

University of Dundee

Information Governance

Standard operating procedure - Requests for information

1. Scope

- 1.1 Any person is entitled to request information from the University of Dundee. They do not have to state that they are making a request under a specific piece of legislation, nor do they have to be in Scotland or the UK.
- 1.2 This procedure applies to requests made under the General Data Protection Regulation (GDPR), Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002.
- 1.3 Requests for any person's own personal data are exempt from the provisions of the Freedom of Information (Scotland) Act 2002 and are managed per the requirements of the GDPR.
- 1.4 Requests for environmental information are managed further to the provisions of the Environmental Information (Scotland) Regulations 2004.
- 1.5 Requests for all other information are normally managed further to the provisions of the Freedom of Information (Scotland) Act 2002.
- 1.6 Requests for information received in the normal course of business are out of scope and should be managed according to applicable business process with guidance from Legal, EPDU, RIS, TASC, ACG, Information Governance etc as appropriate.
- 1.7 Requests for information from regulators, law enforcement agencies, funders or other statutory disclosures are out of scope and should be managed according to SOP published at dundee.ac.uk/information-governance/dataprotection.

2. Responsibilities

- 2.1 The Secretary of the University is responsible for institutional compliance with information legislation.
- 2.2 The Director of LLC&CI, the Director of Legal and the Head of Information Governance are responsible for oversight of this procedure.
- 2.3 Directors and Deans are responsible for ensuring this procedure brought to the attention of their Schools or Service areas and for its implementation.

2.4 All staff are responsible for ensuring that **any requests for information are actioned appropriately and in a timely manner. IT IS AN OFFENCE TO DESTROY INFORMATION OR DATA ONCE IT HAS BEEN REQUESTED TO PREVENT DISCLOSURE.**

2.5 Assistance or support is available from Information Governance in the implementation of this procedure in Schools and Services.

3. Format of requests

3.1 Any request for information made in a verifiable format (email, fax letter, voicemail etc) is in scope. Should anyone wish to make a request verbally (eg by telephone), note the request and contact details, confirm the request in writing and action it as though it had been received directly by email, letter etc.

4. Format of information

4.1 Requests cover all relevant information, regardless of the format in which it is held.

5. Timescales

5.1 Requests from any person for their own personal data must be answered in no more than 28 calendar days. This is counted from the day immediately after the date of receipt.

5.2 Requests for information generally (Freedom of Information (Scotland) Act) or environmental information (Environmental Information (Scotland) Regulations) must be answered in no more than 20 working days. This is counted from the first working day immediately after the date of receipt.

5.3 Working days are Monday-Friday, excepting Scottish Public Holidays (as designated by the Scottish Government).

6. Searching for information

6.1 Information may not be in a single place. Possible locations include core business systems (CODA, SITS, P3, T1), manual files, notes, papers, email, shared 'S' drives, personal 'H' drives, Box, internal and external computer hard-drives, USB sticks etc.

6.2 When managing a request all possible locations should be searched for relevant information and all information that falls into scope should be identified.

7. Procedure

- 7.1 Where requests for information are received directly by Schools or Professional Services they should be actioned according to the table below.
- 7.2 The flow chart in S.8 of the procedure details decision points when managing requests and should be read in conjunction with the table below.
- 7.2 Where a request is received directly by Information Governance, normally to freedomofinformation@dundee.ac.uk, it will be passed to the relevant section of the University to be actioned according to the table below.
- 7.3 The procedure for responding is dependent on the nature of the request and the sensitivity of the information. The table below is colour-coded as follows:
- a. Green responses may be issued directly by Schools or Services using the templates provided. A copy of the request, any notes concerning searches undertaken or colleagues consulted and the final response must be forwarded to freedomofinformation@dundee.ac.uk to be logged.
 - b. Amber responses will be drafted by Schools or Services using the templates provided. A copy of the request, any notes concerning searches undertaken or colleagues consulted and the draft response must be forwarded to freedomofinformation@dundee.ac.uk for review. When approved the answer will be issued by Schools or Services directly.
 - c. Red responses will be managed centrally by Information Governance with the support of Schools and Services.
- 7.4 Standard responses to common requests are provided in Annex C of this procedure.

