



Freedom of Information

Scottish Environment LINK

10 March 2020

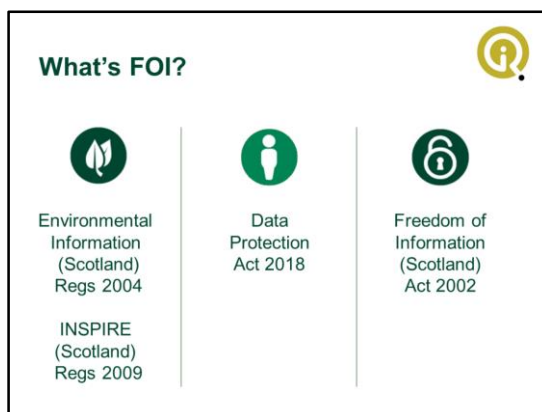
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Introduction

You have a right to know!



There are different laws that govern access to different types of information, but the key thing to take from today is that, from a requesters perspective, you often won't have to concern yourself with this – the key thing is simply to understand that **you have a right to know**. It's up to the authority handling your request to ensure that it's dealt with under the correct legislation, so you don't need to think too much about that when you make your request.

However, as you'll see, it can be useful to have an understanding about the differences that exist between different laws, particularly if the information you're requesting is environmental.

EIRs - If the information you're looking for is environmental, the request is made under the Environmental Information (Scotland) Regulations. The EIRs apply to Scottish public authorities, and some other bodies, and all requests for EI must be dealt with under the EIRs. Neither the EIRs or FOI will generally apply to private companies or voluntary sector organisations (although there may be some exceptions which we'll discuss later). There are similar regulations applying to UK wide public bodies and organisations operating in the rest of the UK.

Inspire Regs - European Directive, and require Scottish public authorities to make spatial datasets (e.g. map data) available.

Data Protection Act - If the information you're looking for is your own personal data, the request is handled under the Data Protection Act. We're not going to focus too much on the DPA from this point on, just say that the DPA governs how organisations manage personal data, and the DPA applies to all organisations that process personal data, including public authorities, private companies and voluntary sector organisations. If you're looking for information about **you**, the request is made under the DPA.

FOI Act - If you're looking for any other information (i.e. information that isn't personal to you or environmental) then the request should be dealt with under freedom of information. FOI covers all other information held by public authorities, that doesn't fall into the scope of these first two laws.



Show of hands - Who has made an FOI request? Did you generally get the information you were looking for? In 2018-19, 75% of (almost 84,000) requests resulted in full or partial disclosure, so a good majority of people do.

Here's a little about FOI, in brief:

- It applies to **public bodies** and not the private or voluntary sector, meaning that it applies to bodies including the Scottish Government and Parliament, all 32 local authorities, schools and colleges, the NHS and Police Scotland. There's also very similar but separate legislation which covers public bodies in the rest of the UK.
- We recommend you put your request in writing. That's because for requests under FOISA, for a request to be 'valid', it must be in **writing** (email or letter) – oral requests aren't covered. But for EIRs, they are – you can make a valid request on the phone. However, we still recommend you put it in writing, so that you can record it and it reduces the possibility for misunderstanding the request. Many authorities have dedicated FOI email addresses, but you can contact any member of staff with a request. Under FOISA, a request with a pseudonym or anonymous is not a valid request, and you should include your address (email is fine) so that they can contact you.
- FOI only applies to 'recorded' information – this doesn't cover meetings that weren't minuted or conversations that took place. It also can't cover information that isn't held – it can't be created for the purpose of the request. But FOI does cover EVERY piece of recorded information that an authority does hold – from archived documents to an email sent this morning.
- The Act requires authorities to respond to your request promptly, and within 20 working days - they have a legal obligation to do so. This is the upper time limit – it is good practice to respond promptly.
- There is a presumption in favour of disclosure. Information can only be withheld in certain circumstances, and only when the law expressly permits it. Examples include if the request costs too much to respond to, or if it is deemed 'vexatious' – more on this later

- The common experience, as I explained earlier, is that most requests for information are responded to in full at the first time of asking, and within 20 working days (75% full/partial disclosure).
- Authorities have a duty to publish information – authorities have a duty under FOISA to have a ‘publication scheme’, with an easy to use guide to information (an index) where they are required to publish information on decisions made, spending, procurement, policies and procedures. Under the EIRs, there is a general duty to keep information up to date and actively disseminate it.
- There is a duty to advise and assist requesters, both before making a request (to help them make the right request), during (to seek clarification) and after (to explain what they are receiving and if not, why not).



