

Freedom of Information Policy

Lead Officer (Post):	Compliance Coordinator
Responsible Office/Department:	Human Resources / Operations
Responsible Committee:	Operations and Estates
Review Officer (Post):	Vice Principal Operations
Date policy approved:	19/06/2026
Date policy last reviewed and updated:	N/A
Date policy due for review:	01/06/2029

Accessible versions of this policy are available upon request.

Policy Summary

Overview	This policy outlines UHI Shetland's approach to Freedom of Information (FOI) for 2026–2029, ensuring compliance with the Freedom of Information (Scotland) Act 2002, UK GDPR and the Data Protection Act 2018, and defining roles and responsibilities for managing information requests.
Purpose	To set out UHI Shetland's commitment to openness and transparency, and to ensure information requests are managed consistently, lawfully and effectively.
Scope	Applies to all staff, contractors, and partners who create, manage or hold information on behalf of UHI Shetland.
Consultation	Operations and Estates, Local Negotiation and Consultation Committee (LNCC), Senior Management Team (SMT)

Implementation and Monitoring	The policy is published on internal and external platforms and implemented through established procedures. Compliance is monitored by the Compliance Coordinator and overseen by the Senior Management Team.
Risk Implications	Non-compliance may result in regulatory action, reputational damage, loss of stakeholder trust, and potential financial penalties or claims.
Link with Strategy	This policy supports UHI Shetland's vision to be an inspirational, innovative and trusted institution by promoting transparency, accountability and public confidence. It aligns with organisational values by: Working together – enabling clear and open communication across the institution. Working for Shetland – demonstrating accountability to the local community. Working sustainably – supporting responsible information governance practices. Working to become resilient – strengthening compliance, reducing risk and supporting continuous improvement. Working with partners – building trust through consistent and transparent information-sharing.

1. Policy Statement

- 1.1 UHI Shetland is committed to **openness, transparency and accountability** in the conduct of its business.
- 1.2 UHI Shetland will comply with the **Freedom of Information (Scotland) Act 2002 (FOISA)** and the **Environmental Information (Scotland) Regulations**

2004 (the EIRs), which provide a right of access to recorded information held by Scottish public authorities, subject to limited exemptions or exceptions.

- 1.3 This commitment aims to apply to information held in any format, including paper and electronic records, images, audio or video, and information held on the institution's behalf by third parties.

2. Definitions

- 2.1 **Freedom of Information (FOI)** is the legal right of any person to request access to recorded information held by a Scottish public authority, subject to certain exemptions and exceptions set out in law.
- 2.2 The **Freedom of Information (Scotland) Act 2002 (FOISA)**, which governs the public right of access to recorded information held by Scottish public authorities.
- 2.3 Information is “**held**” if it is in the authority's possession or is held by another person or organisation on the authority's behalf at the time the request is received.
- 2.4 The **Scottish Information Commissioner** is the independent regulator responsible for promoting and enforcing FOI law in Scotland, including publication scheme duties and appeals about FOI handling.

3. Purpose

- 3.1 To ensure UHI Shetland meets its legal duties under FOISA.
- 3.2 To provide clarity on responsibilities, timescales and decision-making for information requests.
- 3.3 To reduce regulatory, reputational and operational risks arising from non-compliance.

4. Scope

- 4.1 All employees of UHI Shetland, including temporary and casual staff.
- 4.2 Contractors, consultants and third parties who create, receive or hold information on behalf of UHI Shetland, to the extent that such information is “held” for FOI purposes.

5. Information Requests

- 5.1 All FOISA requests, received by the college must be made in a permanent form (e.g. letter, e-mail, audio/video recording, or message received through official college social media channels). Environmental Information Regulation (EIR) requests do not need to be received in a permanent form.
- 5.2 Requests do not need to explain why the information is required or quote their rights under the Act or regulations to make a request for information.
- 5.3 Should an individual require help to make a request under FOISA, they may contact the UHI Shetland Compliance Coordinator foi.shetland@uhi.ac.uk or contact the main switchboard on 01595 771000.
- 5.4 UHI Shetland will respond to valid FOI requests **as promptly as possible and no later than 20 working days** after receipt. Where clarification is reasonably required to identify the information requested, the timescale will begin once that clarification is received. If a valid fee is charged, the statutory clock is paused until payment is received.
- 5.5 UHI Shetland will provide reasonable **advice and assistance** to help applicants frame requests clearly, identify published information and understand how to seek a review if dissatisfied. This duty is part of good FOI practice and is reflected in both Scottish Information Commissioner guidance and UHI Shetland’s own FOI pages.
- 5.6 If an applicant is dissatisfied with the response, fees notice or failure to respond, they may ask UHI Shetland for a **review** within **40 working days**.