SCENARIO	SOLUTION	TEMPLATES – SEE ANNEX A
A. I am able to answer the request in full and have no concerns about doing so.	Answer the request within the time limit and copy the answer to freedomofinformation@dundee.ac.uk .	1. Fol request – in full. 2. Environmental Information request – in full. 3. Request for a person’s own personal data – in full. SEE ALSO SITUATION M BEFORE PROCEEDING.
B. I can answer most of the request, but some information is not held by the University.	Answer the request within the time limit and copy the answer to freedomofinformation@dundee.ac.uk .	4. Fol request – in part. 5. Environmental information request – in part.
C. The University does not hold any information relevant to this request.	Answer the request within the time limit and copy the answer to freedomofinformation@dundee.ac.uk .	6. Fol request – no information held. 7. Environmental information request – no information held.

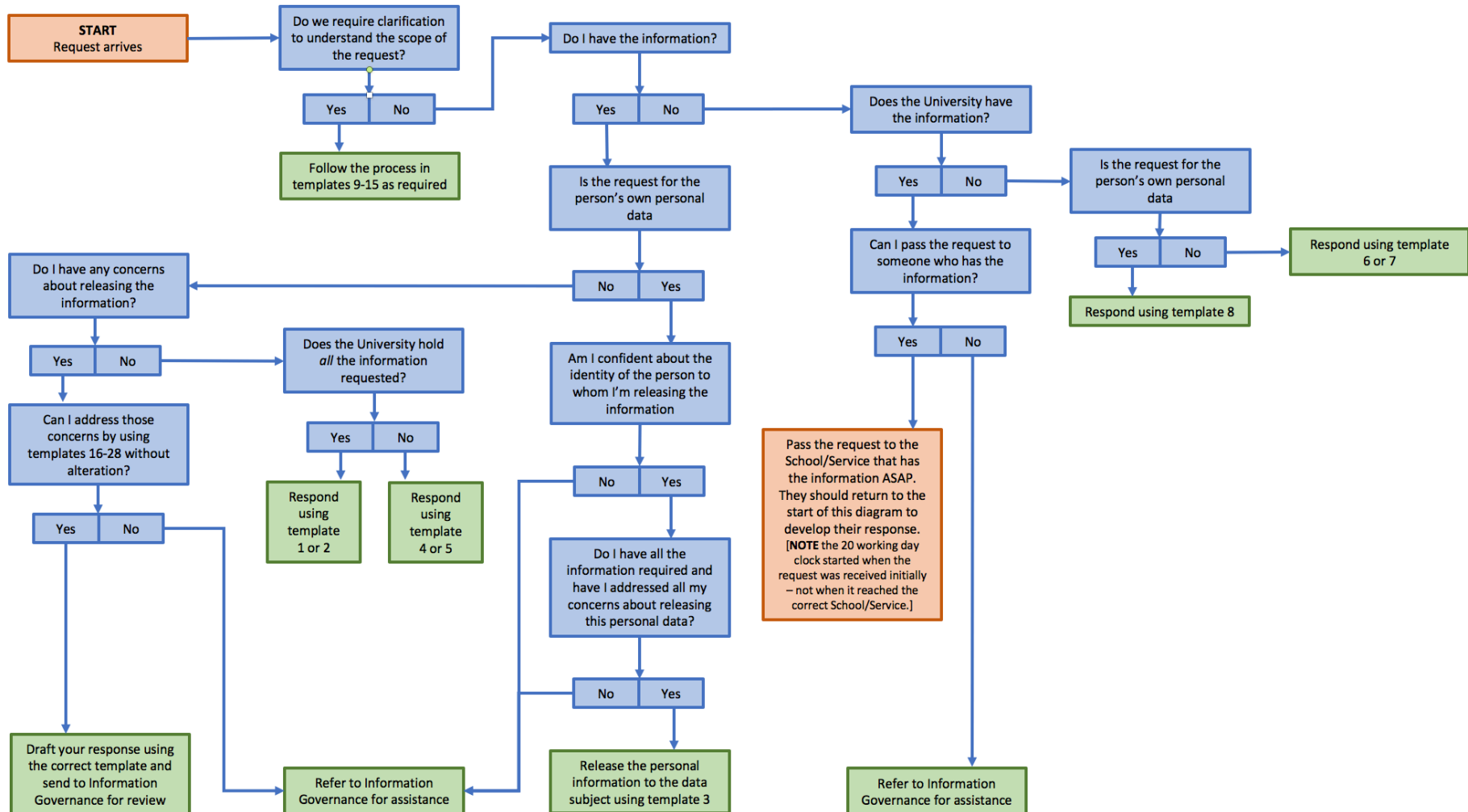
		8. Request for a person's own personal data – no information held. SEE ALSO SCENARIO N BEFORE PROCEEDING.
D. I require clarification to properly understand and respond to this request.	Write to the person making the request for information as soon as possible using the appropriate template and copy your message to freedomofinformation@dundee.ac.uk .	9. Clarification – Fol. 10. Clarification – Environmental information. 11. Clarification – Request for a person's own personal data.
E. I have received no response to my request for clarification.	Write to the person using these templates and copy your message to freedomofinformation@dundee.ac.uk .	12. Fol - At 20 working days from the point clarification requested. 13. Fol - At 40 working days from the point clarification requested. 14. Environmental information request – At 20 working days from the point clarification requested. 15. Environmental information request - At 40 working days from the point clarification requested.
SCENARIO	SOLUTION	TEMPLATES – SEE ANNEX B
F. I wish to withhold some information.	Review the template responses and select the most appropriate. Forward your DRAFT response to Information Governance (freedomofinformation@dundee.ac.uk) for approval prior to issue. Templates can be combined where more than one exemption is applicable.	16. Withholding information – Fol – personal data. 17. Withholding information – Fol – deceased person's health records. 18. Withholding information – Fol – commercial sensitivity. 19. Withholding information – Fol – confidentiality. SEE ALSO SCENARIO O. 20. Withholding information – Fol – prejudicial to a University process 21. Withholding information – Fol – the provision of advice. 22. Withholding information – Fol – the free and frank exchange of views. 23. Withholding information – Fol – the information requested concerns an ongoing research project.

