

## Freedom of Information - Annual Update 2021

### Purpose

1. This paper provides a report on our compliance with Freedom of Information legislation in 2021.

### Background

2. The Freedom of Information (Scotland) Act 2002 requires public authorities to respond to requests for information from the public as soon as possible and in any case within 20 working days of receiving the request. If we hold the requested information, we must provide the information, unless there is an applicable exemption within the Freedom of Information (FOI) legislation.

### FOI request statistics in 2021

3. We received 18 FOI requests in 2021. This figure does not include the many 'business-as-usual' requests for information that we receive each year, such as requests for copies of publications or statistics, or routine queries from journalists. The number of requests for 2021 and for 2020 is significantly lower than the average over previous years, which may be due to the COVID pandemic, as attention has been focused elsewhere.
4. For comparison, in 2020, the latest year for which data is publically available, Scottish Enterprise received 68 requests, Highlands and Island Enterprise received 97 requests, and the Scottish Qualifications Authority received 217 requests. The public authority with the largest number of requests was the City of Glasgow Council with 2,365, while Scottish Ministers received 2,224 requests.
5. We responded to all but one of the requests within the 20 working days' time limit.

Year	Number of requests received	% of requests responded to on time
2015	34	85%
2016	40	65%
2017	135	58%
2018	44	98%
2019	42	98%
2020	17	94%
2021	18	94%

6. The 18 requests received in 2021 came from 15 named individuals; however, it should be noted that it is possible that some requesters used pseudonyms.
7. The requests were received from a wide variety of sources, highlighting the broad interest in our information. The source of requests is summarised below:
  - Private individuals – 6.
  - FE Institution – 1.
  - What Do They Know<sup>1</sup> – 2.
  - Charities/third-sector – 2.
  - Journalists – 3.
  - Trade Unions – 1.
8. In terms of the subject of the requests, they covered a range of issues, including:
  - Data collection and statistics.
  - Complaints against institutions.
  - Mental health funding in the FE/HE sector(s).
  - Equalities.
  - Financial information held by SFC in relation to the sectors.
  - Financial information in relation to SFC.
  - SFC's Review.
  - SFC's procurement arrangements.
  - Board business.

### **Requests for a review and appeals to the Scottish Information Commissioner**

9. Applicants who are dissatisfied with our response to their request for information, including a failure to meet the statutory timescales, are entitled under the legislation to seek an internal review of the decision. Applicants who remain dissatisfied following the outcome of an internal review are entitled to apply to the Scottish Information Commissioner within six months for a decision. We received one request for a review in 2021.

### **Proactive publication**

10. We continue to publish a wide range of information on our website, including Board and Committee agendas, papers and minutes – subject to applicable exemptions – as well as a wide range of reports and announcements. We have also established Covid-19 and Brexit 'hubs' on our website to allow us to publish a wide range of information and guidance for institutions, students and others with an interest in further and higher education.

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<sup>1</sup> "What Do They Know" is a website that facilitates members of the public to submit FOI requests. The requests and responses to these FOIs are automatically published on their website.

### **Risk assessment**

11. Failure to comply with FOI legislation can lead to reputational damage or further regulatory action by the Scottish Information Commissioner. This paper is intended to provide assurance to the Committee that the Council executive is taking action to mitigate the risks.

### **Recommendations**

12. The Committee is invited to note the contents of this report.

### **Publication**

13. This paper will be published on the Council website.

### **Further information**

14. Contact: Emma Pantel, Information Management and Governance Officer, (Tel: 0131 313 6566; email: epantel@sfc.ac.uk).