Procedure for conducting reviews under section 21 of the Freedom of Information (Scotland) Act 2002 and regulation 16 of the Environmental Information (Scotland) Regulations 2004

Introduction

1. This paper sets out the University’s procedures for dealing with requests for review under the Freedom of Information (Scotland) Act 2002 (the Act) and the Environmental Information Regulations (Scotland) 2004 (the Regulations). The procedures apply to reviews under both the Act and Regulations.

2. If an applicant is dissatisfied with the way in which the University has dealt with their request, they have the right to require the University to review its actions and decisions in relation to that request.

3. The review must be completed within 20 working days of receipt of the request for a review.

4. These procedures apply to requests made for information concerning the University and its wholly owned subsidiary companies.

Review Panel

5. The University has made provision for a Review Panel to deal with requests for review under the Act and Regulations.

6. The University will endeavour to ensure that none of the members of staff who dealt with the original request will sit on the Panel and that the impartiality of all Panel members is preserved. The Panel will normally have at least three members plus a Minutes Secretary. The latter will normally be the FoI officer, who will attend the Panel meeting only to take the minutes and to act in an advisory capacity. The Panel will be appointed by the Vice-Principal for Governance & Planning, whom failing another deputy of the Principal. The Panel's exact membership will vary as circumstances demand, but it will normally consist of:

   • The Convener. This will be a senior member of the University staff (for example, a Head of School or Unit, a Dean or a member of the Principal's Office)

   • A second senior member of staff

   • A member of staff with some experience of Freedom of Information

7. The Freedom of Information Officer will not be involved in making the decision to be reached by the Panel.
8. Responsibilities of the Convener

- The Convener will make the appropriate arrangements for the consideration of the case and where a formal hearing is required will set a suitable date and venue for the meeting and communicate this to the Panel members. In most cases a formal hearing will be conducted, but at times it may be appropriate to consider the matter through email correspondence.

- The Convener will gather the relevant information for the hearing, which will include inviting those staff involved in reaching the initial decision to explain their response to the original request, e.g. to clarify how the initial decision was reached or to advise on the sensitivity of the information requested. However, these staff will not be involved in making the decision to be reached by the Panel.

- After such information has been gathered the Convener will circulate the information and chair the Panel.

9. The Panel will reach a decision within 15 working days of the request for review being received by the University.

10. The review may result in one or more of the following decisions and outcomes:

- that all or part of the information initially withheld should be released;

- that the University did not follow the correct procedures for dealing with a request for information. If this is the case, the Convener and/or the Panel may make recommendations to remedy the situation and prevent its recurrence;

- that the original decision should be upheld.

11. The Panel’s decision is final.

12. The Freedom of Information Officer will communicate the review decision to the applicant in writing (or other form of recorded media) within the 20 working day time period allowed for compliance with the request for review.

13. The Freedom of Information Officer will keep a record of all reviews and their outcome.

**Subsequent Action**

14. If the applicant is dissatisfied with the outcome of the review, or if they have not had a response within the allotted time period, they may appeal to the Scottish Information Commissioner.