G. The information being requested is due to be published soon.	Review the template response and complete as appropriate. Forward your DRAFT response to Information Governance (freedomofinformation@dundee.ac.uk) for approval prior to issue.	24. Withholding information – Fol – information intended for future publication.
H. I want to release data about staff, students or other stakeholders that contains small numbers.	Review the template response and complete as appropriate. Forward your DRAFT response to Information Governance (freedomofinformation@dundee.ac.uk) for approval prior to issue.	25. Data release using ‘less than five’.
I. I think that this request is too large or complex or that it will cost too much to answer this request.	Review the template response and complete as appropriate. Forward your DRAFT response to Information Governance (freedomofinformation@dundee.ac.uk) for approval prior to issue.	26. Excessive cost of compliance – Fol. FOR PERSONAL INFORMATION SEE SCENARIO N BELOW. FOR ENVIRONMENTAL INFORMATION PLEASE SEE SCENARIO S BELOW.
J. We’ve already responded to this person recently with the same information.	Review the template response and complete as appropriate. Forward your DRAFT response to Information Governance (freedomofinformation@dundee.ac.uk) for approval prior to issue.	27. Repeated request – Fol. 28. Repeated request – Data Protection.
SCENARIO	SOLUTION	NOTES
K. I don’t think the University should say anything about this (ie neither confirm nor deny that information exists).	Please forward the request and an explanation of your concerns to Information Governance.	Managed case by case by Information Governance.
L. I think this request is designed to disrupt the work of the University rather than seek information or is a personal attack.	Please forward the request and an explanation of your concerns to Information Governance.	Managed case by case by Information Governance.
M. I don’t know how to answer the request/which template to use.	Please contact Information Governance for guidance.	
N. I can’t answer a request for personal information without identifying other people, I think it would be harmful to disclose the information to the person	Please forward the request and an explanation of your concerns to Information Governance.	Managed case by case by Information Governance. Common situations: <ul style="list-style-type: none"> Request for a person’s own personal data – explanation of redactions.

requesting it or I think the complexity or volume of information being requested is excessive.		<ul style="list-style-type: none"> Request for a person's own personal data – not possible to answer without disclosing third-party data. Neither confirm nor deny personal data held - FoI.
O. I think that the information is legally privileged.	Please contact Information Governance for guidance.	Managed case by case by Information Governance.
P. I don't know who or where information might be.	Please contact Information Governance for guidance.	
Q. I want to deviate from a standard template.	Please contact Information Governance for guidance.	
R. I have other significant concerns about the request.	Please forward the request and an explanation of your concerns to Information Governance.	
S. I want to extend the time we have or charge for environmental information.	Please contact Information Governance for guidance.	Managed case by case by Information Governance.

