

Caledonian Maritime Assets Ltd (CMAL) - Freedom of Information Policy



Date of Review	Reviewed By	Version
14 January 2015	Tom Docherty	Rev A
01 April 2016	Kevin Hobbs	Rev B
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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
- Reviews
- Contact details

2 Scope of the Policy

- 2.1 The Policy applies to all information which is held by CMAL, including the information created, received and maintained by staff in the course of their work. In certain circumstances, it may also apply to third parties or contractors who are holding information on CMAL's behalf. 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 verbally, for information considered to be environmental information.

4. Responsibilities

- 4.1 CMAL 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 Quality, Governance and Data Officer.
- 4.2 The Quality, Governance and Data Officer has the day-to-day responsibility for ensuring effective co-ordination of CMAL'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 CMAL's Publication Scheme
 - Playing their part in ensuring requests for information are dealt with within the statutory 20 working days of receipt by forwarding requests to Quality, Governance and Data Officer immediately on receipt

- Where applicable, ensuring the information on the Publication Scheme is accurate and up-to-date
- Contacting the Quality, Governance and Data 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
- Data Protection Policy

6 Guidance on the Implementation of this Policy

6.1 Guidance on the process necessary to comply with this Policy is available in the form of an FOI process document, which is available to all staff on the Quality Management System.

6.2 This process sets out how to deal with any requests received.

7. CMAL Publication Schemes

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

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

It is also available in hard copy on request from the Quality, Governance and Data 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 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).
- 8.2 Anyone can request information under the legislation. A requestor is not required to state the reason for the request, or to make reference to any legislation. All FOISA and EIR requests will be sent to the Quality, Governance and Data Officer, who will then co-ordinate any action, and also the relevant responses.
- 8.3 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 verbally, may be accepted. Requests under EIRs can be made verbally, and as such all details should be recorded, including a valid name and contact details.
- 8.4 CMAL 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 applicant has 3 months from the date the fee notice is issued to pay the fee. The applicant may request a review of the decision to issue a fee notice.
- 8.5 In some circumstances, if it is not clear what information the applicant is seeking to access through the request, a clarification may be issued. Requests must be responded to within 20 working days of receiving a response to the clarification request.
- 8.6 Where a request under FOISA or EIR is received and the request relates to a third party individual or organisation, it is CMAL's policy to consult with those third parties prior to any disclosure. This will include current or previous Supplier information. This will not affect any obligation on CMAL to release the information in order to meet FOISA or EIR obligations.

9 Charges

- 9.1 Unless otherwise stated, information available through CMAL's publication scheme is free of charge.
- 9.2 CMAL may in some circumstances charge an appropriate fee for dealing with Freedom of Information requests. This charge will be calculated according to the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004.

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 will apply where information is requested in hard copy.

10 Exemptions/Exceptions

- 10.1 There are 17 exemptions contained within the FOISA and a number of exceptions contained within the EIRs. These will be applied where appropriate and may include consideration of the public interest for some exemptions and exceptions.
- 10.2 Those most commonly used are those that relate to:

- Personal data
- Commercial interests
- Confidentiality
- Health and safety
- Information being otherwise accessible

11 Reviews

11.1 The CEO (along with the Quality, Governance and Data Officer) will co-ordinate any requests for review under section 20 of FOISA, identifying whom has been involved in the original request. Where there is conflict of involvement from the original request, another member of the SMT (who may not have been involved in the original request) will be nominated to co-ordinate the response to the review.