

Freedom of Information (Scotland) Act 2002

Model Publication Scheme for Scotland's Colleges

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Freedom of Information (Scotland) Act 2002

Model Publication Scheme for Scotland's Colleges

Perth College UHI – June 2009

Introduction

This document follows the Model Publication Scheme (MPS) for Scotland's Colleges that has been developed by the Association of Scotland's Colleges (ASC). This revised MPS was approved by the Scottish Information Commissioner ('the Commissioner') on **14 April 2009**. We are obliged to review this scheme from time to time.

The Legal Background

The Freedom of Information (Scotland) Act 2002 ('the Act') requires Scottish Public Authorities (SPAs) to adopt and maintain a **publication scheme**, and to publish information in accordance with that scheme (see Section 23 of the Act). The scheme must specify: **a** the classes of information which the authority publishes or intends to publish, **b** the manner in which information of each class is, or is intended to be, published; and **c** whether the published information is, or is intended to be, available to the public free of charge or on payment. The Act also allows the Commissioner to prepare or approve model publication schemes for classes of SPAs. Where an Authority adopts an approved MPS without modification, no further approval of the Commissioner is required so long as that model scheme remains approved; but the approval of the Commissioner is required in relation to any modification of the scheme by an authority.

The Environmental Information (Scotland) Regulations 2004 ('EIRs') requires SPAs to take reasonable steps to organise and keep up to date the environmental information which it holds and which is relevant to the SPAs function, with a view to active and systematic dissemination and to make this information progressively available by electronic means which are easily accessible to the public, unless it was collected before 14 February 2003 and is not available in electronic form. As a minimum, the EIRs oblige the SPAs to make available the type of information specified in Regulation 4 (2) of the EIRs. The ASC recommends that such information is made available through the individual colleges' FOI publication scheme.



The Publication Scheme

This MPS has been compiled by ASC with regard to the public interest in allowing public access to information relating to the activities of the Scotland's Colleges, including the provision of services by Scotland's Colleges, the cost of providing them, the standards attained, and the reasons for decisions made by them.

The MPS consists of an introductory section, for general information about the college and its publication scheme, and the main part of the MPS consists of 16 main groups, each of which has several classes of information. The groups are in a logical order and no one single group has a higher status than another. Each **class** has a **class name** and a **Class Description**. It is the class to which the legal commitment to publish information is made. The types of information and

documents listed in the Examples/Comments column are there only to provide further guidance to the college, and are not an exclusive list. Colleges adopting this MPS must publish any information not otherwise exempt under the Act that meets the Class Description.

Each college will have to decide what information it has which is subject to the MPS. Colleges are expected to interpret the classes (and the guidance in the Examples/Comments column) in the light of their own local circumstances. (For example, information should not be excluded because of differences in terminology.) In particular, the level of detail required has to be a matter for local decisions in light of individual college circumstances – it is quite clearly impossible to specify what is appropriate for all college in a sectoral MPS.

The MPS applies only to information recorded or amended after the date the college adopted the MPS, unless otherwise stated in relation to a particular class or classes. However colleges are encouraged to publish information recorded or amended before the date of adoption where they judge it in the public interest to do so eg statistical, factual or analytical information which relates to current policy decisions or services. In this context colleges are reminded that the Act is fully retrospective and hence that material omitted from the publication scheme because of the date of recording or amendment is nevertheless covered from 1 January 2005 by the individual rights of access in S 1(1).

Categories of Information in the MPS

The categories are:

1	Introduction
2	General Information
3	Access to Information
4	Governance
5	Financial Resources
6	Corporate Planning
7	Procurement
8	Human Resources
9	Physical Resources
10	Health and Safety
11	Diversity
12	Student Administration and Support
13	Teaching Quality
14	Information Services
15	External and Community Relations
16	Government and Regulator Relations
17	Environmental Information

The columns used in this model publication scheme are shown below.