Official fears revealed over toxic threat of salmon trade –

- FOI request by Scottish Salmon Watch (Global Alliance Against Industrial Aquaculture) led to the disclosure of a briefing note to Fergus Ewing, the Rural Economy Minister, warning that the industry could have “unacceptable impacts” on the environment “if not regulated properly”. Concern partly due to chemicals used to control sea lice.
- Reflected concerns raised in a parliamentary inquiry that expanding the salmon farming industry without effective regulation could harm coastal ecosystems.
- Article quotes concern by campaigners that permissions for additional salmon farm production of up to 76,000 tons has been granted, without environmental regulations being tightened.
- Read the Article: www.thetimes.co.uk/article/official-fears-revealed-over-toxic-threat-of-salmon-trade-j0w50zwqg (Times paywall)

Save the Ciste welcomes biofuel plan

- Group campaigning to redevelop Coire na Ciste on Cairngorm – welcomes plans to switch to biofuel at Cairngorm mountain resort. The group raised concerns about the continuing use of diesel to power snowmaking equipment, pointing out that info disclosed through previous FOI use highlighted that the equipment could consume more than 100,000 litres of diesel between December 2019 and March 2020.

Cutting plastic at hospital

- Use by the local press found that the spend on single-use plastic cups by NHS Highland reduced by 35% between 2018 and 2019.

Questions raised over flights by councillors

- Community campaigner in East Lothian submitted an FOI request about the number of flights taken by East Lothian Council councillors. Found that Councillors and staff had taken 40 flights over the last five years, 35 of which involved travel to another UK mainland destination. Campaigner questioned this in the context of the Council’s public declaration of a climate emergency.


- **Expanding Heathrow will boost Scottish climate emissions**
- FOI request by the Ferret for a Scottish Government “emission modelling” analysis. Analysis suggested that additional flights between Heathrow and Scottish airports would emit over 40,000 tonnes of carbon dioxide every year from 2026 to 2032, with 600,000 tonnes over 15 years.
- Friends of the Earth Scotland quoted in the article that this is “equivalent to putting an extra 17,000 cars on the roads in Scotland each year”.
- Read the article: <https://theferret.scot/heathrow-expansion-climate-scottish-airports/>




- FOI used by the local press to investigate issues of local concern – in this case the reasons behind pool closures. Led to an interesting headline...
- Read the article: <https://www.dailyrecord.co.uk/news/local-news/floaters-named-biggest-reason-pool-21546856>



- If information requested through FOI isn't held that isn't necessarily the end of the road. Information which isn't held can sometimes highlight gaps in the way authorities collect and assess information to inform their own work, and can support campaign activity for change. For example:
- **Missing information puts question mark over government commitment to saving peatlands and tackling climate crisis** – Sunday National – 29 December – An environmental activist submitted a request asking how many cubic metres of peat had been extracted in Scotland (request to Scottish Government) and across the whole of the UK (request to DEFRA) , over the past 10 years. Both reported that they didn't hold any information. DEFRA had figures from sales of peat in gardening centres from 2015, but nothing more current.
- Peatlands are one of the countries biggest carbon stores.
- SWT quoted reporting that “peat is still being removed from more than a dozen sites in Scotland because of historic mineral rights”.
- RSPB - “incredible” that the Government doesn't have comprehensive data on commercial peat extraction and called for an end to the industry.
- Greens – “You'd think the least the SG would do is measure any damage being done to our environment”.
- Various organisations calling for data to be collected and monitored, and commercial peat extraction to be brought to an end.

Exercise: The “Information Tree” 

- Roots (what are the issues where FOI might help?)
- Trunk (Which public bodies might help?)
- Branches (What’s the information?)
- Leaves (how could the information help?)



In 10 minutes in groups

Use the “information tree” method to try to work out how FOI might work for you, or your organisation.

In this way, we can start to answer the following questions:

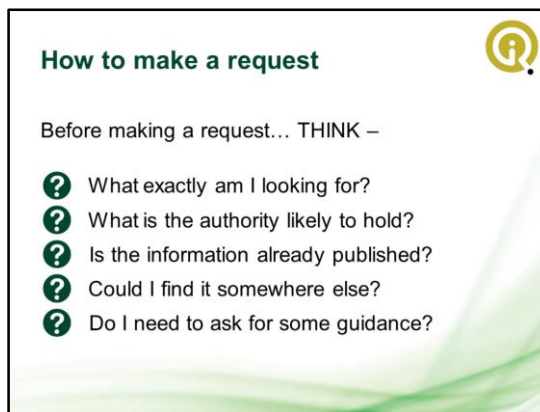
ROOTS - What sorts of issues are you / your organisation facing where FOI might be helpful?

