

# Freedom of Information & Environmental Information Requests Policy

## Background, Purpose and Scope

### Background

1. The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIR's) give a general right of access to recorded information held by Glasgow Prestwick Airport, subject to certain exemptions and exceptions.
2. It is a criminal offence under section 65 of FOISA and regulation 19 of EIR's if an individual/organisation alters, defaces, blocks, erases, destroys or conceals information with the intention of preventing its disclosure.
3. Anyone can request information. Responses to requests for information must be provided promptly and within 20 working days of receiving the request. Requests are required to be made in writing (email or letter) EIR's can be made verbally over the telephone. There is also a lawful duty on public bodies to provide advice and assistance to any applicants requesting information.

### Purpose

4. The purpose of this document is to specify and communicate the Glasgow Prestwick Airport policy on Freedom of Information. In particular:
  - a. To ensure Glasgow Prestwick Airport complies with the law in relation to an individual's rights to access information
  - b. To ensure all employees are aware of their responsibilities under the law
  - c. To outline Glasgow Prestwick Airports procedure in responding to requests for information
5. The policy outlines the procedure for dealing with requests under FOISA and the EIR's. All requests will be handled by the Data Protection and Information Manager.

Glasgow Prestwick Airports Data Protection and Information Manager's details:

FOI Officer  
Glasgow Prestwick Airport  
Aviation House  
Prestwick  
KA9 2PL  
Telephone: 01292 511067

Email: [foi@glasgowprestwick.com](mailto:foi@glasgowprestwick.com).

## Scope

6. This policy applies to all Glasgow Prestwick Airport personnel irrespective of status, including temporary staff, contractors, consultants, and third parties.

## Statement of Policy

7. This Policy outlines the procedure in place for dealing with requests under both FOISA and EIRs. This excludes personal data which will be dealt with as a Subject Access Request under The General Data Protection Regulation 2016 (GDPR)

The differences between FOISA and EIRs will be decided and taken into account by the Data Protection and Information Manager when processing the request.

This policy covers all requests for recorded information, regardless of format, held by Glasgow Prestwick Airport, for example:

- Information in all electronic formats, including removable media
- Information in paper format
- Emails
- Policies
- Minutes of meetings
- Information held on shared drives
- Video
- CCTV

This list is not exhaustive.

## Requirements

### Receiving a Request

8. If you receive a request for information you must pass it to the Data Protection and Information Manager as soon as possible. Requests are viewed as being received as soon as they enter the organisation either by post or email. It is important to act promptly as we only have a maximum of 20 working days to respond. Failure to comply with this 20-working day deadline, or to not provide the information requested (unless exempt) is a breach of the law.
9. Requests for information sent to you by the Data Protection and Information Manager shall follow the procedures below
  - The requested information should be provided within five to ten working days or a full explanation as to why it cannot be provided
  - If there are any problems meeting this deadline then please contact the Data Protection and Information Manager to discuss the issuing of a revised timescale.

- All requested information should be provided to the Data Protection and Information Manager. If it is felt the requested information should not be provided you must provide a reason/explanation however the information must be provided in full to the Data Protection and Information Manager in the first instance. It is the Data Protection and Information Manager's decision (in consultation with the relevant Director/CEO) if information is to be withheld and an exemption/exception applied.
- It is the responsibility of the department providing the information to ensure it is accurate before forwarding.

Appendix 1 sets out the FOI process and checking procedure

### **Reviews/Appeals Process**

10. If the requestor is dissatisfied with a response – or does not receive a response on time – the requestor has a right to seek a review of any decision and, if still dissatisfied, make an appeal to the Scottish Information Commissioner's Office.
11. Reviews are carried out by an individual who was not involved in processing the original request. Their remit is to re-consider the original request and subsequent response.
12. The aim of the review is to allow the organisation to take a fresh look at the response, to confirm the decision (with or without modifications) or, if appropriate, to substitute a different decision. The review process must therefore be fair and impartial and allow decision makers to look at the request afresh.
13. The Data Protection and Information Manager will assist the reviewer with any legal advice in respect of the legislation but will not be involved in the decision-making process of the review.
14. Appeals are heard by the Scottish Information Commissioner who has the powers to enforce individual's right under legislation.