Column	Description
Class Name	Short name of the class of information.
Class Description	What type of information is covered by the class.
Examples/Comments	Examples and comments to aid both the college and the public to understand what type of information is covered by the class.

Manner of Publication

Perth College UHI will publish appropriate documentation on its website (<http://www.perth.uhi.ac.uk/foi/Pages/default.aspx>) and also make the scheme available in print format at College reception areas, and at all of its Learning Centres. Where materials are required in an alternative format (eg audio or large print) please contact the Freedom of Information Officer in the first instance. In cases where material is only available by inspection on the college's premises (eg because the material is too costly or difficult to produce in hard copy or electronic format, or is subject to conservation requirements) the college's scheme should state clearly the access arrangements.



Publication Timescale

In some of the Classes covered by this Model Publication Scheme, information is not published in accordance with this Model Publication Scheme until it is formally approved, a process which may take some time after its initial creation in draft form. This applies especially to minutes of meetings, which are normally not available until approved by the next meeting in the sequence. The relevant timescales are published in the same locations and in the same form that the information will ultimately be published.

Documents Common to all of Scotland's Colleges

The Commissioner looks for specific types of documents which should be included within a scheme in order to demonstrate that the authority has considered the public interest in formulating their scheme. For Scotland's Colleges these are:

- College prospectus.
- Annual report.
- Strategic plans.
- Costs and fees charged to students.
- Audited accounts.
- Recent HMIE reports.
- Performance indicators.
- List of publicly owned companies.
- Board of Management minutes and minutes of board sub-committees.
- Press releases and any news announcements from the college.
- Environmental information.

Most of this information is covered in some detail in the MPS. However each college should aim to have these key documents available and easily accessible to members of the public through the college web site.

Model Publication Scheme for Scotland's Colleges

1 Introduction

The Commissioner's Publication Scheme Template recommends that some general information is provided at the beginning of a publication scheme. The material here is based on the Commissioner's guidelines:

<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.asp?IID=2529&SID=185>

Perth College UHI Publication Scheme

Produced as required by the Freedom of Information (Scotland) Act 2002.

1 Introduction to the Publication Scheme

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available. This publication scheme has been approved by the Scottish Information Commissioner, who is responsible for enforcing FOISA. We are also obliged to review this publication scheme from time to time.

The purpose of the publication scheme is to provide you with details of the range of information that we routinely publish. The scheme also provides details of how you can access this information and informs you whether it is free, or if there is a charge for the information. The scheme reflects Perth College UHI's desire for openness and transparency in its business and public affairs. We welcome comment on the structure or content of the scheme: please contact the Freedom of Information Officer in the first instance (contact details on Page 8).

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provides a separate right of access to the environmental information that we hold. This publication scheme also contains details of the environmental information that we routinely make available.

Where information is not published under this publication scheme, you can request it from us under FOISA or, in the case of environmental information, the EIRs. For further information on accessing information not covered by this scheme, refer to Section 11 – How to Access Information Not Available Under the Scheme. Please see the Accessing Information area of the website for an Information Request Form, or use the form included in the print version.

2 About Perth College UHI

Perth College UHI is the major provider of vocational training and education in Perthshire. In addition to our main campus in Perth, we have dedicated Learning Centres in Perth city centre, Blairgowrie, Crieff, Kinross and Pitlochry which serve the needs of local and remote communities.



The College is a partner in UHI Millennium Institute, through which it offers a range of degree programmes. Perth College UHI is managed by a Board of Management, with members drawn from business and the education and training communities. Teaching and support staff and the student body are also represented.

AST (Air Service Training) has been recognised as a world leader in providing specialist aviation training for engineers since 1934. Perth College UHI took it over in 1996, and is committed to developing aeronautical engineering courses and adding value in the form of language, IT and management training for AST students.