TRUNK - Which public bodies could you go to get information that would help?

BRANCHES - What information might they have that could help?

LEAVES - How could the information help you / your organisation?

Making that request!



(JC) 11.15am

Although FOI is designed to make it as easy as possible to access information, it's worth taking some time to think through exactly how to go about finding what you want to know.

The clearer and more specific you can be, the easier it will be for the authority to find the right information and send it to you quickly – and the more likely your request is to be successful. So...

1. Think about what it is that you are looking for – or to put it another way: how you would explain to someone what you are looking for? This will help you when it comes to writing your request, so it can be as focused and concise as possible, whilst also not using terminology, acronyms or other expressions that might not be familiar to others or could be misinterpreted.

Also, try to narrow down the scope, particularly by requesting information from a specific time period, or identifying any individuals or departments you know are involved.

2. Secondly, picture how the information might be held and presented – are you expecting to see reports, briefings, meeting minutes, spreadsheets, emails...? Although FOI gives you a right to information, not *documents*, thinking about how the authority might keep the information can be useful as you can refer to these in your request and help the authority identify the relevant content.

Importantly – make sure your request is for recorded information. Don't ask about how an authority does something, or why a decision has been made that you perhaps disagree with; instead ask for the documentation that will help you to understand the way they deliver a particular service or what evidence they used to inform a decision and how it was reached.

3. Next, if you can, check to see if the information is already published. Search the authority's website, or have a look at their Guide to Information (often called a publication scheme), which lists and provides links to specific types of information that they publish in accordance with their duties under FOI and EIR.


Some authorities also publish previous requests and their responses – check their website for what’s called a ‘disclosure log’.

4. Depending on what you’re looking for, it might also be available somewhere else – particularly if it’s the sort of information that might be made available as open data, or is likely to be reported to senior managers or a regulatory body. Use a search engine to see if the information has been published elsewhere.



This isn’t about saving the authority a job – if the information is available, you can get it without having to wait for a response to your request.

5. Remember, though – any organisation subject to FOI or the EIRs has a duty to provide advice and assistance – even before you’ve made a request. So don’t be afraid to drop them a line or give them a call if there’s anything you’re not quite sure about.

Making an effective request



- ➔ Get the information more quickly
- ➔ Reduce the risk of refusal

 <p>"Please send me any information you hold relating to Scotstown school." or "Why have you decided to close Scotstown school?"</p>	 <p>"Please send me committee reports, management team meeting minutes and emails to/from the education dept, written since 1 January last year, relating to the closure of Scotstown school."</p>
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Thinking carefully about what you're looking for can not only speed up the process of making your request and getting a response (or finding the information without having to ask for it), it also reduces the risk of your request being refused, for two possible reasons –

- A. The authority doesn't think it has the information that it thinks you're asking for, or
- B. It would take too much time to gather the information and therefore cost too much to respond

We sometimes hear complaints from authorities about "fishing expeditions" – to continue the analogy, focus on "angling rather than trawling"!

Information requests that are too vague or too wide-ranging might lead to a response taking longer, or might mean unnecessary work for the authority as staff look for information that you don't need, and then you have to make a subsequent request and repeat the process just to get what you were looking for in the first place.

To give you a simple example, this request could be very wide ranging:
"Please send me any information you hold relating to Scotstown school."

While this request is for an opinion or explanation, not recorded information:
"Why have you decided to close Scotstown school?"

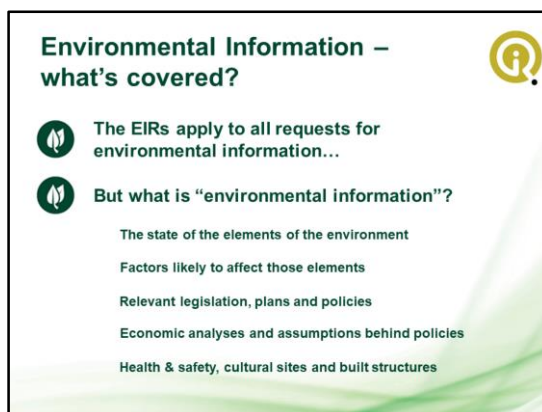
It could be narrowed by:

Specifying the types of information you want to see (e.g. contained in committee reports, meeting minutes, or emails)

Mentioning which information / reports / correspondence you're interested in (e.g. emails to/from particular individuals/departments)

Specifying the issue that you're interested in (e.g. the closure of the school playground)
Including a date period (e.g. information created since 1 January last year)

And remember, you can always make a further request if you later find that you don't quite have everything you need – for example if there are references to other information that were not in your original scope, or if relevant information exists from previous years.



