UNIVERSITY OF STIRLING

AUDIT COMMITTEE

FREEDOM OF INFORMATION COMPLIANCE REPORT - 2013

Introduction

1   The purpose of this report is to provide an overview of activity during 2013 in relation to information requests received and dealt with by the University under the Freedom of Information (Scotland) Act 2002. (FOISA). FOISA came into effect on the 1st January 2005 so there is now nine years' worth of records in dealing with these enquiries. The report also covers activity in relation to the Data Protection Act 1998 (DPA) and the Environmental Information (Scotland) Regulations 2004 (EIRs).

2   There is no legal requirement to collect or record statistics about the handling of information requests, however the Scottish Ministers code of practice suggests that the following information is collected and reported on in relation to Freedom of Information (FOI) requests and EIRs:
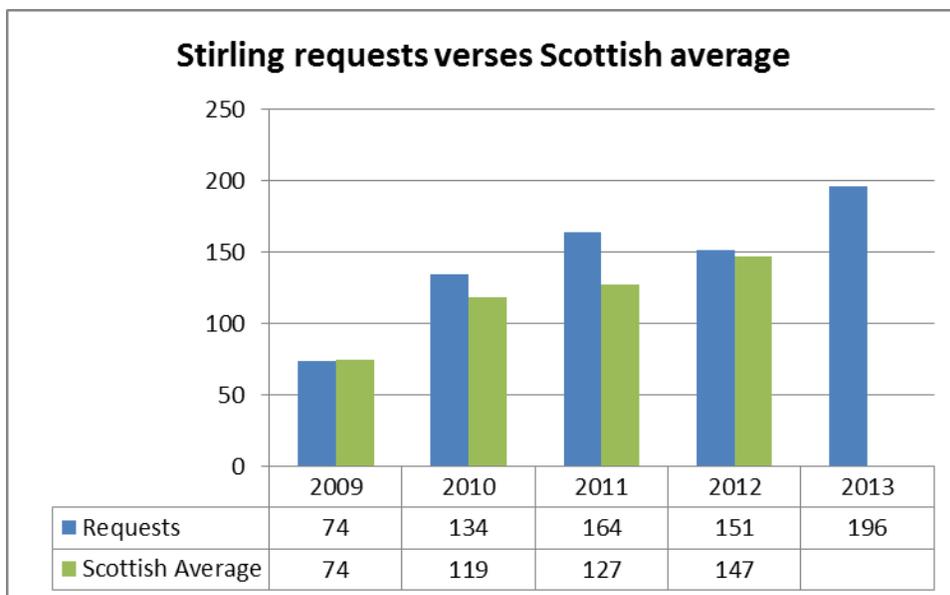
- The number of request received
- The proportion of requests answered within the statutory timescales
- The numbers of requests that have been refused and the reasons for refusal
- The number of times a fee has been charged
- The number of reviews carried out and the outcome of these
- The number of cases appealed to the Scottish Information Commissioner and the outcomes.
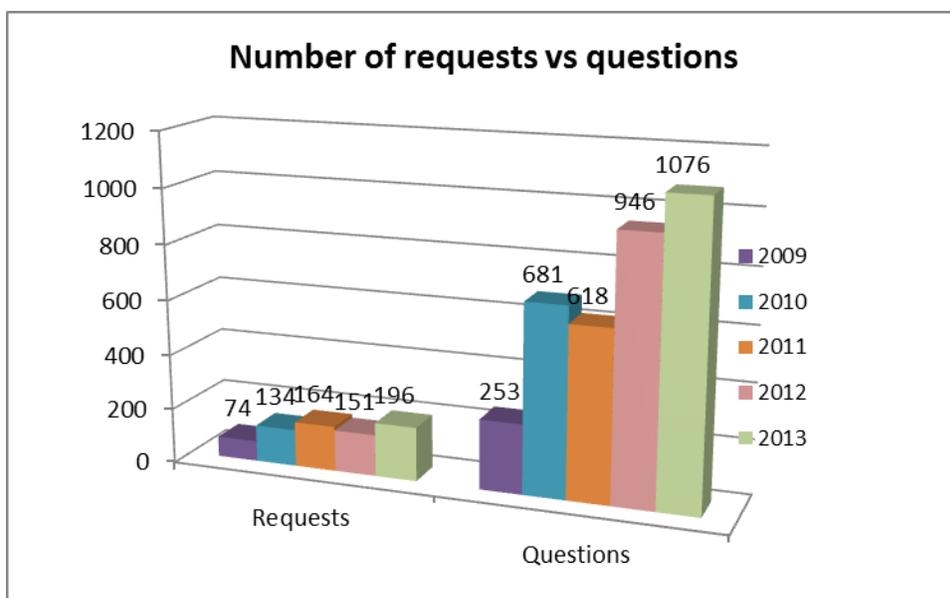
3   All these factors are covered in the report below.

