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# Freedom of Information and Information Management Guidance

# 1 Introduction

This guidance is written with the intention of ensuring that information created, received or held by members of a School Closure Review Panel is being adequately and appropriately managed in support of the legal, operational and information needs of the Panels.

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## Aim and Purpose of the Guidance

The aim of this guidance is to effectively manage information within the particular set up of the School Closure Review Panels, especially in terms of the FoI duties of the Panels. A Panel is in operation from when it is selected by the Convener to review a called in proposal until the review process is over, or in the event of an appeal, until the appeal process is over. To ensure continuity for the Panels, this guidance sets out a system where information will be held centrally, and a Panel and its members will only manage information when the Panel is in operation. In particular, the guidance is aiming to avoid the situation where individual Panel members have to respond to FoI requests.

An email will be issued from the office of the Convener at the start and end of each review to remind the Panel of the procedures set out in this guidance.

This guidance is not to be considered as legal advice. It is for the individual Panel members to ensure that their legal duties are fulfilled. If anybody wish further advice on these matters, please contact the office of the Convener.

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## Agreement of Guidance

This guidance is to be agreed by all persons eligible to serve as a member of a School Closure Review Panel. The guidance should be agreed to by sending a response to admin@scrp.scot in which agreement is expressed.

# 2 FoI

Pursuant to the Freedom of Information (Scotland) Act 2002 (the FoI Act) section 3(1)(a)(i) in conjunction with Schedule 1 Part 7 s76A, a School Closure Review Panel is subject to the Act and its requirements. As it is the Panel which is subject to the FoI Act, a person eligible to serve as a member of a Panel is not, as an individual, subject to the FoI Act.

### Requests

This means that a Panel and its individual Panel members may receive FoI requests for which the Panel has a legal duty to respond. According to section 10 of the FoI Act, the response to the request must be made as soon as possible and within **20 working days** after receipt of the request.

As preparing a response can require considerable time and effort, the administration of FoI requests will be dealt with by the office of the Convener on behalf of a Panel. The relevant Panel will then direct as appropriate and confirm and sign off the prepared response before issued.

The Panel member must, due to the short timescale set out above, forward any FoI request received to the office of the Convener (admin@scrp.scot) as soon as possible. Panel members (i.e. a person serving as a member of a Panel) must therefore check their email regularly. Although there are certain criteria which must be met for a request to be valid, requests of all kinds made by any means of communication should be forwarded to the office of the Convener for consideration. This approach permits an efficient and consistent approach to FoI requests. Even if a request is deemed invalid, there would still, in many cases, be a duty to provide advice and assistance to the applicant Panel members must keep a record of any notes and correspondence made during the decision making process, and must provide any relevant information to the office of the Convener upon receipt of an FoI request. The Panel member must also provide the office of the Convener with any reasons why this information should not be disclosed. A Panel member should refer to FOISA when setting out the arguments for not disclosing any information. They should state which exemption from Part 2 of FOISA they think applies, and provide details of any public interest considerations.

Subject to several legal tests (e.g. harm tests and public interest tests), much of the information held by a Panel is likely to be covered by an exemption, for example, information that can be categorised as free and frank exchange of views for purposes of deliberation, information intended for future publication, personal data and confidential information. It should be pointed out that even when information requested is covered by an exemption, the information must be identified and it must be made clear to the requester that the information is held but subject to an exemption and why the exemption applies.

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### Publication Scheme

The FoI Act requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:

(i) publish the classes of information that they make routinely available

(ii) tell the public how to access the information they publish and whether information is available free of charge or on payment.

The Scottish Information Commissioner has produced and approved a Model Publication Scheme which the Panels have adopted. An important part of this scheme is to publish a Guide to Information which is listing all the information published by the Panels with corresponding links. For the public’s convenience it has been agreed with the Scottish Information Commissioner that the Panels have a joint Guide to Information with the Convener, in which it is made clear what information relates to the Convener and what relates to the Panels. The Guide must be updated regularly as new information is created and published. This is administered by the office of the Convener on behalf of the Convener and the Panels.

It is for the Panels to decide what information they want to publish. Due to the particular set up of the Panels, and for convenience, the administration of publishing will be done by the office of the Convener on behalf of the Panels. In agreeing this guidance as a person eligible to serve as a member of a Panel, all Panel are deemed to have consented to routine publication of relevant information. However, a Panel can at all times question the information published and request it to be changed or removed. Depending on the nature of the request it may be subject to consideration by the Convener.

# 3 Information management

Panel members will receive information regarding a school closure review via assigned email service or agreed secure online file sharing system.

### Secure storage/handling of information

Physical Security

* When not required, paper or files should be stored securely.
* Make sure paper and printouts are not left or handled where unauthorised people could see them.
* For disposal of physical information, see below.

IT Security

* Data should be protected by **strong passwords** that are changed regularly and never shared.
* If data is stored on removable media, these should be kept in a safe place when not being used.
* Regarding disposal of information, see below.

### Electronic communication

In order to avoid unnecessary dissemination of information, Panel members should only use two types of written electronic communication for matters related to a review. Firstly, for sending and receiving emails, only the designated firstname@scrp.scot email address should be used. Personal emails should not be used without confirming with the office of the Convener in advance. Automatic forwarding of firstname@scrp.scot emails to personal emails should be avoided when serving as a member of a Panel if not otherwise agreed with the office of the Convener in advance. Secondly, Panel members can use any digital online meeting and document sharing platform particularly provided for the purpose of conducting a review.

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## Retention, return and destruction

Either after the end of the review process and the appeal window of two weeks, or after the end of the review process and the appeal process, a Panel member shall no longer hold any information related to the review, whether being correspondence or other information used to provide an informed background to the taking of the decision.

As soon as possible after the mentioned time, all information considered for the purpose of making the decision should be returned to the office of the Convener, and any private copy of this information should subsequently be destroyed. All other information regarding a review must promptly be destroyed (see about disposal below). In order to avoid the unlawful destruction of requested information, the office of the Convener should notify Panel members of FoI requests received, and the Panel members must provide any information that is requested, regardless of whether they had previously planned to destroy that information.

If the Panel member has received any information relevant to the decision process that did not go via the office of the Convener this must be sent to the office of the Convener at the end of the review process, regardless of any appeal.

Certain documents will be kept in the records of the office of the Convener of the School Closure Review Panels on behalf of the School Closure Review Panels. This will include decisions taken by the Panels, information requested by a Panel from an external source during the course of a review and other important information.

## Disposal

### Paper copies

All paper copies of review papers and personal notes are to be shredded if possible. Please make sure that the office of the Convener has a copy of such information before shredding. Shredding can be done by the office of the Convener if you do not have access to a shredder.

### Audio

Recorded analogue audio should be deleted by overwriting the recording.

### Emails

Delete emails in the webmail client (webmail.scrp.scot) by selecting the relevant emails in your inbox or sent items and click the delete button. Then, click “Trash” in the left hand menu, select the relevant emails and click the delete button.

For other webmail clients, make sure the trash folder is emptied.

For email software that downloads emails to your computer, tablet or other digital device, make sure that the trash folder is emptied. You might also have to empty the trash folder of the computer. See more under “Electronic files”.

### Electronic files

Empty the computer’s trash folder after deleted any documents. For secure deletion to avoid any possibility of recovery of the files, there is on Mac computers an option of choosing “Secure Empty Trash” in “Finder”. For other computers, you will need separate software to do the same.