Everything we've talked about so far has been in relation to FOI – although we often use that as a 'catch-all' term for the Freedom of Information (Scotland) Act (FOISA) and the Environmental Information (Scotland) Regulations (the EIRs).

The EIRs govern access to environmental information, and requests for this kind of information are dealt with in a slightly different way with slightly different rules. You don't have to state which legislation applies, though – it's for the authority to recognise a request for environmental information and respond accordingly.

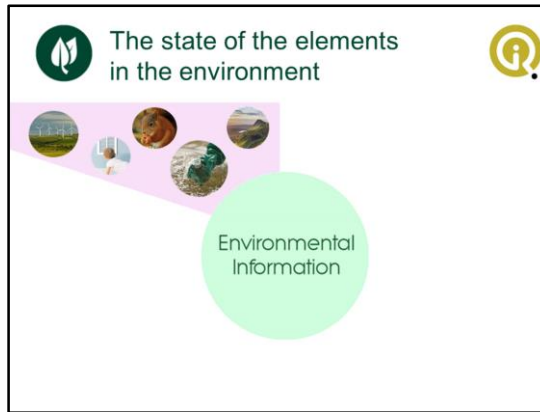
The EIRs have their basis in a European Directive that was derived from the Aarhus Convention in 1998 – so actually pre-dating FOI in terms of their origins. The Regulation themselves were passed 2 years after FOISA, and when drafting them, the aim was to make them as compatible as possible with FOI, while taking into account the requirements of the Directive.

The differences are important, though, as in most cases they work in the requester's favour, meaning that your right to information under the EIRs is wider than that under FOI. I'll explain those differences shortly but firstly we need to define – what is environmental information?

The definition includes –

- The state of the elements in the environment
- Factors likely to affect those elements
- Relevant legislation, plans and policies
- Economic analyses and assumptions behind policies
- Human health and safety, cultural sites and built structures

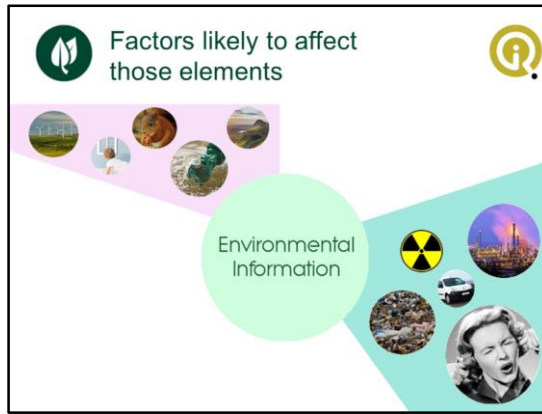
I'll explain those in a bit more detail...



The state of the elements in the environment

This means elements such as the air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity, and the interaction among these elements. This includes:

- Information on the land, landscape and land use (including windfarms)
- Information on water quality and air quality (including indoor air quality)
- Information on wildlife, protected species, biological diversity, GMOs (including information on activity which might impact on these)



Factors likely to affect those elements

Including information on things like:

- Emissions, discharges and pollution
- Waste and waste disposal – disposal of materials, furniture, etc
- Noise pollution – such as a report showing noise levels recorded at a property
- Radiation and radioactive waste, or chemicals used
- The impact of an authority's vehicle fleet on the environment



Relevant legislation, plans and policies likely to affect those elements and factors

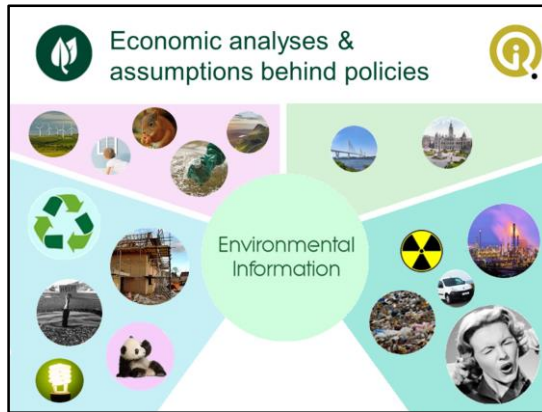
The definition in the Regulations is: “measures (including administrative measures) such as policies, legislation, plans, programmes, environmental agreements and activities likely to affect the elements and factors, as well as measures or activities designed to protect those elements”. It also includes reports on the implementation of environmental legislation.