Analysis of requests received

4   The University had a total of 196 Freedom of Information requests in the period 1 January 2013 to 31 December 2013. This compares to a total of 151 in 2012. This is the highest ever number of requests in a single year beating the previous highest of 164 in 2011. This represents a 30% increase in the number of requests since 2012 and an increase of 188% since the first year of FOI in 2005 when there were only 68 requests received.

5   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.
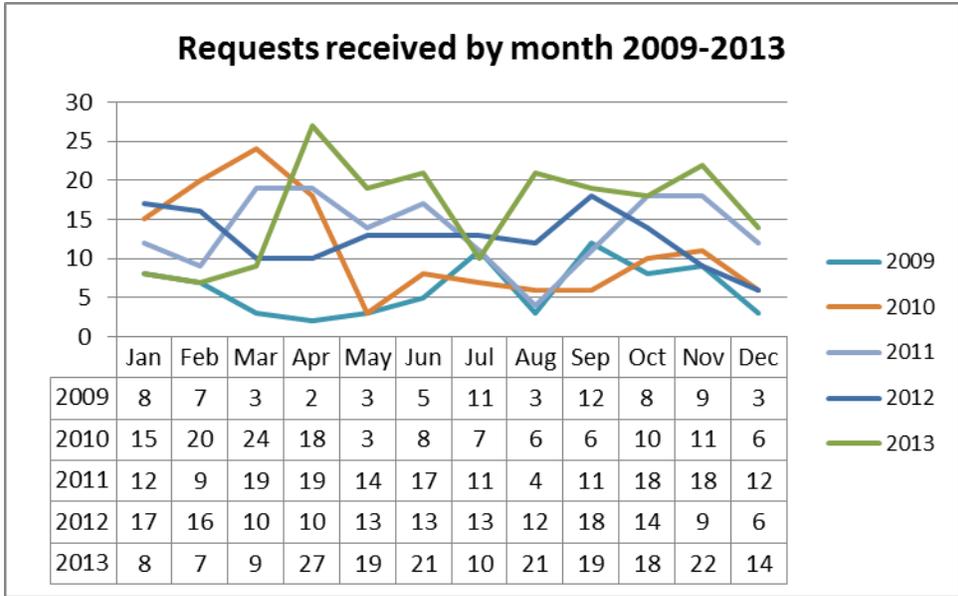
Stirling requests verses Scottish average

	2009	2010	2011	2012	2013
■ Requests	74	134	164	151	196
■ Scottish Average	74	119	127	147	

6   Contained within the 196 requests were 1076 individual questions i.e. an average of 5.5 separate questions per request.

Number of requests vs questions

Requests: 74, 134, 164, 151, 196
Questions: 253, 681, 618, 946, 1076

Legend: 2009, 2010, 2011, 2012, 2013

Monthly trends

7   The first three months of the year were quieter than normal with fewer than ten requests each month, however, this trend changed in April when 27 requests were received in a single month which is the highest number the University has ever received in one month. The remainder of the year has remained consistently busy with around 20 requests per month with the exception of July and December when there were temporary drops.

