



SCOTTISH
FIRE AND RESCUE SERVICE

Working together for a safer Scotland

STRATEGIC PLANNING, PERFORMANCE AND COMMUNICATIONS

INFORMATION GOVERNANCE

ACCESS TO INFORMATION POLICY

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1. POLICY STATEMENT

Scottish Fire and Rescue Service (SFRS) is committed to promoting and actively developing the culture of openness, transparency and accountability promoted by the Access to Information legislation. This right of access comes from:

- The Data Protection Act 1998
- The Freedom of Information (Scotland) Act 2002
- The Environmental Information (Scotland) Regulations 2004

Information is vital to the Service and must be managed properly. In managing its records, SFRS will comply with its duties under the Freedom of Information (Scotland) Act 2002, the Section 61 Code on Records Management and the requirements of the Public Records (Scotland) Act 2011.

2. PURPOSE OF THE POLICY

This policy, and the procedures which will implement it, will ensure that SFRS conforms to the Access to Information legislation and associated codes of practice. This policy formalises SFRS' approach to the management and release of information and sets out the Service's commitment to the following principles:

- To ensure the lawful and correct treatment of personal information, recognising the need to maintain confidence between SFRS and those with whom it deals
- To respect personal privacy in accordance with the principles set out in the Data Protection Act 1998
- To conduct its business in such a way as to promote openness and accountability, thereby maximising public trust in the workings of the Service
- To take account of customer needs in presenting information

- To maximise the publication of information through the SFRS Guide to Information
- To make information which is not covered by the Guide to Information available to enquirers on request, within the statutory time limit, unless a valid exemption/exception applies. To ensure a fair and internal appeal system is administered

3. SCOPE & RESPONSIBILITIES

3.1 Scope

This policy applies to all SFRS employees and temporary employees. This policy is effective from 1 April 2013.

3.2 Responsibilities

The Chief Fire Officer is ultimately responsible for the implementation of access to information legislation within the Service.

The Director of Strategic Planning, Performance and Communications has overall responsibility for the implementation and compliance of the policy and monitoring performance at a corporate level.

The Data Protection/Freedom of Information Officers have day-to-day responsibility for the management and co-ordination of the policy. The Data Protection/Freedom of Information Officers have responsibility for the management of the information requests including providing responses to applicants within statutory timescales; the disclosure of requested information and the application of exemptions/exceptions for non-disclosure.

All managers have responsibility for raising awareness of data protection, freedom of information and environmental information regulations amongst employees for whom they are responsible and for ensuring that employees familiarise themselves with this policy and related procedures.

All employees have individual responsibility for complying with this policy and any related procedures.

4. REQUESTS FOR INFORMATION

Information which is not covered by the SFRS Guide to Information or routinely published can be requested by any individual, including corporate or public bodies, from anywhere in the world under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004.

This legislation provides the public with the right to be informed whether the information is held by SFRS and, if so, to have the information communicated to them unless an exemption/exception or cost limit applies.

There is a maximum of 20 working days under the legislation to provide the response or notify of a refusal.

An individual's personal information can be requested under the Data Protection Act 1998 and SFRS has a maximum of 40 calendar days in which to process a request unless an exemption applies.

SFRS will comply with all requests for information in accordance with the appropriate statutory requirements and will endeavour to assist the public in exercising their 'right to know' by ensuring that internal procedures are in place to facilitate access.

5. CHARGES

Wherever possible, information will be provided free of charge.

Where SFRS regards a request as involving an excessive amount of work, a calculation will be provided to the applicant explaining how much a request would 'cost'. This cost is produced in line with the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004.

SFRS will provide advice and assistance to help applicants when they make requests for access to information in so far as they reasonably can. SFRS will provide information free of charge up to £100, a 10% charge will be applicable between £100 and £600 and SFRS is not required to provide any information if it would cost more than £600.

SFRS will contact applicants to discuss the possibility of narrowing the scope of the request to bring the cost of providing the information within the statutory limit or provided the applicant with a fees notice.

A Subject Access Request (SAR) is subject to a charge of £10.

All SFRS charges are set out in our Publication Scheme.

6. EXEMPTIONS/EXCEPTIONS

Whilst SFRS upholds the principle that information should be accessible wherever possible, there are times when it has to withhold information to protect the Service's legitimate interests and those of other organisations and individuals. SFRS will only refuse to disclose information in response to a request if a valid exemption/exception applies under the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 or the Data Protection Act 1998.

Where information is withheld, applicants will be informed of the relevant exemption/exception and why SFRS believe it applies including, if necessary, our consideration of the public interest test. Applicants will be provided with details of our review procedure.

7. REVIEW PROCEDURE

SFRS will always provide applicants with the right to request that SFRS reviews any aspect of how it has dealt with their requests and provide access to the SFRS review procedure. Applicants must, if they are dissatisfied, submit a request for review within 40 working days of receipt of our response to their request.

SFRS will ensure that a review panel, which will consist of the Information Governance Manager, sits to consider all aspects of the original request and review the request, make a decision and respond to the applicant within 20 working days of receipt of the request for review.

Following the response by the review panel, should the applicant remain dissatisfied, they have the right to appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St. Andrews, Fife, KY16 9DS.

8. POLICY REVIEW

This policy will be reviewed and issued on a bi-annual basis or earlier if there is change impacting on SFRS statutory compliance.

9. ASSOCIATED DOCUMENTS

Will be completed and updated as documents are available but should include as a minimum:

Access to Personal Record File Procedure (to be issued)

[Guide to Information - Publication Scheme](#)

[Privacy Statement](#)

[Procedure for Handling Freedom of Information/Environmental Information Requests](#)

Records Retention Schedule (to be issued)

[Subject Access Public Guidance](#)

[Subject Access Requests Procedure](#)