Working together, the 2 organisations have designed courses at NQ, HNC, HND, and now Degree level in Aircraft Engineering. AST is UK CAA Approved and is based at Perth Airport, approximately 15 minutes drive from Perth College UHI, and 2 hours flying time from London. It is the training provider of choice for airlines, maintenance companies and the military from over 140 countries across the world.

Contact details for AST can be found here:

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

3 Preparing the Publication Scheme

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- The services we provide;
- The costs of those services;
- The standard of those services;
- The facts that inform the decisions we take which are of importance to the public; and
- The reasoning that informs our decisions.

In preparing this publication scheme Perth College UHI has consulted with UHI and College stakeholders in order to provide information in readily accessible formats, including the College website, large print and audio, so that requesters can access it, as far as possible without the need for written requests.

4 Accessing Information Under the Scheme

Information available under our publication scheme will normally be available through the routes described below. **Section 12 – Classes of Information** provides more details on the information available under the scheme, along with additional guidance on how the information falling within each "class" may be accessed.

Online

Most information listed in our publication scheme is available to download from our website. In many cases a link within **Section 12: Classes of Information** will direct you to the relevant page or document. Where no such link is present, you can use our website's "Search" facility at <http://www.perth.uhi.ac.uk/Pages/default.aspx>. If you are still having trouble finding any document listed under our publication scheme, then please call **Donald MacLean, Freedom of Information Officer (01738 877625)** for further assistance.



By Email

If the information you seek is listed in our publication scheme but is not published on our website, we can send it to you by email, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

By Phone

Information can also be requested from us over the telephone. Please call **Donald MacLean, Freedom of Information Officer (01738 877625)** to request information available under this scheme.

By Post

All information under the scheme will normally be available in paper copy form. We can also supply audio or large print versions on request. Please address your request to:

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



When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, and any fee applicable (see **Section 6: Our Charging Policy** for further information on fees). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

You can download a **Freedom of Information Request Form on the website** or use the Freedom of Information Request Form available at Appendix 1.

5 Information That We May Withhold

All information covered by our publication scheme can either be accessed through our website or will be provided promptly following receipt of your request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in **Section 12 – Classes of Information**. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the EIRs) expressly permits it.

Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information, and its release would breach data protection legislation.

Whenever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where the document containing the information cannot be released, it may, in many cases, be possible to provide copies with the withheld information edited out.

6 Our Charging Policy

All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out on the next page.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction Costs

Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Computer discs will be charged at the rate of £1.00 per CD-Rom.

Postage Cost

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

7 Our Copyright Policy

Perth College UHI holds the copyright for the vast majority of information in this publication scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.



The publication scheme may, however, contain information where the copyright holder is not **Perth College UHI**. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder. Wherever possible, this scheme will indicate where we do not own the copyright on documents within **Section 12 – Classes of Information**.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.

8 Our Records Management and Disposal Policy

Perth College UHI is currently preparing a Formal Records Management and Archiving Policy which will take account of paper and electronic records. When available, this will be published as part of the publication scheme.

All student and staff records are held in accordance with Perth College's Data Protection Policy.

9 Feedback

FOISA requires that we review our publication scheme from time to time. We will attempt to do this at least annually. As a result, we welcome feedback on how we can develop our publication scheme further. If you would like to comment on any aspect of this publication scheme, then please contact us. You may, for example wish to tell us about:

- Other information that you would like to see included in the publication scheme.
- Whether you found the publication scheme easy to use.
- Whether you found the publication scheme useful.
- Whether our staff were helpful.
- Other ways in which our publication scheme can be improved.



Please send any comments or suggestions to:

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

10 Complaints

Our aim is to make our publication scheme as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the publication scheme, however, then please contact us, and we will try and resolve your complaint as quickly as possible. You can contact:

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

Any complaint will be acknowledged within 2 working days of receipt and we will respond in full within 20 working days.

You have legal rights to access information under FOISA and EIRs and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing* or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this 3 step process, and he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

*Verbal requests for environmental information are acceptable.