Requests received by month 2009-2013

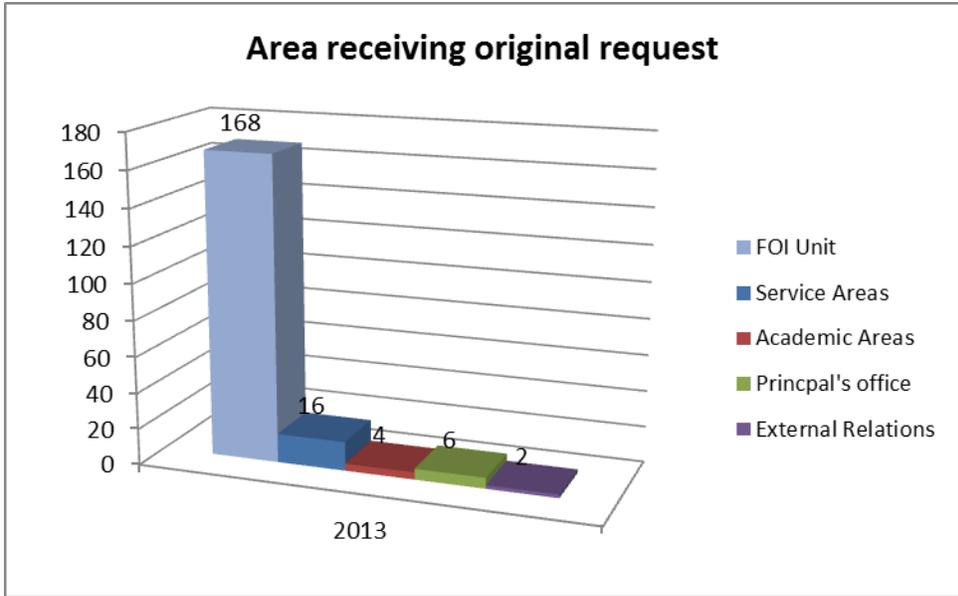|	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2009	8	7	3	2	3	5	11	3	12	8	9	3
2010	15	20	24	18	3	8	7	6	6	10	11	6
2011	12	9	19	19	14	17	11	4	11	18	18	12
2012	17	16	10	10	13	13	13	12	18	14	9	6
2013	8	7	9	27	19	21	10	21	19	18	22	14

8   Taking the average number of requests received each month over the last five years shows that the summer months and December are the quietest times of the year when it comes to the number of requests received.

Average monthly distribution of requests 2009-2013
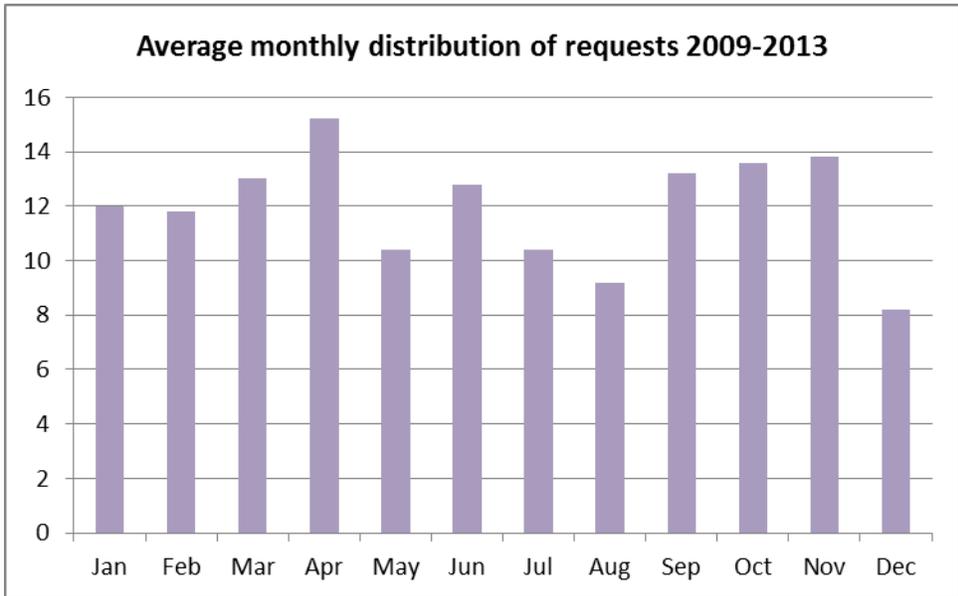
Receipt of request

9   The graph below shows that in 2013 the majority of requests came in directly to the FOI Unit (mainly via the FOI email address). Some requests do come in directly to other service areas such as HR but the number is much lower than the directly received requests. In 2013 there were only four requests that were sent directly to academic areas.

