

MANUAL ON RESPONDING TO REQUESTS FOR
INFORMATION UNDER THE FREEDOM OF INFORMATION
(SCOTLAND) ACT 2002

CHECKLIST

1.	OCES checked to see if request is repeated or vexatious?	
2.	Identified as FOI (20 day) or FOI (30 day) enquiry?	
3.	Enquiry logged in OCES?	
4.	CALM/Records Management database checked for any current exemptions?	
5.	Information checked for any possible exemptions?	
6.	Senior Management sanctioned application of exemptions by NAS?	
7.	Reply sent to the applicant?	
8.	Information provided if appropriate?	
9.	Scottish Government FOI unit consulted if non-routine enquiry?	
10.	Monitoring information supplied to Scottish Government FOI unit?	
11.	Exemptions noted in CALM/Records Management database?	
12.	Enquiry closed?	

Contents

1. Introduction	page 4
2. The Scottish Information Commissioner	page 5
3. The Scottish Government Freedom of Information Unit	page 5
4. The NAS Freedom of Information Officer	page 6
5. Freedom of Information requests	page 6
6. Dealing with requests	page 8
Logging requests	
The ticking clock	
Staff absences	
Vexatious or repeated requests	
Clarification	
Referral to correct source	
7. Refusal Notices	page 10
8. Fragile Records	page 10
9. Exemptions	page 11
10. Applying exemptions	page 12
11. Absolute exemptions	page 13
12. Non-absolute exemptions	page 13
13. The public interest test	page 13
14. Government records	page 14
Records of UK Departments	
Pre-devolution Scottish Office records covering devolved matters and all Scottish Executive/Government records	
Pre-devolution Scottish Office records	
Agencies	
Non Departmental Public Bodies	
15. Private records	page 15
16. Court records	page 16
17. Charge and superintendence records	page 16
18. Providing the information	page 16
19. Redaction	page 17
20. Cost exemptions and charging	page 17
Existing fees and charges	
FOI fees and charges	
Estimating the cost of a request	
Enquiries which exceed the cost limit	
Fees Notices	
21. Closing a request	page 19
22. Complaints and Appeals	page 19
Appendix A: Letter templates	

1. INTRODUCTION

- 1.1 This manual concerns the Freedom of Information (Scotland) Act 2002 (FOISA) and its implementation by the National Archives of Scotland (NAS). It is intended to set out the process of dealing with Freedom of Information (FOI) requests at the (NAS). Any request for environmental information would be dealt with under the Environmental Information Regulations (EIR) and any data subject access request would be dealt with under Data Protection (DP) legislation. Historical enquiries will continue to be dealt with as before.
- 1.2 This manual covers both FOI (20 day) and FOI (30 day) requests. The distinction is based on response deadlines and these categories are used by NAS only. Decisions made in response to FOI (20 day) requests are made by NAS within 20 working days whereas FOI (30 day) requests are referred to another public authority and the deadline is extended to 30 working days to account for this.
- 1.3 FOI (20 day) requests pertain to all information contained in NAS corporate records. This category also includes archives that have been gifted to or purchased by the NAS and are not “otherwise accessible”. For instance, gifted records that have not been catalogued may be subject to FOI (20 day) requests.
- 1.4 FOI (30 day) requests pertain to information that is contained in records that the Keeper of the Records of Scotland holds on behalf of other public authorities. For these requests it is for the other public authority and not for the NAS to make a decision on whether any of the FOI exemptions apply to the information requested. However, it is the responsibility of the NAS to keep the applicant informed and to reply with the final decision. Applicants should also be notified that the deadline for these requests is 30 rather than 20 working days. Copies of correspondence between the NAS and the transferring authority must be kept and will be important if an appeal is made to the Scottish Information Commissioner.
- 1.5 This manual is not designed to provide a detailed account of all aspects of the Act. Further information is available in the Record Keeping section of the NAS website: www.nas.gov.uk and on the website of the Office of the Scottish Information Commissioner: www.itspublicknowledge.info.