Scottish Information Commissioner,  
Kinburn Castle,  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS  
Telephone – 01334 464610  
Email – [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

## Business as Usual (BAU) Requests

15. A BAU request is a request for information that Glasgow Prestwick Airport would expect to receive in its normal day-to-day operation. To be treated as a BAU, a request for information must fit the key criteria in that:
  - It must not indicate that it is a FOISA/EIR request
  - All the information will be provided; and
  - The information will be provided within 20 working days
16. BAU does not remove any rights a person has to request this information under the Freedom of Information (Scotland) Act 2002. If you receive a request which you think should be treated as a BAU request but the requestor has made reference to the legislation, it should be forwarded to the Data Protection and Information Manager. Thereafter it will be established if the information should be provided under the BAU arrangement or if the applicant would still prefer to use their rights under FOISA/EIR's.

## Publication Scheme

17. Section 23 of FOISA requires organisations to maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available and is subject to approval by the Scottish Information Commissioner. This scheme should be reviewed from time to time.
18. The aim of the Publication Scheme is to provide access to information that we routinely publish and demonstrate our openness and transparency in the decisions we take. Glasgow Prestwick Airports Publication Scheme can be accessed via our website.

## Roles and Responsibilities

19. **The chief Executive:** has overall strategic responsibility for Freedom of Information within Glasgow Prestwick Airport. They are accountable for the management of the organisation and compliance with the law.
20. **The Data Protection and Information Manager:** has responsibility to provide advice and support to all departments within Glasgow Prestwick Airport on all matters relating to FOISA and EIRs. As well as to ensure measures are in place to support full compliance with the law. They are also responsible for responding to all requests. They will act as Glasgow Prestwick Airport's point of contact with the Office of the Scottish Information Commissioner. They will hold a central record of all Freedom of Information requests, logs and replies.
21. **All Employees:** All Glasgow Prestwick Airport employees are responsible for processing information in accordance with national legislation and Glasgow Prestwick Airports policies and procedures.

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### Related Documents

Type	Name	Version	Ref
Policy	Data Protection policy	INFGOV/01/01 Version 1	[1]
Policy	Data Handling Policy	INFGOV/01/03 Version 1	[3]
External Publication	EU General Data Protection Regulation (GDPR)	27 Apr 2016	[12]
External Publication	Freedom of Information (Scotland) Act 2002		

References to the above documents are denoted by square brackets (e.g. '[1]').

## Appendix 1- Protocol for Processing FOI requests and checking procedure

- The normal route for a FOI/EIR request is by a generic email direct straight to the Data Protection and Information Manager. This email link is located on our website.
- If you receive a FOI or EIR request directly then please forward immediately to the Data Protection and Information Manager. The 20-day deadline starts when GPA receives the request, **not** when it is processed by the Data Protection and Information Manager.
- The department providing the information is responsible for highlighting any information they may feel is sensitive, commercial or contentious for advice in order to clarify if the applying of an exemption/exception by the Data Protection and Information Manager would be appropriate.
- If the amount of work required to pull the information together is considered to be out with the cost of compliance (rule of thumb – over one weeks work) You should let the Data Protection and Information Manager know and they shall fill out the necessary paper work in line with the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004.
- Once the Data Protection and Information Manager is in possession of all the requested information they will then issue a response and if appropriate apply any exemptions, exceptions or exclusions.
- A full explanation of why the information is considered to be exempt will be provided by the Data Protection and Information Manager in the final response to the requestor.
- On occasion final sign, off may be required by a member of the Executive team. Any outstanding FOI or EIR requests are reported to the Executive Team on a weekly basis.