Area receiving original request

168

180
160
140
120
100
80
60
40
20
0

16
4
6
2

2013

- FOI Unit
- Service Areas
- Academic Areas
- Princpal's office
- External Relations

10 Records are not kept of the areas that provide the responses to questions as many queries require information from a number of different sources. However the majority of requests are dealt with by service areas and only a small fraction are forwarded to Schools for action.

11 The majority of recorded requests have cited the legislation either by direct reference to the Act or implicitly by virtue of having used the FOI email address. A person making a request for information is not legally obliged to quote the legislation in the request. A smaller number of information requests have been dealt with and answered under FOI where no reference was made to the Act by the applicant.

Freedom of Informtion Act cited in request 2013

200

150

100

50

0

177

19

Cited

Not Cited
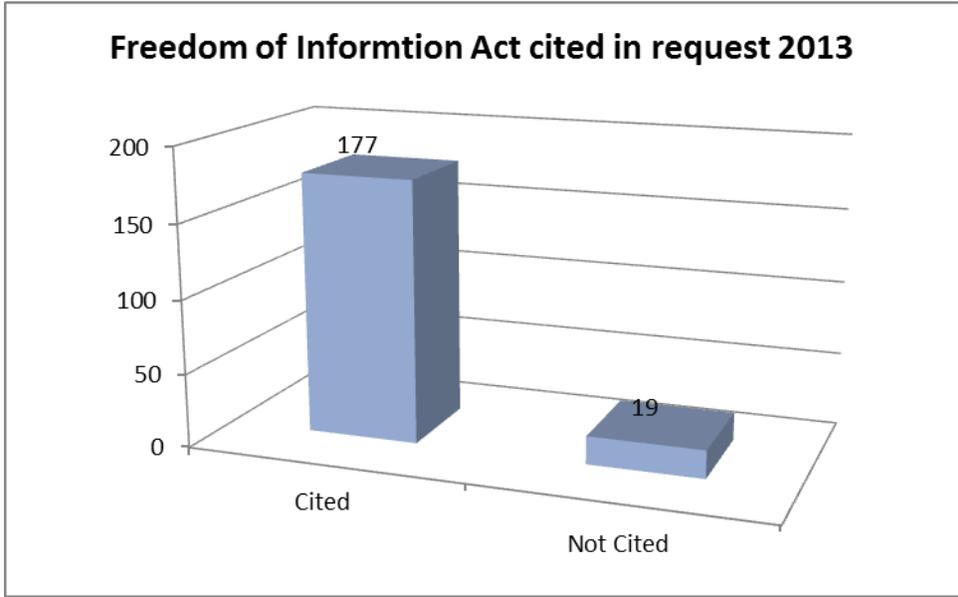
Requestor Details

12 It can be seen from the following chart that the single largest identified requesting group in 2013 was Journalists with 57 requests (29% of the total).   Journalists have been consistently the largest applicant group since FOI was introduced. However there is a large group of applicants who do not declare what their backgrounds are so they are recorded as unknown.

13 A recent development which has been the subject of debate on the discussions lists is an increase in the number of FOI requests that are coming in from student journalists. The curricula of some journalism programmes appear to require students to submit an FOI request as part of their coursework. The majority of these requests do not declare that they are trainee journalists so in our records would be recorded as 'Unknown'.