8. Decision points

8.1 The flow chart below provides guidance on the decision points when managing a request.



8. Review

8.1 Should the University choose to withhold information further to the provisions of the Freedom of Information (Scotland) Act or the Environmental Information (Scotland) Regulations, the person making the request may require the University to review that decision.

8.2 A request for review must be made in no more than 40 working days from the University's response or 40 working days from the date of the original request where no response has been received.

8.3 A request for review may be sent to the Head of Information Governance, University of Dundee, Dundee DD1 4HN or by email to freedomofinformation@dundee.ac.uk. Anyone with difficulty in making a written request for review may telephone +44(0)1382 344441.

8.4 The University will respond to any request for review in no more than 20 working days from receipt in one of the following terms:

- a. upholding a decision to withhold information;
- b. changing its original decision to withhold information and releasing it;
- c. a combination of these outcomes (ie to release some information, but withhold part of it); or
- d. where no response was provided initially, to respond releasing information or claiming an exemption from disclosure.

8.5 Administrative review will normally be carried out by the Head of Information Governance where:

- a. an applicant suggests that a response has not been provided; or
- b. a response has been provided by someone other than the Head of Information Governance claiming an exemption from disclosure.

8.6 A review may be escalated to the Director of LLC&CI and/or the Director of Legal for administrative review where the Head of Information Governance provided the initial response to any request or where additional input is appropriate.

8.7 In exceptional circumstances reviews may be escalated to the Secretary of the University for their adjudication. The Secretary of the University may convene a review panel at their discretion to assist in this process.

8.8 This procedure will also be followed in broad terms where any person requests that the University review its actions concerning the reuse of information created by the University Library, further to the Re-Use of Public Sector Information Regulations 2015.

9. Retention

9.1 The retention period for case files is

end of calendar year in which file closed + 3 years.

9.2 This retention period applies to all case files in scope for this procedure.

10. Revocations

10.1 This standard operating procedure and associated templates replace entirely:

- a. Standard operating procedure – Freedom of Information – Request management;
- b. Standard operating procedure – Freedom of Information – Clarification;
- c. Standard operating procedure – Freedom of Information – Internal review;
- d. Standard operating procedure – Data Protection – Data subject access requests; and
- e. retention periods for case files applicable previously.

11. Useful contacts

- Alan Bell, Head of Information Governance, x84441
- Richard Parsons, Director LLC&CI, x84082
- Umran Sarwar, Director of Legal, x85340

12. Change control

Change	Date	Authority
Draft	October/November 2017	Head of Information Governance
Review	November 2017	Senior Solicitor, Director of Legal, Director of LLC&CI, Director of Strategic Planning (as Chair of Data Records and Information Committee), Director of ACG
Revisions	December 2017	Head of Information Governance
Review	Q1 2018	Data, Records and Information Committee
Publication	May 2018	

ANNEX A – TEMPLATE RESPONSES FOR SITUATIONS A-E

These templates can be used to provide responses directly from Schools and Services to the person requesting information. A copy of the request, any notes concerning searches undertaken or colleagues consulted and the final response must be forwarded to freedomofinformation@dundee.ac.uk for logging.

Templates may be combined where more than one scenario is applicable.

Template 1 – Fol request answered in full

Dear x,

Thank you for your request for information from the University of Dundee. Please find the information you request [below/attached].

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 2 – Environmental information request answered in full

Dear x,

Thank you for your request for information from the University of Dundee. Please find the environmental information your request [below/attached].

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 3 – Request for personal information answered in full

[NOTE: Prior to the release of any personal data the identity of the applicant must be verified.]

[NOTE: A record must be kept of how the identity of the person was verified and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response].

[NOTE: Personal data must only be sent by Royal Mail Special Delivery or encrypted file with the password provided by other means (eg telephone). Box is the preferred means of electronic transfer.]

[NOTE: Any password must meet the University's standard (ie be at least 14 characters long and unique).]

[NOTE: Personal data can be collected in person where appropriate.]

Dear x,

Thank you for your request for information from the University of Dundee. Please find your personal information [enclosed/attached].

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Template 4 – FoI request answered in part – some information not held

[NOTE: A record of the searches conducted and/or the persons consulted must be kept and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response.]

