



Subject of report: Access to Information

Date of meeting 22 June 2018

Date of report 6 June 2018

Report by Assistant Chief Executive

1. Object of report

The object of this report is to seek approval of:

- a) the introduction of a Re-use of Public Sector Information Policy;
- b) the introduction of a Charging for Information Policy; and
- c) a revised Freedom of Information Policy.

(Together, the “**Policies**” set out in the Appendix for reference)

2. Background

2.1. SPT has been undertaking a review of its policies concerned with access to information in light of changes to:

- 2.1.1. The Re-Use of Public Sector Information Regulations 2015 (“**RPSI Regulations**”) which provide a public right to re-use information that public sector bodies (including Regional Transport Partnerships) produce or hold as part of their core tasks and functions and have published or disclosed (including under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (together “**FOI legislation**”));
- 2.1.2. Data protection law with the coming into force of the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) on 25 May 2018; and
- 2.1.3. The Scottish Information Commissioner’s Model Publication Scheme with the introduction of the 2017 edition.

Over the last three years SPT has received 133 Freedom of Information requests, 7 Environmental Information requests and 16 Data Protection Subject Access requests.

2.2. A number of areas have been highlighted for improvement to ensure compliance with the legislative changes detailed above.

3. Outline of proposals

3.1. Introduce a Re-use of Public Sector Information Policy

- 3.1.1. SPT must respond to requests under the RPSI Regulations in a transparent, fair and consistent manner and is obliged to publish details of its complaints procedure and charging structure.
- 3.1.2. The proposed policy supports the legislative framework for responding to requests in accordance with the above themes and in compliance with its obligations under the RPSI Regulations.

3.2. Introduce a Charging for Information Policy

- 3.2.1. Data protection legislation and FOI legislation permit SPT to charge for the provision of information in certain circumstances.
- 3.2.2. It is not SPT's current policy to charge for the provision of published information however, SPT proposes to do this going forward and is therefore required to publish a charging structure.

SPT fully supports the principles of openness and transparency and seeks to ensure the delivery of best value by having the ability to charge, where appropriate, in a climate of on-going public sector budget cuts. This is in line with a number of local authorities.

- 3.2.3. SPT's proposed charging structure is contained in the draft policy which outlines the circumstances under which SPT may impose charges for providing information, and what these charges are likely to entail.

3.3. Revise the Freedom of Information Policy

- 3.3.1. The current Freedom of Information Policy was approved by the Partnership on 10 December 2010 and requires to be updated as follows:
 - 3.3.1.1. Remove the section entitled "Guidance to Implementation of the Policy" which relates to SPT's internal guidance for recognising and processing requests under the FOI legislation. All processes are continually reviewed, and therefore it is not appropriate to include internal guidance within a policy document.
 - 3.3.1.2. Amend the "Charges" section to refer to the proposed Charging for Information Policy.

4. Conclusion

Partnership approval of the policy amendments and the introduction of the new policies supports compliance with the recent legislative changes.

5. Partnership action

The Partnership is recommended to approve the Policies set out in the Appendix.

6. Consequences

Policy consequences	<i>Amendments to the Freedom of Information Policy. Introduction of a Charging for Information Policy Introduction of a Re-use of Public Sector Information Policy</i>
Legal consequences	<i>Should help ensure compliance with the Re-use of Public Sector Information legislation</i>
Financial consequences	<i>None</i>
Personnel consequences	<i>None</i>
Equalities consequences	<i>None directly</i>
Risk consequences	<i>The implementation of a Re-Use of Public Sector Information Policy will lessen the risk of SPT failing to comply with its obligations under the RPSI Regulations</i>

Name Valerie Davidson
Title **Assistant Chief Executive**

Name Gordon MacLennan
Title **Chief Executive**

For further information, please contact Mary Frances O'Neill, Senior Legal Advisor, on 0141 333 3763.