14 Another significant category of requesters is Stakeholders, examples of stakeholders within the last year include Unions, staff or students at other universities, professional societies and politicians.
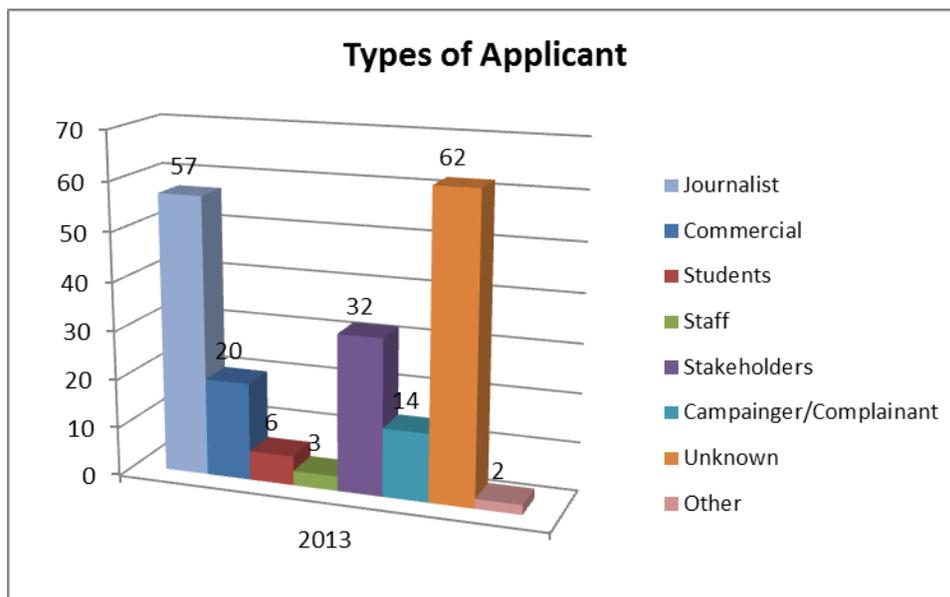

15 In 2013, 63 out of the 196 information requests came from requestors who had previously submitted a request on one or more occasions in the previous eight years and hence are classified as repeat requestors. Over 50% (32 out of 63) of the repeat requesters were journalists.

Request Details

16 The following chart shows the breakdown of the types of information requests in broad categories. The largest category is for students/admissions. These requests can be broad ranging but this year have included: requests relating students in particular subject areas (e.g. Law, Education, Nursing); student demographics (e.g. gender, fee status, ethnic status); student support (e.g. hardship funding, discretionary funding, counselling services); degree outcomes; applications numbers, and fees etc.

17 In a similar vein the University also receives a significant number of requests relating to HR issues such as staff numbers, contract types, pay, discipline, redundancies etc.

18 The third largest category or requests is Management/Administration which is a general category for questions about the University or how it is run. This can include questions about policies and regulations, legal queries or complaints. There were a number of questions in 2013 relating to marketing and branding.
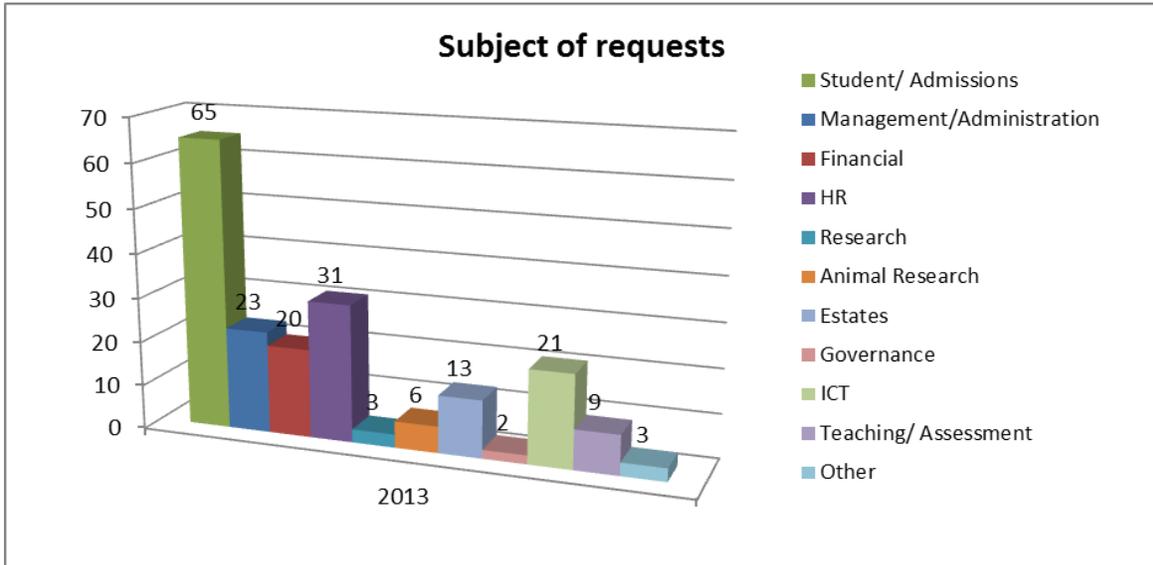
Request Outcomes