Dear x,

Thank you for your request for information from the University of Dundee. Please find the following information [below/attached]:

- [Information]
- [Information]
- [Information]

Per S.17 of Fol(S)A I confirm that the University does not hold information the other information you have requested.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 5 – Environmental information request answered in part – some information not held

[NOTE: A record of the searches conducted and/or the persons consulted must be kept and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response.]

Dear x,

Thank you for your request for environmental information from the University of Dundee. Please find the following information [below/attached]:

- [Information]
- [Information]

- [Information]

Per S.13 and S.10(4)(a) of the EI(S)Rs, the University confirms that it does not hold information the other information you have requested.

The University is required to have regard to the public interest when confirming that information is not held. The University asserts that the public interest is satisfied by the provision of this confirmation.

I trust that this is helpful, but please let me know if I can be of further assistance.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 6 – FoI request - information not held

[NOTE: A record of the searches conducted and/or the persons consulted must be kept and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response.]

Dear x,

Thank you for your request for information from the University of Dundee. Per S.17 of FoI(S)A I confirm that the information you request is not held.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 7 – Environmental information request – information not held

[NOTE: A record of the searches conducted and/or the persons consulted must be kept and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response.]

Dear x,

Thank you for your request for environmental information from the University of Dundee. Per S.13 and S.10(4)(a) of the EI(S)Rs, I confirm that the information you request is not held.

The University is required to have regard to the public interest when confirming that information is not held. The University asserts that the public interest is satisfied by the provision of this confirmation.

I trust that this is helpful, but please let me know if I can be of further assistance.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 8 – Request for a person’s own personal data – no information held

[NOTE: A record must be kept of how the identity of the person was verified and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response. Simply confirming that information is not held could lead to inferences about an individual that should not be made to a third-party].

[NOTE: A record of the searches conducted and/or the persons consulted must be kept and forwarded to freedomofinformation@dundee.ac.uk along with a copy of the response.]

Dear x,

Thank you for your request for information from the University of Dundee. Having consulted our records, I confirm that the University does not hold or otherwise process the personal data you seek.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Template 9 – FoI request – request for clarification

[NOTE: A request for clarification should be issued as soon as possible. The 20 working day clock pauses when clarification is requested. It restarts from the point clarification is received.]

[NOTE: A copy of the request for clarification must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

Dear x,

Thank you for your request for information from the University of Dundee. I require additional clarification to assist you with your request. I would be grateful if you could confirm:

- [Question]
- [Question]
- [Question]

Thank you for your assistance.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Template 10 – Environmental information request – request for clarification

[NOTE: A request for clarification should be issued as soon as possible. The 20 working day clock pauses when clarification is requested. It restarts from the point clarification is received.]

[NOTE: A copy of the request for clarification must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

Dear x,

Thank you for your request for information from the University of Dundee. I require additional clarification to assist you with your request. I would be grateful if you could confirm:

- [Question]
- [Question]
- [Question]

Thank you for your assistance.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Template 11 – Request for a person's own personal data – request for clarification

[NOTE: A request for clarification should be issued as soon as possible. The 40 calendar day clock pauses when clarification is requested. It restarts from the point clarification is received.]

[NOTE: A copy of the request for clarification must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

NOTE: Specific questions may be asked concerning the section of the University or systems which may contain the personal data being requested.]

Dear x,

Thank you for your request for information from the University of Dundee. I require additional clarification to assist me in locating your personal data. I would be grateful if you could confirm:

- [Question]
- [Question]
- [Question]

Thank you for your assistance.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Template 12 – Fol request – request for clarification – no response received after 20 working days

[NOTE: This email should be issued where no response to a request for clarification has been received after 20 working days.]

[NOTE: A copy of the this email must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

Dear x,

Twenty working days have passed since my recent email. The University is unable to proceed with your request until you respond.

Thank you for your assistance.

Yours sincerely,

[Your name]
[Your designation]
University of Dundee
Dundee, DD1 4HN

Template 13 – FoI request – request for clarification – no response received after 40 working days

[NOTE: This email should be issued where no response to a request for clarification has been received after 40 working days. This email closes the file.]

[NOTE: A copy of the this email, along with the request, must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

Dear x,

Forty working days have passed since my recent email. The University considers your request withdrawn and will take no further action accordingly.

Please let us know if we can be of help in future.