So examples would be

- Policies and plans relating to recycling and waste disposal, as well as energy efficiency, covering homes and offices
- Policies and plans for new developments, such as where to locate new and additional housing or industrial sites

We also found in our decisions that:

- A council policy for handling compensation claims about pothole damage fell within scope as did...
- Communications concerning the diplomatic issues around the introduction of pandas to Scotland (as the information related to the transfer of a protected species from one part of the world to another).



The economic analyses and assumptions behind policies

So for example our decisions have previously found that:

- The scorecards used by the judges when assessing the George Square design competition and
- The cost breakdowns of the Queensferry Crossing work were in scope of the EIRs.



And finally –

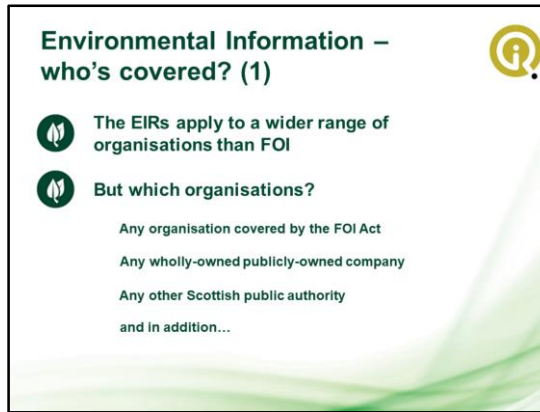
Human health and safety, cultural sites and built structures

‘Health and safety’ includes issues relating to the contamination of the food chain, where relevant. These are covered in as much as they are or may be affected by the state of the elements of the environment.

So information relating to...

- The condition, maintenance and repair of buildings may fall within scope, alongside information on
 - Contamination in the food chain
 - The impact of toxic land on human health
- or, as we’ve seen in the past, information on:
- Hospital infections, or the cleanliness of wards.

The key thing is that it has to relate to one of the factors or elements.



(JC) 11.35am


The EIRs apply to a wider range of organisations than FOISA.



Like FOI, the EIRs apply to any body listed in FOISA or designated by an Order under FOISA (such as registered social landlords, which became subject to FOISA last November) and any wholly-owned company... so far, so FOI.

However, unlike FOISA, they also apply to any other Scottish public authority with either mixed functions or no reserved functions (i.e. functions derived from the Scottish Parliament or both Scottish Parliament and Westminster (but not Westminster exclusively)).

And, in addition...

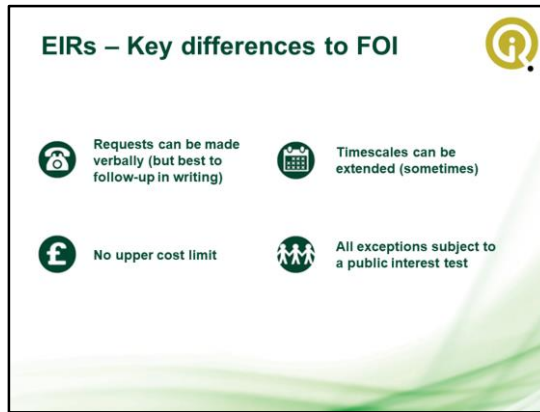
**Environmental Information –
who's covered? (2)**



-  The EIRs apply to a wider range of organisations than FOI
-  But which organisations?
 - ... any organisation which is “under the control of” one of the other types of organisation AND
 - has public responsibilities
 - OR
 - provides public services
 - OR
 - exercises public functions
 - In relation to the environment

...They also apply to those bodies that are “under the control” of a Scottish public authority with public responsibilities, or who provide public services or deliver public functions relating to the environment.

While we haven't had many decisions which have required us to consider whether bodies are covered, we have had a couple e.g. we recently found that Housing Associations were covered in relation to a request, while we've previously found that Solway Shellfish Management Association were covered, – both had public responsibilities relating to the environment and under the control of public bodies.