19 As can be seen from the chart below, the majority (78.1%) of queries were answered with all the information available, which is similar to the figure of 74.8% in 2012. This may mean that some of the information requested was not held but where the information was available it was provided. There were 11 responses in 2013 where none of the information requested was held by the University. Refusals, either of the whole request or one of its components, accounted for 14.3% of requests compared to 15.8% in 2012.
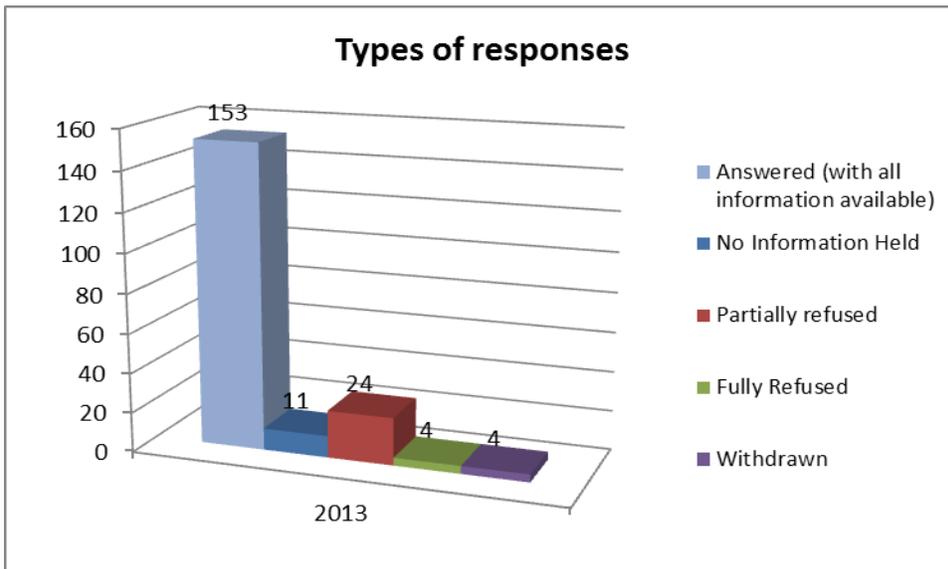
20 The most common reason for fully or partially refusing the requested information was on the grounds of data protection (section 38). Some other exemptions used included 'commercial interests' (section 33), 'information otherwise available' (section 25) and 'confidentiality' (section 36).

21 Five requests were refused on the grounds of excessive costs (i.e. the cost of complying would exceed £600) and there were no cases where fees were requested[1].

22 All responses sent to requests during the year were issued within the statutory 20 working day time limit. This is an improvement on the previous year when there were two missed deadlines.