2. THE SCOTTISH INFORMATION COMMISSIONER

- 2.1 The Scottish Information Commissioner is the public official responsible for enforcing and promoting Scotland's FOI and EIR laws. The Scottish Information Commissioner (SIC) investigates appeals and may make practice recommendations to public authorities regarding their discharge of functions under the Act or related record keeping issues.
- 2.2 As a public authority to which FOI requests may be made, the NAS has special provisions under the legislation. Any information which the Keeper of the Records of Scotland makes available to members of the public on request is considered by the SIC to be "otherwise accessible" and is exempt under section 25 of the Act. This includes information that can only be consulted on the premises. This exemption does not apply to other public archives in Scotland.
- 2.3 Section 44(3) of the Act requires the SIC to consult the Keeper of the Records of Scotland when issuing a practice recommendation in conformity with the section 61 Code of Practice on Records Management. There is a Memorandum of Understanding between the Commissioner and the Keeper on the operation of the section 61 Code of Practice and the issuing of practice recommendations.
- 2.4 In 2005 a *Concordat between the Scottish Executive and the Department for Constitutional Affairs* (the UK Government Department responsible for upholding justice rights and democracy) was published. This is available on the Scottish Government website. Annex B of the *Concordat* asserts that FOI requests for access to UK public records which have been transferred to the Keeper of the Records of Scotland because they are wholly or mainly concerned with Scottish affairs shall be dealt with under the UK Freedom of Information Act 2000.
- 2.5 The UK Information Commissioner is responsible for regulating the Freedom of Information Act 2000. Further details are available on the website of the UK Information Commissioner's Officer: www.ico.gov.uk.

3. THE SCOTTISH GOVERNMENT FOI UNIT

- 3.1 There is a protocol on liaison between the Scottish Government and Government Agencies as regards request handling under the Freedom of Information and Environmental Information laws. This applies to the NAS. The protocol is available on the Freedom of Information section of the Scottish Government intranet.
- 3.2 Although Agencies are operationally independent, responsibility for most of their work lies with the Scottish Ministers. This is the reason that the Scottish Government FOI Unit takes an interest in FOI handling by government Agencies.
- 3.3 The protocol covers:

- roles and responsibilities;
 - the process and considerations for handling FOISA/EIR requests;
 - managing the wider dissemination of information which is disclosed in response to FOISA/EIR requests;
 - request monitoring;
 - publication schemes;
 - training.
- 3.4 The Scottish Government FOI Unit should be informed of all non-routine FOI requests by email to foi@scotlands.gsi.gov.uk.
- 3.5 The Scottish Government publishes guidance concerning FOI on its website: www.scotland.gov.uk.

4. THE NAS FOI OFFICER

- 4.1 The NAS FOI Officer is responsible for:
- ensuring that the NAS is fulfilling its obligations under the FOI Act;
 - providing guidance on NAS FOI policies and procedures;
 - coordinating responses to FOI (20 day) requests;
 - liaising with branches over FOI (30 day) requests;
 - managing foi@nas.gov.uk inbox
 - maintaining the NAS Publication Scheme and Disclosure Log;
 - ensuring that FOI information on the NAS website is up to date.
- 4.2 Replies to applicants may be written by the NAS FOI Officer or any other member of staff as appropriate.

5. FOI REQUESTS

- 5.1 There is no need for applicants to cite the legislation or to explain why they are asking for it. The requirements for identifying FOI requests are set out below.
- 5.2 The request is **NOT** an FOI request if:
- The request is for general advice, e.g. about opening hours;
 - The information is already available via the NAS Publication Scheme;
 - The request is about information held in records that are already accessible through the search rooms (i.e. can be inspected or copied);
 - The applicant requests information about themselves (these are Data Subject Access requests and will be dealt with by the NAS Data Protection Officer);
 - The request concerns environmental information and qualifies as an EIR request;

- The request relates to records of private companies or individuals deposited on loan and are held by the NAS “on behalf of another person”.

5.3 The request **IS** an FOI request if:

- The request is for information from the NAS’ own corporate records;
- The request concerns records which have not been designated as open;
- The request relates to information held in uncatalogued material;
- The request is about personal data about an individual other than the applicant (these “third party request” are also subject to Data Protection principles).