Yours sincerely,

[Your name]
[Your designation]
University of Dundee
Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 14 – Environmental information request – request for clarification – no response received after 20 working days

[NOTE: This email should be issued where no response to a request for clarification has been received after 20 working days.]

[NOTE: A copy of the this email must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

Dear x,

Twenty working days have passed since my recent email. The University is unable to proceed with your request until you respond.

Thank you for your assistance.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Template 15 – Environmental information request – request for clarification – no response received after 40 working days

[NOTE: This email should be issued where no response to a request for clarification has been received after 40 working days. This email closes the file.]

[NOTE: A copy of the this email, along with the request, must be kept and forwarded to freedomofinformation@dundee.ac.uk.]

Dear x,

Forty working days have passed since my recent email. Per S.10(4)(c) of the Environmental Information (Scotland) Regulations I confirm that the University considers your request too general and will take no further action in respect of it.

The University is required to have regard to the public interest in the provision of this notice. The University asserts that the public interest is satisfied by its request for clarification and its provision of this notice.

Please let us know if we can be of help in future.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

ANNEX B – TEMPLATE RESPONSES FOR SITUATIONS F-J

These templates must be used to draft responses within Schools and Services A copy of the request, any notes concerning searches undertaken or colleagues consulted and the draft response must be forwarded to freedomofinformation@dundee.ac.uk for review prior to the response being issued.

Templates may be combined where more than one scenario is applicable.

Template 16 – Fol request – refusal to release third-party personal data.

[NOTE: Where you wish to refuse a request for third party personal data on the grounds that the third party has indicated that the release of their information would cause them damage or distress, please refer that request to Information Governance to be managed directly.]

Dear x,

Thank you for your request for information from the University of Dundee.

You have requested the personal data of third parties. As such the University is unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.38(1)(b) of Fol(S)A; and
- d. that the University claims the exemption for the reasons outlined above.

The University is not required to have regard to the public interest in the application of this exemption.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 17 – Fol request – request for a deceased person’s health records.

Dear x,

Thank you for your request for information from the University of Dundee.

You have requested access to a deceased person’s health records. As such the University is unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.38(1)(d) of Fol(S)A; and
- d. that the University claims the exemption for the reasons outlined above.

The University is not required to have regard to the public interest in the application of this exemption.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 18 – FoI request – refusal to release commercially sensitive information.

[NOTE: The test for the use of this exemption is ‘substantial prejudice to any person’ (including the University). It is not ‘commercial in confidence’ or similar. Please contact Information Governance for assistance if you are unsure about the meaning of these terms].

[NOTE: If the information being requested is a trade secret, please refer that request to Information Governance to be managed directly.]

Dear x,

Thank you for your request for information from the University of Dundee.

The release of this information is likely to prejudice the commercial interests of the University [and/or its suppliers]. As such the University is unable to provide you with this information.

Per S.16 of FoI(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.33(1)(b) of FoI(S)A; and
- d. that the University asserts that the release of this information is likely to be substantially prejudicial to its commercial interests or those of its suppliers. [Reason].
[Example reason: Releasing this information is likely to reveal detailed pricing structures. You will appreciate that a competitive marketplace, the pricing structures offered by companies are crucial to their continued success.]

The University is required to have regard to the public interest in the application of this exemption. [Example public interest argument: The University asserts that there is a greater public interest in the continued functioning of a competitive marketplace on a without prejudice basis than in the disclosure of this information given the risks noted above.]

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

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Template 19 – FoI request – refusal to release confidential information.

[NOTE: It is not enough to assert that information is confidential. You must be able to answer ‘yes’ to all the following questions before this exemption can be considered:

- Was the information received from a third party (ie from a person or organisation disclosing information to the University)?
- Was the information communicated in confidence (ie both parties understood a duty of confidence to apply)?
- Is the information inherently confidential (does it have the ‘necessary quality of confidence’?). For example, the existence of a relationship between the University and a third party may not be confidential if that relationship has been publicised, but specific elements of that relationship may be.
- Would the University be actionable (ie subject to legal proceedings instigated by the third party) if it was to break that confidence?

If this exemption does not apply, but you are concerned about the release of information because it seems ‘confidential’ in the generally-understood use of that term, please contact Information Governance for assistance. It may that other exemptions from disclosure can/should be used.]

[NOTE: There is no public interest-test applicable to the use of this exemption. However, in very strict circumstances it is possible to breach a confidence to make a public interest disclosure. Such disclosures should only be made further to the explicit permission of the University Secretary.]