11 **How to Access Information which is not Available Under this Scheme**

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. FOISA provides you with a right of access to the information we hold, subject to certain exemptions. EIRs separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.



Should you wish to request a copy of any information that we hold that is not available under this publication scheme, please write to:

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

Charges for Information not Available Under the Publication Scheme

The charges for information which is available under this scheme are set out under **Section 6 – Our Charging Policy**. If you submit a request to us for information which **is not** available under this publication scheme the charges will be based on the following calculations:

General Information Requests

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time used to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. However charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have 3 months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges for Environmental Information:



We do not charge for the time spent to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. However charges may be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have

60 working days from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

Requests for Your Own Personal Data

You can download a form for requesting personal information held by the college at:

www.perth.ac.uk/foi/documents

This form is also available in print form at Appendix 2.

12 **Classes of Information**

- 1 Introduction
- 2 General Information
- 3 Access to Information
- 4 Governance
- 5 Financial Resources
- 6 Corporate Planning
- 7 Procurement
- 8 Human Resources
- 9 Physical Resources
- 10 Health and Safety
- 11 Diversity
- 12 Student Administration and Support
- 13 Teaching Quality
- 14 Information Services
- 15 External and Community Relations
- 16 Government and Regulator Relations
- 17 Environmental Information

More information is available in the Commissioner's Guide to Publication Schemes, available from the web site at <http://www.itspublicknowledge.info/>

Appendix 1

Freedom of Information – Information Request Form

Contact Details					
Name:					
Address:					
Telephone Number:		Email:			
Information Requested (If you need assistance in describing your request, please contact the Freedom of Information Officer: Donald MacLean, 01738 877625, donald.maclean@perth.uhi.ac.uk)					
Please indicate your choice of format for information, if available.					
Electronic	<input type="checkbox"/>	Hardcopy	<input type="checkbox"/>	Other (please specify)	
Please indicate how you would like the information to be delivered to you.					
Email	<input type="checkbox"/>	By Post	<input type="checkbox"/>	Other (please specify)	
Signed:					
(Type name if submitting electronically):					
Date:					

For College Staff Use	
Received by:	Date:
Transferred by:	Date:
Response Time Expiry Date (Date of Receipt plus 20 Working Days):	
Action Taken:	
Outcome:	
Signed:	Date:

Data Protection

Any personal details that you supply on this form are protected under the Data Protection Act 1988 and will only be used to facilitate processing of your request.

This information will not be disclosed to a third party without your consent.

Appendix 2

Data Protection: Subject Access Request Form

Under the terms of the Data Protection Act 1998, staff, students and other users of the College have the right to access to personal data relating to themselves that is held by the College in electronic format and/or manual records forming part of a 'relevant filing system'.

Any individual who wishes to exercise this right should apply using this subject access request application form.

The College needs to be assured of an applicant's identity before relevant data is released, and a fee (£10.00) is due when a request for the release of data is made.

The College may hold personal records in different parts of its organisation. To assist us to provide the information you require, please provide the following information:

Details
Surname:
Former Surname (if applicable):
Forenames:
Address:
Telephone Number:
Date of Birth:

Students
Are you a present or past student of Perth College UHI? Yes/No (Delete as applicable)
If yes, please give details of course of study and dates:

Staff
Are you a present or past member of staff? Yes/No Present/Past (Delete as applicable)
If yes, give department:
For past staff, give dates of employment:

Others (Neither Staff nor Student)
If you are neither staff nor student, please specify your connection with Perth College UHI:

Information Required

The College may hold personal records in different parts of the organisation. Please specify the information you require. Please be as specific as possible to help us process your request as quickly as possible.

Your Signature: _____ Date: _____

On completion, this form should be sent to the:

Data Protection Officer
Perth College UHI
Crieff Road
Perth
PH1 2NX

College Use Only

Reference No: _____ Date Received: _____

Confirmation of identity checked: Yes No

Fee Received (£10.00): _____ (Signature)