5.4 FOI requests **MUST**:

- Be in writing or in another permanent form so that it can be used for further reference (for example, letter, e-mail, fax, answer phone, audio tape);
- State the applicant’s contact details including the applicants real name and an address for responding (this can be an e-mail address but their name must also be written in the body of the message)
- Describe the information requested.

5.5 Some applications may contain several different requests which require a different action for each, for example an FOI request, an EIR request, a DP request and an historical request. Each type of request should be logged separately using the right category and dealt with according to the appropriate procedures.

5.6 If requests are made verbally the applicant will be asked to state the request in a permanent form. If they are not able to do so themselves, staff will write down the request and have it verified by the applicant.

5.7 A request could be received by any staff member at any place in the NAS and the obligations are the same no matter what.

6. DEALING WITH REQUESTS

6.1 Logging requests

FOI requests must be logged using the Online Central Enquiry System (OCES). FOI (20 day) requests will usually be logged by the NAS FOI Officer. FOU (30 day) requests will usually be logged by the branch dealing with its referral to the depositing public authority. Two categories are available in OCES indicating 20 or 30 day enquiries respectively.

Circumstance	Deadline
Information is held in the NAS's own records	20 working days
Information is held in records gifted to or purchased by the NAS and does not come under the section 25 exemption of "otherwise accessible"	20 working days
Information is held in records held by the NAS on behalf of other public bodies where the request is forwarded to the record creating authority to determine an exemption	30 working days

6.2 The ticking clock

Requests for information must be dealt with promptly. The clock starts ticking on the first working day when the request is received into the office. Different situations carry different definitions of 'received':

Situation	Received means
Request is a letter	it has been date-stamped by FAB as received in the office
Request has had to be written down by a staff member and verified by the applicant	the date when the request has been verified and approved by the applicant
E-mails received by 10:00 on a working day	the date of that working day
E-mails received after 10:00 on a working day	the next working day
E-mails received during the weekend	the following Monday
E-mails received on a public holiday	the following working day
Further information is required from the applicant for clarification	the 20 day clock starts upon receipt of the required clarification
A fees notice is sent to the applicant	the clock freezes when the fees notice is sent out and restarts the day after payment is received. It

	does not restart at 0 working days but resumes where it was paused.
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6.3 Staff absences

Branches are advised to have in place arrangements to deal with requests received during staff absence. Requests that are left in an in-tray or e-mail inbox do not attract extended deadlines in which they must be answered. It is suggested that staff use the e-mail 'out of office' automated response facility to refer people to alternative named colleagues or to shared inboxes (e.g. CLRB@nas.gov.uk). E-mail authorisations may also be established to enable designated colleagues to check other staff inboxes during periods of absence.

6.4 Vexatious or repeated requests

Where a request has already been answered, we are not obliged to reply to subsequent requests from the same person where the response would be identical or substantially similar, unless a reasonable period of time has elapsed between the initial and subsequent request. Before dealing with a request, search OCES to check if it is repeated. If a request is considered to be vexatious or repeated one Refusal Notice to that effect must be issued. Subsequent refusal notices do not need to be issued if the vexatious request continues to be made.

6.5 Clarification

Valid requests should clearly explain what information is required. If it does not, we may ask the applicant for clarification. The response period begins once the enquiry has been fully clarified.

6.6 Referral to the correct source

If the information is not deemed to be held by us, a notice under section 17 of the Act (information not held) should be issued. The section 60 Code of Practice on Discharge of Functions under the Act describes the duty to refer the applicant to the correct source, if known. Do not transfer the request directly to the public authority but respond to the applicant promptly including the information that will enable them to redirect their enquiry.

7. **REFUSAL NOTICES**

7.1 Once a valid FOI request has been received there are various considerations to be made before providing the information. Requests may be refused if the information is otherwise accessible, if the information is not held, if it is a vexatious or repeated request, if

providing the information would cost more than £600, or if an exemption applies.

