

# Freedom of Information, Data Protection, and You!

**It is the responsibility of all staff at Perth College UHI to be aware of how information legislation may affect you and the way you do your job.**

**This leaflet provides an introduction to the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1988, and how to respond to requests for information.**

## Freedom of Information

The Freedom of Information Act (Scotland) 2002 which came into force on 1 January 2005, entitles any individual to request any information held by the College, regardless of when it was created, by whom, or the form in which it is now recorded (paper, electronic, film, audio etc). The purpose of the Act is to encourage transparency, accountability and openness in publicly funded organisations.

### What is a Freedom of Information Request?

The request has to be made in permanent form (including voicemail) but does not need to state that it is a Freedom of Information request, nor does the individual need to provide details as to why they require the information.



The applicant needs to state their name, include an address for correspondence and describe the information required. However, they are not required to provide any proof of identity, and an email address is sufficient even if it is an anonymous webmail address (Hotmail, Googlemail etc).

Therefore please treat all non-routine requests for information as Freedom of Information requests even if you have no idea who they are actually from.

## Obligations in Replying to a Freedom of Information Request

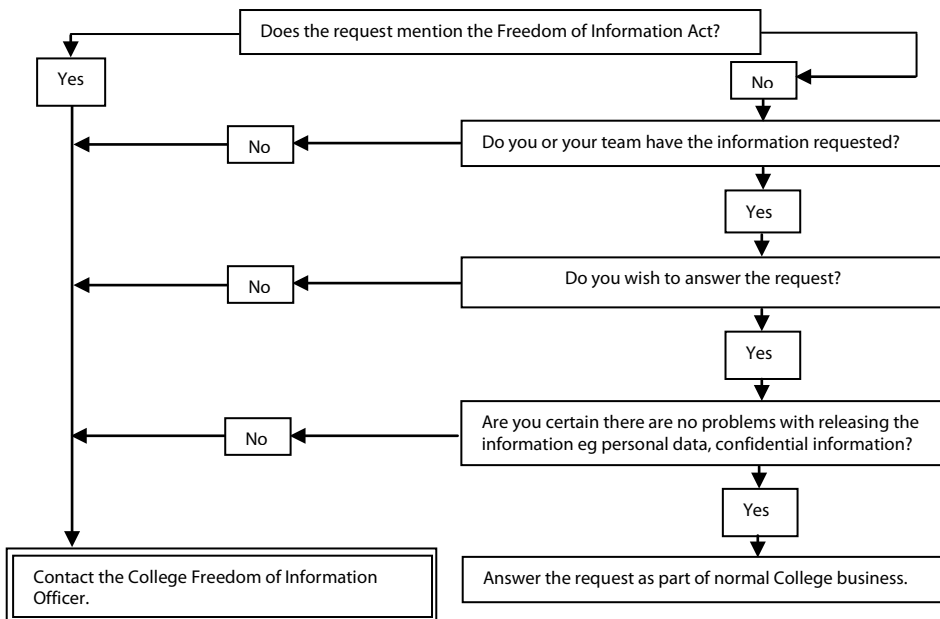
- The College must respond to the individual applicant within 20 working days of receiving the request in writing (40 days under Data Protection regulations).
- The applicant must be told whether the College holds the requested information and have the information communicated to them subject to exemptions.

## Exemptions

There are many exemptions that can apply to information. However, the starting point for considering any request is that the information should be released if possible.

## What Do I Do if I Receive a Freedom of Information Request?

If you receive a request that specifically mentions Freedom of Information forward it to the College Freedom of Information Officer. If the request does not mention the Act but you are unsure or unwilling to answer the request then you should also contact the Freedom of Information Officer. A **Freedom of Information Request Form** is available on the Freedom of Information section of the College website.



## Data Protection

The Data Protection Act allows individuals (such as staff or students) the right to see any information held about them by the College, irrespective of its format. The Act also provides guidance on the handling of information. Essentially the Act requires that any personal data, meaning information about an identifiable living person is kept secure, up to date, accurate, relevant and for no longer than is necessary.

### What is a Data Protection Request?

A request is when an individual asks to see the information held on them by the College. If you receive such a request immediately forward it to the Freedom of Information Officer.

### What Do I Need to Do if I Collect or Manage Personal Data as Part of my Job?

You will need to make the individuals concerned aware that the information is being stored and say how it will be used and only use the information for that purpose.

Think about Data Protection before releasing personal data to a party outside of College. For example, parents of students have no automatic right to information concerning the student. If you are unsure about releasing data contact the Freedom of Information Officer.



Always remember to use appropriate security controls to protect personal data from unauthorised access.

Paper records containing personal data should always be disposed of as confidential waste.

Similarly, personal data stored electronically should be erased using a method that prevents the information from being recovered.

A **Data Protection Subject Access Request Form** is available on the Freedom of Information section of the College website.

## **Further Information**

More information and advice regarding Freedom of Information and Data Protection is available on the College Website Freedom of Information area.

<http://www.perth.uhi.ac.uk/foi/Pages/default.aspx>

If in doubt about any information request, contact the College Freedom of Information Officer:

**Donald Maclean  
Freedom of Information Officer  
Perth College UHI  
Crieff Road  
Perth  
PH1 2NX**

**01738 877625  
donald.maclean@perth.uhi.ac.uk**



**Scottish Information Commissioner  
[www.itspublicknowledge.info/](http://www.itspublicknowledge.info/)**