Other important differences between FOISA and the EIRs –

- **Under the EIRs requests can be made verbally** (e.g. over the phone) but we'd strongly recommend that you either make it in writing or follow up in writing (or another recorded form), to ensure there's evidence of the request being made, when, how it was worded, etc.
- **The EIRs allow public authorities to extend the timescale** beyond 20 working days in some circumstances – i.e. where a request is for information that is particularly complex and voluminous. In such circumstances the response can be extended by a further 20 working days.
- **There's no upper cost limit under the EIRs**, so whereas under FOI authorities can refuse requests if it would cost over £600 to respond, this doesn't apply to the EIRs. Be warned though they can ask you to pay the full cost before they'll provide information, so it's always a good idea to keep your request as narrowly-defined and specific as possible.
- **Under FOI and the EIRs there is something called the public interest test**, which requires authorities to weigh up the public interest in information being released, against the public interest in that information being withheld, before using MOST exemptions. Under the EIRs, ALL of the equivalent exceptions are subject to the test, effectively making it harder for authorities to justify refusing a request.

We'll come onto the reasons why requests might be refused, and the 3-step process for challenging this, later – but now, it's time for a break!

What if you don't get what you want?



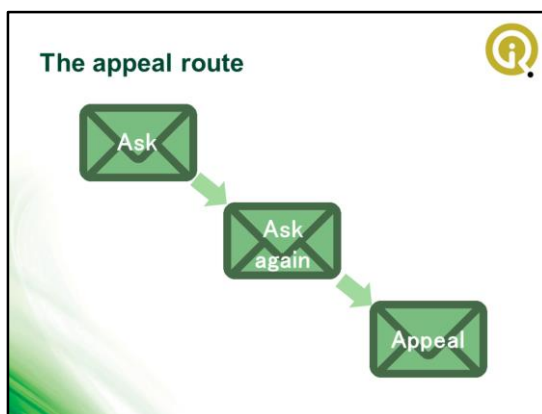
We mentioned that information requests can be refused in certain circumstances. The most common reasons for refusal are that:

- **The information is not held.** This is the most common reason for refusal that we see. Where an authority doesn't hold the information you're looking for in a recorded format, they're not obliged to create it to provide it for you.
- **Where responding to the request would cost too much.** FOI law says that requests can be refused if it would cost the authority £600 or more to respond. There's no upper cost limit under the EIRs, but requests can be refused if they are "manifestly unreasonable" and excessive cost may be a factor in this.
- Requests can also be refused if the information falls within the scope of one of the exemptions in the FOI Act or the EIRs. These allow information to be withheld in certain circumstances, e.g. where release would substantially harm national security, or commercial interests, where it would breach data protection law, or would harm the effective conduct of public affairs. Most FOI and all EIR exemptions have a public interest override, meaning that even where an exemption applies, information must nevertheless be released if it's in the public interest to do so.

If your request is refused, it's also not necessarily the end of the line. There are a number of things that you might want to think about doing. For example:

- If you're told that information is not held, you might want to think about whether other information might be held which would answer your question, or if you could word your request in a different way to more clearly seek access to recorded information. It may also be that the information you're looking for, is held by an authority, so you may want to think about making a request to another body.
- If your request is refused because it would cost too much, think about whether there is a way that your request could be narrowed to reduce the resource required to respond. Could you, for example narrow the time period? Or only seek records concerning particular individuals or departments?

- If an exemption applies you may want to think about whether there is other information outside the exemption that might be provided. It can be a good idea, for example to make it clear in your requests that you're not seeking access to personal information relating to a third party, as personal information will often be exempt.
- It's also useful to remember that public authorities have a duty to advise and assist those requesting information – ideally they should do this without being prompted (but there's no harm in reminding them of this duty if you feel that more could be done). So, for example, in relation to a "not held" notice, they should, where appropriate, tell you whether there is information held which might be relevant, or tell you if they know that another authority may hold the information. Or if it costs too much it may be appropriate to tell you if relevant information can be provided within the cost limit.
- And of course, if you're unhappy with the way a request was handled for any reason, you also have a right of appeal...