- 7.2 If we do not hold the information requested, we must give the applicant notice in writing stating this.
- 7.3 In answering FOI requests, staff must estimate the cost of answering the enquiry. There are limits on the work we have to do to satisfy a request if the work involved if it is deemed costly. If the cost of locating, retrieving and providing the information is more than £600 then the request can be refused on grounds of cost.
- 7.4 If a Refusal Notice is issued because exemptions apply, the response must:
- Disclose that we hold the information;
 - Specify the exemption applied;
 - State why the exemption applies;
 - Explain the outcome of a public interest test if it was applied;
 - Explain the right to request a review of original decisions;
 - Explain the right to appeal to the SIC following review.
- 7.5 We do not have to explain why the information is exempt if this would in itself result in the disclosure of exempt information. We can refuse to confirm or deny that we have the information, if certain exemptions apply and if it is considered that to reveal whether or not the information exists would be contrary to the public interest.

8. FRAGILE RECORDS

- 8.1 Information is not generally considered to be “reasonably obtainable” under the Act if it is available on an inspection-only basis. There is an exception for information held by the National Archives of Scotland. This information is considered reasonably obtainable if it may be consulted. This exception means that archival material that is not suitable for copying for preservation reasons does not have to be copied in order to satisfy FOI requests. However, the Scottish Information Commissioner considers that information should be made available for copying where this is practicable.
- 8.2 Requested information that is contained within fragile records may not be available for consultation. If information is found, or believed to be contained, within archival material that requires conservation treatment or is denoted ‘Unfit For Production’, contact the Conservation Services Branch.
- 8.3 It is possible that conservation work required to provide access to information contained within fragile records may cost in excess of £600 and may be refused on cost grounds. Assessment of these costs must be made by professional conservation staff

9. EXEMPTIONS

9.1 Exemptions limit the right of access to information under the Freedom of Information (Scotland) Act 2002. The exemptions fall into two categories: absolute and non-absolute and are detailed in Part 2 of the Act. The SIC has published guidance on the interpretation and application of exemptions.

9.2 The NAS catalogue and NAS Records Management database indicate if particular records contain exempt material. If requests for access to this information are made, the exemptions must be reviewed.

9.3 Exempt material in NAS corporate records and gifted collections

Each branch is best placed to consider exemptions in corporate information about its own activities, e.g Government Records Branch would be responsible for answering an enquiry about the selection of government records whereas Accommodation Services Branch would deal with questions relating to the refurbishment of NAS buildings. Senior Management Branch and the NAS Records Manager may also be consulted.

9.4 Exempt material held on behalf of other public authorities

When information is owned by another public authority, the records branch responsible will contact them in order to ascertain whether the exemption still applies or not. Each branch will follow its own procedures for referring FOI requests as agreed the record owners.

10 APPLYING EXEMPTIONS

- 10.1 The NAS can only apply exemptions to information in its own records or in gifted collections. If an exemption is to be applied to these records it must be sanctioned by Senior Management who will be responsible for ensuring consistency in application.
- 10.2 For the NAS' own files, the NAS file plan will show if an exemption may apply to information. Previously applied exemptions are recorded in the Records Management database. Consult the NAS Records Manager if necessary.
- 10.3 If the NAS decides that an exemption should apply to information, a reason must be given for the application of that exemption.
- 10.4 More than one exemption may be relevant to a particular FOI request.
- 10.5 NAS policy is that information made available to one person under Freedom of Information legislation, may be made available to all.
- 10.6 If only some of the information contained within a record is exempt, the rest of the information should be made available.
- 10.7 If you are applying exemptions to information in NAS corporate records, the Records Management database must be updated to reflect this. Provide Records Management staff with full details of the exemption applied so that they may record it in the Records Management database.
- 10.8 The NAS is likely to be affected by the following exemptions:
 - Section 25: Information otherwise accessible. This has been mentioned already and covers the archives that are already open to consultation as well as information in the Publication Scheme;
 - Section 33: Commercial interests and the economy, where the NAS has contractual agreements with commercial organisations;
 - Section 37: Court records
 - Section 38: Personal information

11. ABSOLUTE EXEMPTIONS

11.1 There are 17 categories of exempt information in total, 5 of these are absolute. If an absolute exemption applies, the NAS will be exempt from the obligation to give information on request. There is no need to consider a public interest test in these cases. Further guidance is available from the SIC on the website www.itspublicknowledge.info.