[NOTE: Correspondence from the Legal team may be subject to a claim of confidentiality of communications (legal professional privilege). Please contact the Director of Legal for advice if you think that information may be the subject of legal privilege. Information Governance will manage any such response directly.]

Dear x,

Thank you for your request for information from the University of Dundee.

The University considers the information you request to be confidential. As such we are unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.36(2) of Fol(S)A; and
- d. that the University claims the exemption for the reason noted above.

The University is not required to have regard to the public interest in the application of this exemption.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

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If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 20 – Fol request – refusal to release information that would prejudice a University process.

[NOTE: The prejudice identified when using this exemption may change quickly. For example, it may be prejudicial to release an unconfirmed minute, but any prejudice may expire once the meeting is confirmed at the subsequent meeting.]

Dear x,

Thank you for your request for information from the University of Dundee.

The release of this information is likely to prejudice the effective conduct of public affairs insofar as the University must consider this matter in private at this time. Releasing information prematurely is likely to prejudice the normal operation of [process]. As such the University is unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.30(c) of Fol(S)A; and
- d. that the University asserts that the release of this information is likely to be substantially prejudicial to the effective conduct of public affairs for the reasons noted above.

The University is required to have regard to the public interest in the application of this exemption. The University asserts that there is a greater public interest in [process] being allowed to conclude on a without-prejudice basis than in the premature release of information to a single person at this time.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee
Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 21 – Fol request – refusal to release information that would prejudice the free and frank provision of advice.

[NOTE: The prejudice identified when using this exemption may change quickly. For example, it may be prejudicial to release an unconfirmed minute, but any prejudice may expire once the meeting is confirmed at the subsequent meeting.]

Dear x,

Thank you for your request for information from the University of Dundee.

The release of this information is likely to prejudice the effective conduct of public affairs insofar as the University requires the free and frank provision of advice on a without-prejudice basis. Releasing this information is likely to prejudice the normal and frank provision of that advice. As such the University is unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.30(b)(i) of Fol(S)A; and
- d. that the University asserts that the release of this information is likely to be substantially prejudicial to the effective conduct of public affairs for the reasons noted above.

The University is required to have regard to the public interest in the application of this exemption. The University asserts that there is a greater public interest in it receiving appropriate advice on a without-prejudice basis than in the premature release of information to a single person at this time.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 22 – FoI request – refusal to release information that would prejudice the free and frank exchange of views for the purposes of deliberation.

[NOTE: The prejudice identified when using this exemption may change quickly. For example, it may be prejudicial to release an unconfirmed minute, but any prejudice may expire once the meeting is confirmed at the subsequent meeting.]

Dear x,

Thank you for your request for information from the University of Dundee.

The release of this information is likely to prejudice the effective conduct of public affairs insofar as the University requires the free and frank exchange of views on a without-prejudice basis, further to its deliberations. Releasing this information is likely to prejudice the normal and frank provision of those views. As such the University is unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.30(b)(ii) of Fol(S)A; and
- d. that the University asserts that the release of this information is likely to be substantially prejudicial to the effective conduct of public affairs for the reasons noted above.

The University is required to have regard to the public interest in the application of this exemption. The University asserts that there is a greater public interest in it receiving the views of stakeholders on a without-prejudice basis than in the premature release of information to a single person at this time.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

Should you wish to appeal any decision concerning the release of information by the University please respond to freedomofinformation@dundee.ac.uk. The University will then review your appeal according to the procedures at www.dundee.ac.uk/information-governance.

If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 23 – Fol request – refusal to release information that is part of an ongoing research project and where release would be detrimental to that project.

[NOTE: This exemption may only be used where prejudice to the research programme would or would be likely to occur to the University, a research partner or any individual participating in the research.]

[NOTE: There must be a firm (documented) intention to publish the outputs of the research programme prior to the date of the request for this exemption to be applicable.]

[NOTE: Where a firm intention to publish exists, the exemption may be applied whether or not the specific information being requested will form part of the final outputs.]

Dear x,

Thank you for your request for information from the University of Dundee.

The release of this information is likely to prejudice the integrity of an ongoing programme of research. [Reasons]. As such the University is unable to provide you with this information.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.27(2) of Fol(S)A; and
- d. that the University asserts that the release of this information is likely to be substantially prejudicial to an ongoing programme of research for the reasons noted above.