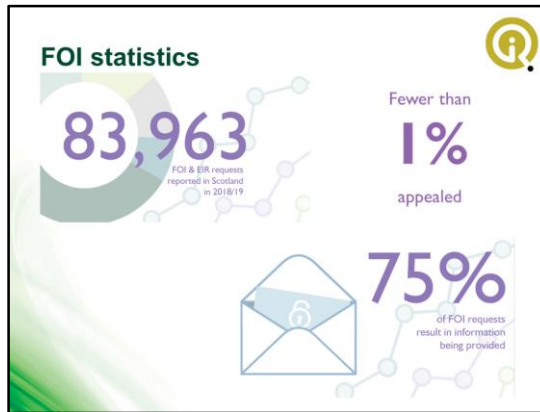
3 stages process to FOI:

Stage 1: Ask – in writing. While in most cases your requests should be answered first time with the provision of the information, if you get a response you're not happy with or don't hear after 20 working days you should:

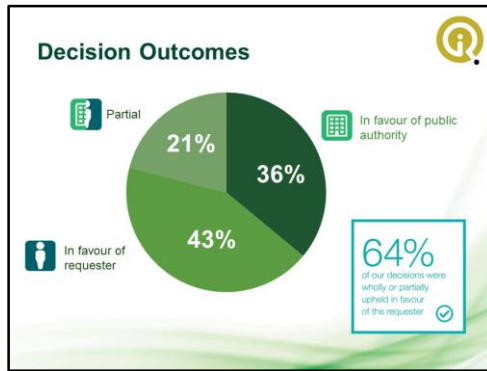
Stage 2: Ask again. If once again you're not happy with the response or don't hear back, then after 20 working days you can:

Stage 3: Appeal to the Commissioner. The "your Rights" section of our website for detailed guidance on how to go about this and what to expect: www.itspublicknowledge.info/yourrights

The Commissioner will conduct an independent investigation into the case, and has the power to require the disclosure of information where we find that an organisation has acted incorrectly.

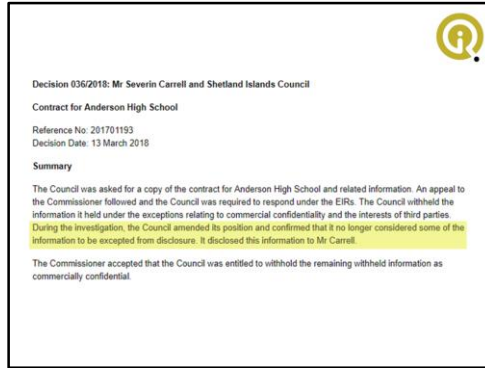


- We ask public bodies to submit FOI statistics to us on a quarterly basis. These statistics are available for anyone to access, download and explore. Visit: <http://stats.itspublicknowledge.info/>
- More than 83,000 requests made in 2018/19.
- 75% of requests result in some or all of the information being provided.
- Fewer than 1% of FOI requests result in an appeal to our office.
- Top reasons for refusal is **Information Not Held**
- The top 3 reasons information is held in response to an FOI request is:
 1. Personal data
 2. Information is otherwise accessible
 3. Substantial prejudice to commercial interests




If you don't get what you're looking for and you're unhappy, it's definitely worth appealing. 64% of our appeals last year found either wholly or partially in the requesters favour.


This commonly leads to more information being disclosed to the requester.



Information can also be disclosed during our investigation. Often, simply the act of appealing will lead an organisation to reconsider the way in which it has handled a request. Otherwise, early discussions with our investigators can lead to the disclosure of at least some of the withheld information.

Exercise: “What did SIC decide?” 

To disclose or not to disclose?
Reasons to withhold information –



- breach of data protection
- national security
- justice / investigation
- commercial confidentiality
- internal communications
- unfinished information

(JC) – 12.30pm

Although we haven’t covered exceptions in detail today, we thought we’d run a quick quiz based on cases that have recently come to our office on appeal, to see if you can guess whether (in the Commissioner’s view) a particular type of information should have been disclosed or if the authority was correct to withhold it.

Remember, some of the reasons why information might be withheld include if the authority believes disclosing it would –

- breach data protection law and other people’s rights under that legislation
- substantially prejudice national security or public safety
- substantially prejudice legal proceedings, or criminal or disciplinary investigations
- substantially prejudice commercial confidentiality
- involve disclosing internal communications
- involve disclosing information that is incomplete or unfinished

Exercise: "What did SIC decide?"



Cases to consider –

- ❓ Planning meeting – audio recording
- ❓ Aberdeen FC stadium application report
- ❓ Sea lice infestation of salmon in Lewis
- ❓ V&A Dundee – building fire strategy
- ❓ New Ardrossan ferry terminal and pier
- ❓ Space launch sites... in the Highlands?!