11.2 The Absolute Exemptions given in the Act are:

- Section 25: the information is otherwise accessible;
- Section 26: disclosure is prohibited by other law, community obligation or potential contempt of court;
- Section 36(2): breach of confidence;
- Section 37: Court Records;
- Section 38: Data Protection.

12. NON-ABSOLUTE EXEMPTIONS

12.1 Of the exempt categories, 13 are non-absolute and require further consideration. Non-absolute exemptions are subject to a public interest test, which means that even if an exemption applies, it should still be released if that action would be in the public interest.

13. THE PUBLIC INTEREST TEST

13.1 The term “public interest” is not defined in the FOI Act because the idea of what is in the public interest may change over time and according to the circumstances of individual cases. However, what is considered in the public interest is not necessarily the same as what is of interest to the public. The term is perhaps best interpreted as referring to what is of serious benefit or concern to the public. It is not something that is of individual interest but something that serves the interests of the public.

13.2 The Scottish Information Commissioner has produced a briefing note on applying the public interest test which is available on the website: www.itspublicknowledge.info.

13.3 The Section 60 Code of Practice as to Discharge of Functions under FOISA lists a number of factors which may inform decisions about public interest. It must be considered whether disclosure would:

- enhance scrutiny of decision-making processes and thereby improve accountability and participation;
- contribute to the administration of justice and enforcement of the law including the prevention or detection of crime or the apprehension or prosecution of offenders;

- affect the economic interests of the whole or part of the United Kingdom;
- contribute to ensuring effective oversight of expenditure of public funds and that the public obtain value for money;
- inform the public of any danger to public health or safety, or to the environment;
- impact adversely on safeguarding national security or international relations;
- contribute to ensuring that any public authority with regulatory responsibilities is adequately discharging its functions;
- ensure fairness in relation to applications or complaints, reveal malpractice or enable the correction of misleading claims;
- contribute to a debate on a matter of public interest;
- prejudice the protection of an individuals' right to privacy.

13.4 In deciding whether a disclosure is in the public interest, we should **not** take into account:

- possible embarrassment of government or other public authority officials;
- the seniority of persons involved in the subject matter;
- the risk of the applicant misinterpreting the information;
- possible loss of confidence in government or other public authority.

14. GOVERNMENT RECORDS

14.1 Many of the records which were marked as closed for 30 years will not qualify for exemption under FOISA but it should not be assumed that these records will automatically be open for public inspection. Records that were closed for 50, 75 or 100 years are more likely to contain information which might attract an exemption.

14.2 Records of UK Departments

The NAS holds some records on behalf of the UK Government Departments operating in Scotland and some cross-border authorities. In these cases, where such information has not been designated as open information, the NAS must refer requests under the UK FOI Act to The National Archives (TNA). The *Concordat between the Scottish Executive and Department for Constitutional Affairs* sets out how this should be done. The *Concordat* also covers enquiries concerning access to records of the Scotland Office or Commissioners of the Northern Lighthouse Board (NLB). These enquiries are referred to the Scotland Office or NLB respectively rather than to TNA. This is because they are excluded from the definition of public records given by the Public Records Act 1958 as they are "wholly or mainly concerned with Scottish Affairs".

14.3 Pre-Devolution Scottish Office records covering devolved matters and all post-devolution Scottish Executive/Scottish Government records

Requests for information contained in pre-devolution Scottish Office records covering devolved matters and all post-devolution records of the Scottish Executive/Scottish Government should be referred to the Scottish Government. The Scottish Government Information Management Unit will act as a point of liaison. A list of reserved matters is contained in schedule 5 of the Scotland Act, 1998. This Act is available on the NAS intranet or via the website of the Queen's Printer for Scotland: www.oqps.gov.uk.

14.4 Pre-Devolution Scottish Office records

Requests for information contained in pre-devolution Scottish Office records, relating to reserved matters should be referred to the Scotland Office. The *Concordat* sets out how this should be done.

14.5 Agencies

Requests for information contained in the records of Scottish Government agencies should be referred to the relevant agency. Government Records Branch keep details of external contacts.