UHI Shetland will complete the review and issue a response **within 20 working days**. The review response will explain the applicant's right to appeal to the **Scottish Information Commissioner**. Wherever possible, the review should be handled by someone senior and/or independent of the original decision.

6. Exemptions

UHI Shetland may refuse to provide information that it deems to be exempt under the Act or EIR regulation. In cases where the college considers a request could be subject to an exemption, due consideration will be given to the request, to determine if some or any of the requested information can be disclosed.

This decision will be based upon the public interest test along with the FOISA exemptions, information rights of all data subjects, legal and contractual obligations and issues which may affect data security. Where information is found to be exempt, the college will issue a refusal notice to the requester, explaining why the information sought, is exempt from disclosure, in terms of the Act.

7. Compliance and Monitoring

- 7.1 UHI Shetland has appointed a Compliance Coordinator to ensure all requests are processed within the legal deadlines.
- 7.2 The college will ensure the Compliance Coordinator has received appropriate training to develop competence and ongoing training as part of their continual professional development.
- 7.3 An annual FOI report will be submitted to the Operations and Estates Committee summarising information requests received and the timescale for response in relation to the 20-day legal requirement. This will be presented to Audit Committee in Quarter 1 every year.

8. Exceptions

No exceptions to this policy.

9. Notification

- 9.1 This policy and attached procedures will be readily available on SH Staff Resources > Quality Matters > Policies and Procedures.
- 9.2 This policy will be available on the UHI Shetland website.

10. Roles and Responsibilities

10.1 Vice Principal Operations

Lead officer for Freedom of Information at UHI Shetland. Provides organisational oversight, resources and assurance that UHI Shetland meets its freedom of information obligations and keeps compliance under review.

10.2 Compliance Coordinator

Acts as the institutional point of contact for day-to-day Freedom of Information matters; maintains FOI governance records; supports the logging, coordination and monitoring of requests, reviews, publication scheme content, records-management liaison, advice and staff awareness; and liaises with relevant UHI partnership colleagues on FOI compliance and information governance issues.

10.3 Senior Managers

Senior managers and information owners are responsible for ensuring that records in their areas are properly managed and can be located promptly for FOI purposes. They must support the timely handling of requests by carrying out searches, identifying relevant information, highlighting any sensitivities, and providing accurate responses within agreed timescales. They also support proactive publication and good records-management practice within their areas.

10.4 All Staff

All staff are responsible for recognising and promptly forwarding any request for recorded information that may fall under Freedom of Information or the Environmental Information (Scotland) Regulations. Staff must cooperate fully with the handling of requests by preserving relevant information,

carrying out reasonable searches when asked, and providing complete and timely responses to the Compliance Coordinator or other designated officer. Staff are also responsible for managing records in accordance with institutional policies and must not delete, amend or conceal information that may be relevant to a request once received.

10.5 Board of Management

The Board and Senior Management Team are responsible for providing strategic oversight of UHI Shetland's compliance with Freedom of Information legislation and for promoting a culture of openness, transparency and accountability across the institution. This includes approving and periodically reviewing the FOI Policy and associated publication arrangements, receiving assurance on compliance, risk and performance where appropriate, and ensuring that sufficient resources, responsibilities and governance arrangements are in place to support effective FOI compliance.

11. Legislative Framework

- [Data Protection Act 2018](#)
- [General Data Protection Regulation \(GDPR\) 2018](#)
- [Freedom of Information \(Scotland\) Act 2002](#);
- [Environmental Information \(Scotland\) Regulations 2004](#)
- [Equality Act 2010](#)

12. Related Policies, Procedures, Guidelines, and Other Resources

- [The Scottish Information Commissioner's Model Publication Scheme and Guide for Authorities](#)
- UHI Shetland records management, retention, complaints, data protection and information governance policies.
- UHI Shetland Data Protection Policy, Process, and Guide

13. Version Control and Change History

Version	Date	Approved by	Amendment(s)	Author
0	19/06/26	Operations and Estates	New Policy	Vice Principal Operations / Compliance Coordinator