	12	3	0	1
2012	0	3	0	0
2013	0	5	0	0
2014	1	10	3	0
2015	0	6	4	0

12 There were two responses during the year which were not sent within the statutory 20 working day time limit.

13 During 2015 there was one request for an internal review where the applicant was dissatisfied with the original response to the request. Following the review some additional information was provided to the requester. To date there have been no appeals to the Scottish Information Commissioner relating to requests dealt with during 2015.

Environmental Information

14 There were no requests during 2015 which were deemed to come under the description of environmental information as described by the Environmental Information (Scotland) Regulations 2004 (EIRs).

Data Protection Enquiries

15 There were a total 64 data protection queries logged during the year, most of these were individuals seeking advice about what was or was not permissible under the Data Protection Act. There were 9 Subject Access Requests broken down as follows:
- Staff member (1)
- Ex-staff member (2)
- Students (4)

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[1] 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.

- Ex-students (1)
- Academic at another institution (1)

16 Nine Subject Access Requests (SARs) is the highest recorded number of requests received in a single year. One of the changes that is likely to come in as a result of the new EU Data Protection Regulations (see below) is that we will not be able to charge for most SARs which could lead to a further increase in the number of requests. Most years there are additional enquiries about making SARs which do not materialise following the notification of a £10 fee.

EU Data Protection Regulations

17 Over the past 4 years negotiations have been underway to agree a new EU Data Protection Regulation. On the 15th December 2015 the European Union agreed the text for the new Regulations and it is expected that the European Parliament and European Council will formally adopt the text early in 2016. Once approved the new EU Data Protection Regulation will become law in all EU member states and in the UK will replace the current Data Protection Act without the need for further implementing legislation. Once the new legislation is in place it is likely there will be two years to implement the changes required.

18 A separate briefing is being prepared for USPG on what the implications of the new legislation might be.

Other activity

19 The Publication Scheme is kept under constant review and during the year the pages were all updated and transferred onto the T4 platform. Additional information is added as new resources are developed.

Equality implications

20 There are no equality implications arising from this report.

Resource implications

21 Although there was a slight fall in the number of FOI requests in 2015, the number of individual questions within those requests continues to rise. The burden of complying with the FOI legislation falls not only on the FOI Unit within Policy & Planning 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.

22 The number of data protection queries and Subject Access Requests are also on the increase. The new EU Data Protection Regulations may also have resource implications. .

Policy & Planning
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