14.6 Non-Departmental Public Bodies

Requests for information contained in the records of Non-Departmental Public Bodies (NDPB's) should be referred to the relevant body.

15. PRIVATE RECORDS

15.1 Requests for information in gifted and uncatalogued private collections will be dealt with by Private Records Branch. It may be possible to offer access to unlisted material or to offer copies of the records likely to contain the information. Most restricted access GD collections are deposits and not the property of the NAS and therefore will not be subject to FOI legislation. However this is not always the case. Some gifted private records that are the property of NAS do carry access restrictions. It may be necessary to consider whether the confidentiality exemption applies.

15.2 If the request relates to records of private companies or individuals deposited in the NAS on loan, it will not be dealt with under FOISA because the records are held by the NAS "on behalf of another person". This means that any existing restrictions on access to GD collections still apply.

16. COURT RECORDS

Court records are exempt under Section 37 of the Act. However, there are some records for which Court and Legal Records Branch are responsible which do come under the Act.

17. CHARGE AND SUPERINTENDENCE

Records held by local archives under the Charge and Superintendence of the Keeper of the Records of Scotland do not attract the Section 25 exemption (information otherwise accessible). The request should be referred to the appropriate local authority archive.

18. PROVIDING THE INFORMATION

- 18.1 Once a decision has been made to grant access to the information, there are certain considerations in providing that information to the applicant.
- 18.2 Try to accommodate the applicants' preferences for how they wish to access the information. This could be providing a copy of the record, an opportunity to inspect the record, or producing a summary of the information requested.
- 18.3 When deciding whether a request is reasonable, the NAS is allowed to consider the cost implications of meeting the wishes of the applicant in regard to the form that access will take. This decision must be recorded.
- 18.4 If a record contains both exempt and open information, make sure that the exempt information is protected, i.e. through redaction, summary, transcription, or by temporarily binding exempt pages so that the applicant can consult records under close supervision.

19. REDACTION

19.1 Redaction is the process used to provide copies of records where exempt information has been obscured, Under no circumstances will the original documents themselves be marked.

19.2 When redacting corporate records it is NAS practice to:

- photocopy the requested information;
- mask the exempt material on this copy and annotate the exemption(s) applied;
- photocopy the redacted copy and send this to the applicant;
- keep the original redacted copy made on the enquiry file.

19.3 It may be necessary for information contained in gifted or purchased collections to be redacted. This would be achieved by the responsible Records Services Branch and in consideration of archival preservation.

19.4 It is the policy of the NAS that transferring authorities will undertake any necessary redaction to facilitate access to their information.

20. COST EXEMPTIONS AND CHARGING

20.1 Existing fees and charges

The existing search room fees and charges also apply to FOI requests that concern records that are already accessible via the search rooms. There are different procedures when an applicant wants information from the Publication Scheme. One copy of any item in the Publication Scheme is provided free of charge, unless otherwise stated. For more than one copy requested at any one time the applicant would be charged 10p per sheet. Please see the NAS Publication Scheme for more information on this.

20.2 FOI fees and charges

Where information not otherwise accessible is requested, different procedures apply. In line with Scottish Government policy, the NAS will not charge for providing information where the cost of doing so falls below the upper cost limit of £600. Above that limit, the NAS may opt either to charge or to refuse to provide the information. Much of the information which the NAS will make available will fall below the level for incurring a fee and in practice, will be made available free of charge. If we choose not to provide the information on the grounds of cost, we have to issue a Refusal Notice.

20.3 Estimating the cost of a request

20.3.1 FOI charges may only be made for retrieving, locating and providing the information. The NAS **cannot** charge for costs associated with

determining whether or not the information is being held in the first instance or for any costs associated with considering whether particular exemptions apply.

20.3.2 The cost depends on:

- how long it has taken to locate the information;
- how long it has taken to retrieve the information;
- how much it costs to provide the information in the preferred format
- outlays like postage, cost of copying

20.3.3 If a fee is being charged it is important to keep a timesheet itemising the work involved. The maximum hourly rate that can be used is £15. As an indicator, a full week's work at this rate would meet the £600 upper cost limit.

