

Caledonian Maritime Assets Limited

Freedom of Information Policy

1. Introduction

1.1 The Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Information (Scotland) Regulations 2004 ("EIRs") have placed a number of obligations on Caledonian Maritime Assets Limited (CMAL) and provides the public with a general right to request access to information held by the Group, subject to certain exemptions.

1.2 The legislation requires that Scottish public authorities:

- Provide and maintain a Publication Scheme which lists the information which will be routinely made available. The Scheme lists how the information can be obtained, and any other charges that will apply.
- Make recorded information available to anyone requesting it, subject to a limited number of exemptions/exceptions
- Advise and assist any enquirers, where necessary, to make an effective request

1.3 This document provides the policy framework through which effective compliance with the legislation can be audited. The policy is relevant to all CMAL staff.

1.4 The document covers:

- The scope of the Policy
- Definitions
- Responsibilities
- Relationship with other policies
- Guidance on the implementation of the Policy
- Publication Schemes
- Requests for Information
- Charges
- Exemptions
- Exceptions

- Complaints
- Contact details

2 Scope of the Policy

- 2.1 The Policy applies to all information which the Company holds, including the information created, received and maintained by staff in the course of their work. Information can be held in all types of media.

3 Definitions

3.1 Freedom of Information Request

A request for information which is in writing or other permanent form which states the name of the applicant and an address for correspondence and describes the information requested.

3.2 Environmental Information Regulations Request

A request for information made either in writing or other permanent form, or a request received orally, for information considered to be environmental information.

4. Responsibilities

- 4.1 The Company recognises its corporate responsibility under the legislation to make its information available in accordance with the legislation. Responsibility for ensuring compliance with this Policy lies with the Company Information Manager.

- 4.2 The Company Information Manager has the day-to-day responsibility for ensuring effective co-ordination of the Company's Freedom of Information functions. This will include the development and maintenance of FOISA and EIRs guidance and promoting compliance with the provisions of the guidelines.

- 4.3 All staff have responsibilities under the legislation, irrespective of whether they create, receive or maintain information. Any member of staff can potentially receive FOISA or EIRs requests and they must ensure that any request they receive is handled in compliance with this Policy and in accordance with the guidelines.

4.4 Staff are responsible for:

- Familiarising themselves with this Policy and the relevant guidance
- Familiarising themselves with the Company's Publication Schemes
- Playing their part in ensuring requests for information are dealt with within the statutory 20 working days of receipt by forwarding requests to the Company Information Manager immediately on receipt
- Where applicable, ensuring the information on the Publication Scheme is accurate and up-to-date

- Contacting the Company Information Officer when assistance is required

5 Relationship with Other Policies

5.1 This Policy has been formulated in conjunction with the following documents.

- Guidance on Handling Requests for Information
- Records Management Policy
- Records Management Guidelines
- Data Protection Policy
- Data Protection Act Guidelines

6 Guidance on the Implementation of the Policy

6.1 Guidance on procedures necessary to comply with this Policy is available in the form of a guidance document, distributed to all staff and also available on the Quality Management System.

6.2 These set out how to deal with any requests received.

7. CMAL Publication Schemes

7.1 The publication schemes for the Company are available on the web site at:

- <http://www.cmassets.co.uk>

They are also available in hard copy on request from the Company Information Officer.

7.2 The publication scheme specifies:

- What information the Company makes routinely available to the public as a matter of course
- How it will do so, and
- Whether there will be a charge for the information

8 Requests for Information

8.1 Since 1st January 2005, information which is not included on the publication scheme will be accessible through a FOISA or EIR request.

8.2 The legislation has established two rights:

- The right to be advised if the information exists, even if the requestor is not entitled to receive it, and
- The right to receive the information (subject to any exemptions/exceptions).

8.3 Anybody can request information under the legislation, from anywhere in the world. A requestor is not required to state the reason for the request, or to make reference to the Act, All FOISA and EIR requests will be sent to the Company Information Officer, who will then co-ordinate any action, and also the relevant responses.

8.4 Any request under FOISA should be made in permanent form (for example in writing or email), although as there is a duty to provide advice and assistance, requests in a non-permanent form, for example by telephone, may be accepted. Requests under EIRs can be made orally, and as such all details should be recorded, including a valid name and contact details.

8.5 The Company must respond within 20 working days of receiving the request, either providing the information, informing the requestor that the information is not held, or refusing the request if the information is exempt. If a fee is required, the 20 working day period is extended by up to 3 months until the fee is paid. (The Company shall endeavour to respond to all requests within the statutory 20 working days period).

8.6 Where a request under FOISA or EIR is received and the request relates to Supplier information where the Supplier has identified through the procurement process that the information is sensitive, CMAL will approach the Supplier in the first instance regarding the release of the information requested. This will not affect any obligation on CMAL to release the information in order to meet FOISA or EIR obligations.

8.7 Where a request is received under FOISA or EIR relating to any contract placed before 1 January 2005, the contract will be reviewed for areas identified as confidential and for those areas so identified, they will be dealt with under the provisions stated in this policy.

9 Charges

9.1 Unless otherwise stated, information available through the Company's publication scheme is free of charge.

9.2 The Company, however, may charge an appropriate fee for dealing with Freedom of Information requests. This charge will be calculated according to the published "Fees Regulations", which are available on the Scottish Executive web site at:

www.hmso.gov.uk/legislation/scotland/ssi2004/20040467.htm

There is no cost limit for requests under EIRs and a reasonable charge may be made for the provision of information.

9.3 Photocopying charges may also be applied.

10 Exemptions/Exceptions

10.1 There are 17 exemptions contained within the FOISA. Full details of these are available from the website of the Scottish Information Commissioner at:

www.itspublicknowledge.info/

10.2 There are a number of exceptions contained within the EIRs. Details of these are available from the website of the Scottish Information Commissioner at:

www.itspublicknowledge.info/

11 Complaints

11.1 The Director of Harbours will receive and co-ordinate any complaints, and initiate the appeals process. The appeals process is available from the Quality Management System or the Company Information Officer.

Contact Details

The Company Information Officer
Caledonian Maritime Assets Limited
Municipal Buildings
Fore Street
Port Glasgow
PA14 5EQ
Tel: 01475 749920
Email: info@cmassets.co.uk