23 During 2013 there were no requests to carry out an internal review where the applicant was dissatisfied with the original response to the request. An appeal to the Scottish Information Commissioner can only be made once an internal review has been requested so consequently there have been no appeals to OSIC during the year either.
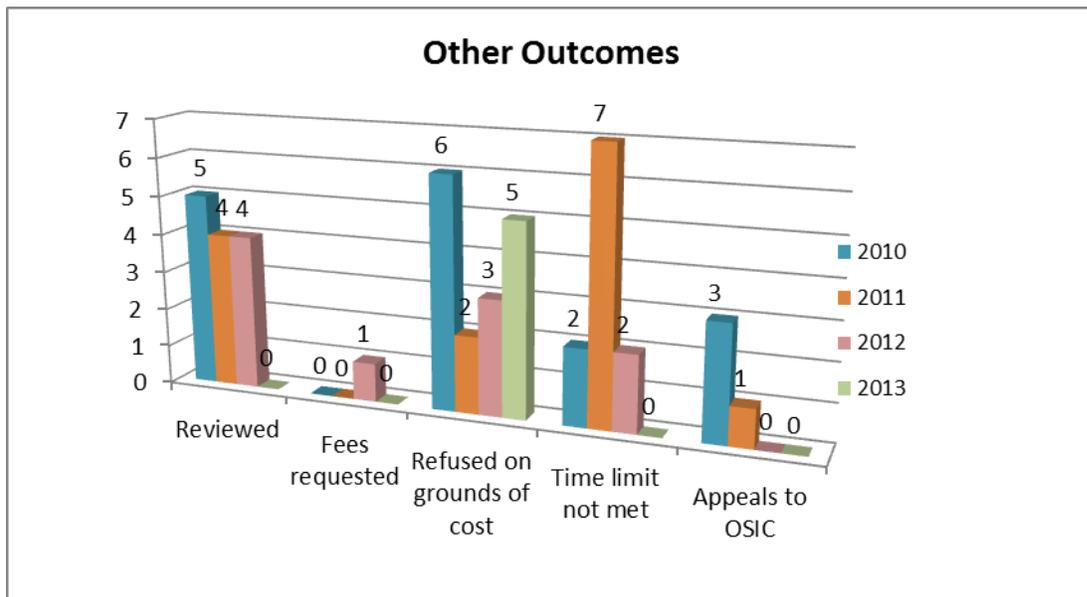
Publication Scheme

24 As part of the Freedom of Information legislation, the University is required to have a Publication Scheme and actively publish a range of information we hold on a number of different classes of information in our approved Publication Scheme.

25 The approval for the University's previous Publication Scheme expired in May 2013. Scottish Universities had previously had a 'bespoke' publications scheme however, the Scottish Information Commissioner (OSIC) strongly recommended that authorities adopt a model publication scheme rather than producing a scheme of their own design. In 2013 all

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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.

Scottish Higher Education institutions agreed to adopt the OSIC 'Model Publication Scheme 2013'.

26 The main difference between the old publication scheme and the new model publication scheme was the requirement to include a Guide to Information. Members of the Scottish Higher Education Information Practitioners Group (SHEIP) worked together to agree the content and wording of the Guide to Information to ensure consistency across the sector.

27 All the changes required were made in time for the May 2013 deadline including publishing some additional information that had not previously been included in the scheme.

Practice Assessment visit

28 It was highlighted in last year's Compliance Report the OSIC were due to visit the University for a Practice Assessment visit in February 2013. A considerable amount of evidence was provided to OSIC prior to the visit and during the two day on site assessment the two assessors met with ten different members of staff.

29 After having the opportunity to comment on the draft report, the Final Assessment Report was published in June 2013 and can be seen on the OSIC website. There were three recommendations that were made which related to:
- Searches – recording what searches are made for information particularly when the information is not held.
- Contracts – updating the text used in contracts to make it clearer when third parties will be consulted when an FOI request is received.
- EIR Guidance – making more reference to EIRs in the guidance to emphasis the differences between the EIR and FOI legislation.

30 All the recommendations have subsequently been implemented.

31 The outcome of the visit was satisfactory for the University with a number of areas of good practice highlighted. The number of recommendations made was the lowest given by OSIC to any authority since practice assessment visits started in 2008.