20.4 Enquiries which exceed the cost limit

If it is estimated that the total cost of meeting the request will exceed the maximum cost limit of £600 then the NAS does not have to comply with the request. The obligation to provide advice and assistance remains. Staff should advise applicants whether the request could be re-formulated to reduce the cost of providing the information.

20.5 Fees Notices

20.5.1 Fees Notices are issued in order to charge for the provision of information where cost exceeds £600 and the request is granted.

20.5.2 The 'ticking clock' is paused when the Fees Notice is issued and resumes when payment is received. The deadline clock may be paused for up to three months while waiting for the applicant to pay the fee. If payment is not received within that time the request can then be closed. In this eventuality the applicant must be informed.

20.5.3 The applicant can dispute the fee in the same way as other complaints under FOISA. When a Fees Notice is sent out it must be accompanied with information on our complaints procedure and the right to appeal to the SIC.

21. CLOSING A REQUEST

When you are satisfied that the enquiry has been answered you must:

- Log the decisions made in OCES;
- File the request (there are separate files for FOI (20 day) and FOI (30 day) enquiries);
- Update CALM or Records Management Database with details of any exemptions applied;
- Provide necessary information to Scottish Government FOI unit;
- Facilitate the NAS FOI Officer updating the Disclosure Log;
- Close the OCES record.

22. COMPLAINTS AND APPEALS

22.1 An applicant who is dissatisfied with the handling of their request can ask us to review our actions and decisions. Senior Management should be informed of any complaints that are received and should be involved in all cases where there is a request for review.

22.2 Like requests for information, requests for review must be made in permanent form. They must be made within 40 working days subsequent to the original request deadline or to the date an overdue response was issued.

22.3 For requests to review FOI (20 day) decisions, we have 20 working days in which to respond. For requests to review FOI (30 day) decisions, we have 30 working days in which to respond. This includes referral to the transferring authority which will carry out the review and make the decision.

22.4 Reviews should be carried out by different people to those dealing with the original request.

22.5 If the applicant is not satisfied following review, they can appeal to the SIC. Applicants have 6 months within which to appeal. Detailed information on the appeals process is given on the website: www.itspublicknowledge.info.

Appendix A: Standard letter templates

Listed below are suggested templates available for replies to FOI requests. They can also be found in the FOI folder on the G drive.

1. [Clarification required](#)
2. [Information not held](#)
3. [Inform applicant of referral to TNA](#)
4. [Inform applicant of referral to record creating authority](#)
5. [Letter to Scottish department referring request](#)
6. [Letter to UK department referring request](#)
7. [Fees notice](#)
8. [Refusal notice on grounds of fees](#)

1. Clarification required

«Salutation»

Thank you for your information request dated [date of request].

Unfortunately I cannot locate the information you want. The subject area you have mentioned is an exceptionally wide one. Could you please give me a more specific description, such as [enter what needs to be clarified here], so that I might be better placed to trace it?

If you have any complaints, please write in the first instance to [FOI Officer] at the above address. If this fails to resolve the matter to your complete satisfaction, you have the right to apply to the Scottish Information Commissioner for a decision.

Yours sincerely

2. Information not held

«Salutation»

Thank you for your information request dated [date of request].

Unfortunately we do not hold the information you want but it is held by the [enter name of agency holding information] OR

Unfortunately we do not hold the information you want. You may wish to enquire of [enter name of agency] to find out if they hold the information you seek.

If you have any complaints, please write in the first instance to [FOI Officer] at the above address. If this fails to resolve the matter to your complete satisfaction, you have the right to apply to the Scottish Information Commissioner for a decision.

Yours sincerely

3. Inform applicant of referral to The National Archives (London)

«Salutation»

Thank you for your information request dated [date of request].

The information you have requested was transferred to the National Archives of Scotland by a department of the United Kingdom government and has not been designated as open information. This means that it cannot be made immediately available for consultation and is

held by the Keeper of the Records of Scotland on behalf of the Keeper of Public Records under the terms of the Freedom of Information Act 2000. I have therefore sent a copy of your request to The National Archives [name and address of contact] and asked them to reach a decision

- on what, if any, of the information can be released to you
- if any exemptions apply to the information, which one(s) and the reason for this
- if relevant, whether it is in the public interest to release the information to you

You should receive a reply to your request direct from The National Archives.