So we'll quickly run through a few interesting recent cases that the Commissioner has made a decision on in relation to EIRs.....

Wording a request – examples



Decision 023/2020 - The requester asked:

... how many times in the past year (from today's date) Mr Murrell has travelled in or on Scottish Government transport - cars, trains and planes...
A total cost of Government funded air transport should also be included.

Decision 035/2020 - The requester asked for:

Part A - Total number of new firefighters recruited in Scotland for the periods 2015/2016, 2016/2017, 2017/2018 and how many:

- Successfully completed their probationary period

- Did not successfully complete their probationary period

Part B - Of those in Part A please also state how many in each category were of Black and Minority Ethnic (BME) origin.

Decision 030/2020 - The request asked for:

a) All reports and consultant opinions received by the Ardrossan Task Force regarding the new ferry terminal and pier, particularly those dealing with reliability and resilience of the ferry service.

b) A list of all agencies and authorities consulted in terms of design and weather-related access to Ardrossan harbour.

c) Public minutes of Task Force meetings.

Here are some quick example of recent requests that we have seen coming through in our decisions. You can read more by browsing through our Decisions database – www.itspublicknowledge.info/decisions



Conclusion and Questions

Remember

The most important thing to take from this session today:

YOU HAVE A RIGHT TO KNOW



This slide is just a nice summary of some simple tips to help you get the most out of FOI; some of these I covered earlier:

Is the information already available? Do some research before submitting your request. Public authorities have a duty to publish a range of information under FOI and the EIRs, so search their website, look for a publication scheme or guide to information, and check if they have a disclosure log. Doing this can also help you to word any subsequent request, as it will give you an insight into the types of information that the authority holds, the terminology they use, etc.

Ask for recorded information. Remember that FOI only covers recorded information, so try to avoid asking about how an authority does something, or why a decision has been made; instead ask for documentation that will help you find those answers and that understanding, such as reports, meeting minutes, emails, etc. Think about what might be recorded and how it might be held, and make a request in those terms.

Be as specific as you can. Remember – “angling rather than trawling”. The more precise you can be, the more likely you are to be successful – and the less chance of the authority spending time searching for and providing information that’s not actually relevant to what you were looking for. Providing a time period, a specific subject matter, any named individuals or departments, and/or the types of document you’re interested in, will all help to keep your request focused and targeted – and maintain your relationships with authorities.

On that note...

Build relationships

Not necessarily specific to a particular request but perhaps the most important of our tips, in the sense that it can help at several stages. If you have a positive, professional working relationship with key members of staff within an authority this can often really help with the process of requesting information, particularly if it’s an organisation that you’re in contact with regularly.

FOI Officers can be a useful ally – they often act as an FOI “champion” within an authority, ensuring FOI law is applied correctly – i.e. not over-using or misusing exemptions, and working

to ensure prompt and helpful responses.

Keeping them on your side can also help avoid other problems such as authorities publishing information online at the same time as releasing to you, or waiting until day 20 (or even beyond) to respond, and it can also increase the chances of staff coming back to you for clarification around aspects of your request that they're unsure about, which will speed things up and improve outcomes in the long run.

Keeping copies

This isn't about 'covering your back' as such, but keeping (preferably electronic) copies of your request, responses you've had from the authority, and any other correspondence between you and them is essential if – and hopefully it won't, but if – you end up making an appeal to the Commissioner, as it helps to avoid any misunderstandings and ensure our investigation goes smoothly.

This is why although a request for environmental information can be made verbally, we recommend having some form of written or other recorded evidence of your request, so you can come back to it later and also so we can establish exactly what it was that you requested.

You may be aware of the website called WhatDoTheyKnow – this is essentially a portal through which you can make requests to any authority. It collates all of the correspondence and attachments that have been emailed between requester and authority, and flags up when responses are overdue – so it can be useful if you want a backup of all of your request documentation. It also classifies responses, e.g. successful, refused, information not held, etc, and in the end any information provided in response is directly published online.



Useful resources

www.ItsPublicKnowledge.info/YourRights
www.ItsPublicKnowledge.info/EIRs

Get in touch!
01334 464610
enquiries@itspublicknowledge.info
[@FOIScotland](https://twitter.com/FOIScotland)

Our website is itspublicknowledge.info, go there for authoritative resources on FOI.

We provide an enquiries service if you need any help using your FOI rights – call or email us. We're also on Twitter, please follow us to find out the latest FOI developments and learning points from the decisions we issue.