Reporting

32 During 2013 OSIC started collecting quarterly statistics on FOI and EIR requests received by Scottish public authorities. This additional data collection was implemented in April 2013 and is done via an online statistics portal. The data collected includes information on the number of requests received and what the outcomes of these requests were along with details of any exemptions that were applied. Details of reviews are also gathered.

33 As stated in the Introduction to this report there is no legal requirement to collect statistical information on FOI requests, however, the Scottish Ministers' Section 60 Code of Practice advises that statistical information should be collected and the expectation of the Scottish Information Commissioner is that all public authorities should be returning quarterly statistics.

34 Two quarterly returns have been completed so far using the online data entry portal.

35 Since FOISA came into effect in 2005 the SHEIP group have been collecting statistics on the number and outcome of requests received by Scottish Universities. The Group has agree to discontinue with this data collection as quarterly data was made available to the public online by OSIC from April 2013 onwards.

Environmental Information

36 The University is also required under the Environmental Information (Scotland) Regulations 2004 (EIRs) to respond to requests for environmental information held by the University. During 2013 there were three requests for information falling under the description of this legislation which related to asbestos, environmental performance and sustainable transport.

Data Protection

37 In 2013 a full log was kept of the number of data protection queries received and dealt with by the office. In total 41 queries were recorded, most of these are individuals seeking advice about what is or is not permissible under the Data Protection Act. There were two Subject Access Requests from a member of staff.

38 Three legal agreements for data processing/sharing have been established during the year. Two of these related to the Students' Union and one to the Career Development Centre.

39 The old Data Protection guide had been in place since 2000. During 2013 a completely new Data Protection Policy and Guidance document was prepared and approved and is now available for staff and students to see on the website.

40 The Student Data protection statement has also been updated to make it clearer who the University will share student data with. An administration message was sent to all students advising them of the update.

41 As a Data Controller the University is required to register on an annual basis with the Information Commissioner's Office (ICO). As part of the notification to ICO, data controllers are required to provide details of the type of data processing they undertake, the reasons this information is processed, the types of information processed, who the data subjects are and who the information may be shared with. During 2013 the ICO simplified the amount of information required on the register of data controllers. A full review of the University's registration took place during the year and the simplified version of the registration is now available for the public to see on the ICO website (University of Stirling's registration number is Z5416027: http://www.ico.org.uk/what_we_cover/register_of_data_controllers)

Assessment of Compliance

42 During 2013 there has been an excellent compliance record. Despite the number of FOI requests received having increased, all requests were responded to within the 20 working day deadline. This is the first time this has been achieved since FOI was introduced. There were also no requests for internal reviews which is only the second time this has been achieved, the last time being in 2008. As a consequence of there being no internal reviews there were also been no appeals to OSIC.

43 The outcome from the OSIC Practice Assessment visit in February was very positive with a number of areas of good practice highlighted and a low number of recommendations.

44 Significant progress was made in with Data Protection. The Policy & Guidance has been updated and a revised Student Data Protection statement issued to all students. In addition a number of contracts relating to data protection have been put in place. Awareness of data protection continues to grow and there have been no significant data breaches reported.

Training

45 In March 2013, Anderson Strathern delivered a half day training course to approximately 40 key members of staff. The training provided a refresher on Freedom of Information but also covered in more detail Data Protection and the Environmental Information Regulations.

46 During 2013, staff in Registry & Governance Services have attended the following events:
- April 2013 – Freedom of Information lecture by Kevin Dunion, First Scottish Information Commissioner, organised by School of Arts & Humanities.
- May 2013 – Data Protection Health Check Conference, organised by Information Commissioner's Office (ICO)
- June 2013 - Freedom of Information Practitioners Conference, organised by OSIC

47 Staff also attended three meetings of the SHEIP group in February, April and September. This forum is used to share information and experience of information compliance legislation.

Equality implications

48 There are no equality implications of this report.

Resource implications

49 As the number of information requests continue to rise, the burden of complying with the legislation falls not only on the FOI Unit within Registry & Governance Services 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.

Recommendations

50 Members are asked to:

- Note the update on Freedom of Information activity during 2013

Registry & Governance Services
February 2014