If you have any complaints, please write in the first instance to [FOI Officer] at the above address.

Yours sincerely

4. Inform applicant of referral to record creating authority

«Salutation»

Thank you for your information request dated [date of request].

The information you have requested has not been designated as open information. This means that it cannot be made immediately available for consultation and is held by the Keeper of the Records of Scotland on behalf of [name of record creating authority]. I have therefore sent a copy of your request to [name and address of contact] and asked them to reach a decision

- on what, if any, of the information can be released to you
- if any exemptions apply to the information, which one(s) and the reason for this
- if relevant, whether it is in the public interest to release the information to you

I shall write to you again once I have received their reply. This will be before [insert date]

If you have any complaints, please write in the first instance to [FOI Officer] at the above address. If this fails to resolve the matter to your complete satisfaction, you have the right to apply to the Scottish Information Commissioner for a decision.

Yours sincerely

5. Letter to Scottish department referring request

«Salutation»

I enclose a copy of an information request we have received from [name and address].

The information requested is, as far as we have been able to determine, contained in the following records:

[List of references and descriptions]

As these records have not been designated as open information I would ask that you reach a decision on the enclosed request. To enable us to reply to the applicant within the statutory response times I would ask that you send us a reply which we can pass to the applicant no later than [date]. Your reply should give details of

- what, if any, of the information can be released to the applicant
- if any exemptions apply to the information, which one(s) and the reason for this
- if relevant, whether it is in the public interest to release the information to the applicant

Yours sincerely

6. Letter to UK department referring request

«Salutation»

I enclose a copy of an information request we have received from [name and address].

The information requested is, as far as we have been able to determine, contained in the following records:

[List of references and descriptions]

If you require further assistance from us to progress this request please let me know.

Yours sincerely

7. Fees notice

«Salutation»

Thank you for your information request dated [date of request].

The cost of meeting your request for information is £X, which is in excess of the £600 upper cost limit set by the Scottish Executive. Freedom of Information requests which cost less than £600 to meet are dealt with free of charge. If you wish to alter your request you are entitled to do so.

If you decide to proceed with this request, please send a crossed cheque or money order, in sterling, made out in favour of the 'National Archives of Scotland', to: Accounts Department, National Archives of Scotland, General Register House, Princes Street, Edinburgh, EH1 3YY.

We can also accept payment by the following credit cards and debit cards: Visa, Mastercard, Maestro and Solo. In order to make a payment by credit/debit card you must provide us with: 1) the card number; 2) the card expiry date; 3) the issue number if Maestro; 4) the last 3 digits of the card security number (on the reverse of the credit card); 5) the cardholder's name and initials as displayed on the card; and 6) the cardholder's address. Please note that all of these details are essential. You can email this information to fab@nas.gov.uk with 'Estimate' in the subject line. You should however be aware that we do not have secure online payment facilities. Therefore you may prefer to send any credit card details by post to the address above. Alternatively, you may wish to telephone us with your payment details on 0131 535 1383.

We shall proceed with your request on receipt of payment. Please provide a postal address to send your order to on completion. This estimate is valid for three months only, from the date of this letter. If we do not receive payment from you within this time we shall notify you that your request for information has been closed.

If you have any complaints, please write in the first instance to [FOI Officer] at the above address. If this fails to resolve the matter to your complete satisfaction, you have the right to apply to the Scottish Information Commissioner for a decision.

Yours sincerely

8. Refusal notice on grounds of fees

«Salutation»

Thank you for your information request dated [date of request].

We estimate that the cost of meeting your request will be around £X. We have decided that this cost is prohibitively high and are therefore refusing your request. You are entitled to alter your request to reduce the cost. Requests for information which cost less than £600 are handled free of charge in accordance with Scottish Executive guidance on handling Freedom of Information enquiries (<http://www.scotland.gov.uk/Topics/Government/FOI>).

If you have any complaints, please write in the first instance to [FOI Officer] at the above address. If this fails to resolve the matter to your complete satisfaction, you have the right to apply to the Scottish Information Commissioner for a decision.

Yours sincerely