The University is required to have regard to the public interest in the application of this exemption. The University asserts that there is a greater public interest in a programme of research being allowed to conclude on a without-prejudice basis and the outputs scrutinised and published in the normal way, than in the premature, unverified, information being released to a single person at this time.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee
Dundee, DD1 4HN

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If you are unhappy with the outcome of that review please forward your appeal to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, Fife, KY16 9DS (www.itspublicknowledge.info/Appeal).

If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 24 – Fol request – refusal to release information that is due to be published within 12 weeks.

[NOTE: There must be a firm (documented or by convention) intention to publish the information being requested prior to the date of the request for this exemption to be applicable.]

Dear x,

Thank you for your request for information from the University of Dundee.

The information you have been requested will be published [location] shortly. As publication is due in no more that 12 weeks from the data of your request, the University considers this information to be exempt from disclosure.

Per S.16 of Fol(S)A I conform that:

- a. the University holds the information you request;
- b. the University claims that the information is exempt from disclosure;
- c. the University claims the exemption in S.27(1) of Fol(S)A; and
- d. that the University claims this exemption for the reasons provided above.

The University is required to have regard to the public interest in the application of this exemption. The University asserts that there is a greater public interest in this information being published in the normal way, than in premature, unverified, information being released to a single person at this time.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

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If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 25 – FoI request – release of data using ‘less than five’ rather than small numbers to protect personal data.

Dear x,

Thank you for your request for information from the University of Dundee.

Please find the information you requested [below/attached].

Please note that we have replaced small numbers with 'less than five'. This is the University's normal practice when releasing data to reduce the risk of the inadvertent identification of individuals and the inappropriate release of personal data.

I trust that you will appreciate the University's rationale in this regard so I have omitted a detailed explanation per S.16 and S.38 of Fol(S)A from this email for brevity. However, please let us know if you require that for your records and I will request it from colleagues in Information Governance.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

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Template 26 – Fol request – refusal to release data due to excessive cost of compliance.

[NOTE: Complete the calculation below. You must be able to evidence your estimates.]

[NOTE: We must provide guidance on what information could be provided under the cost threshold.]

[NOTE: Only time spent on the location, retrieval and/or duplication of information can be considered as part of the cost calculation.]

[NOTE: $(x \times n) \times £15$ (per the calculation below) must be $>£600$ for cost to be considered excessive.]

[NOTE: The maximum cost per hour for staff time is capped at £15. Where a colleague paid less than £15 per hour can carry out the work, actual costs must be used.]

Dear x,

Thank you for your request for information from the University of Dundee. Unfortunately your request is too [complex/voluminous] for the University to provide an answer within the fees ceiling associated with FoI(S)A. Please treat this email as notice of that per S.12 and S.16 of that Act.

The University estimates that:

x staff will be required to locate, retrieve and/or duplicate the information requested; and
it will take n hours per member of staff to complete that process.

Given the information concerned and the seniority of the colleagues required, the University claims a £15 hourly rate for staff time.

$(x \times n) \times £15 = £XXX$

As £XXX is in excess of £600 the University is not required to comply with your request.

However, I am happy to provide [other/smaller volume of information] in response to your questions, which I trust is useful.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

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If you remain dissatisfied following an appeal to the Commissioner your recourse is to the Court of Session on a point of law.

Template 27 – Fol request – refusal as the request is a repeated request.

[NOTE: To be used where the applicant asks for the same information within a year, unless the answer has changed in a substantive manner.]

Dear x,

Thank you for your request for information from the University of Dundee.

I refer you to the University's response to your identical request earlier this year.

I note that the University considers your current request to be repeated and will take no further action in response. Please treat this email as confirmation of that per S.14(2) and S.16 of Fol(S)A.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN

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Template 28 – request for a person’s own personal data – refusal as the request is a repeated request.

[NOTE: To be used where the applicant asks for the same information within a year, unless the data has changed in a substantive manner.]

Dear x,

Thank you for your request for information from the University of Dundee.

I refer you to the University’s response to your identical request earlier this year.

Per S.8(3) of the Data Protection Act 1998 I note that the University considers that a reasonable amount of time has not elapsed since your previous request and will take no further action in response.

If we can be of further help, please feel free to contact us.

Yours sincerely,

[Your name]

[Your designation]

University of Dundee

Dundee, DD1 4HN