



Jean Duncan

Preparing for FOI

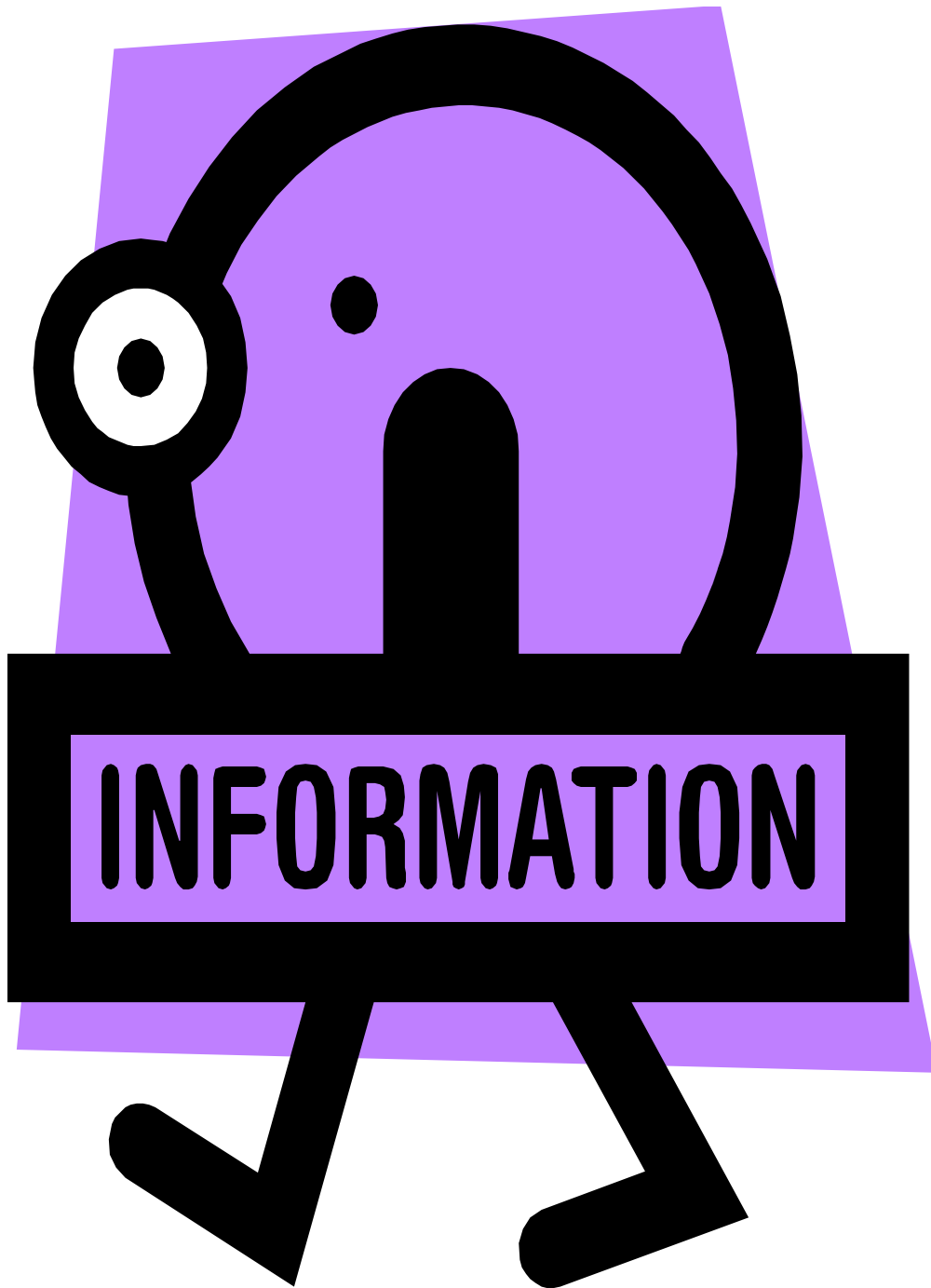
The logo for Edinburgh Leisure, featuring a stylized white swoosh above the text "Edinburgh Leisure" and the tagline "The Biggest Club in Town" below it.



- Established in 1998 to manage and develop sport and leisure services on behalf of the City of Edinburgh Council
- Company limited by guarantee
- Not for Profit
- 1000+ Staff
- Turnover of £30 million
- 4 million customer visits a year



OUR JOURNEY



Edinburgh Leisure was designated as a Scottish Public Authority by an order made under section 5 of the Act, known as the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2013.

Implementation: 1st April 2014

Edinburgh Leisure – The Story So Far

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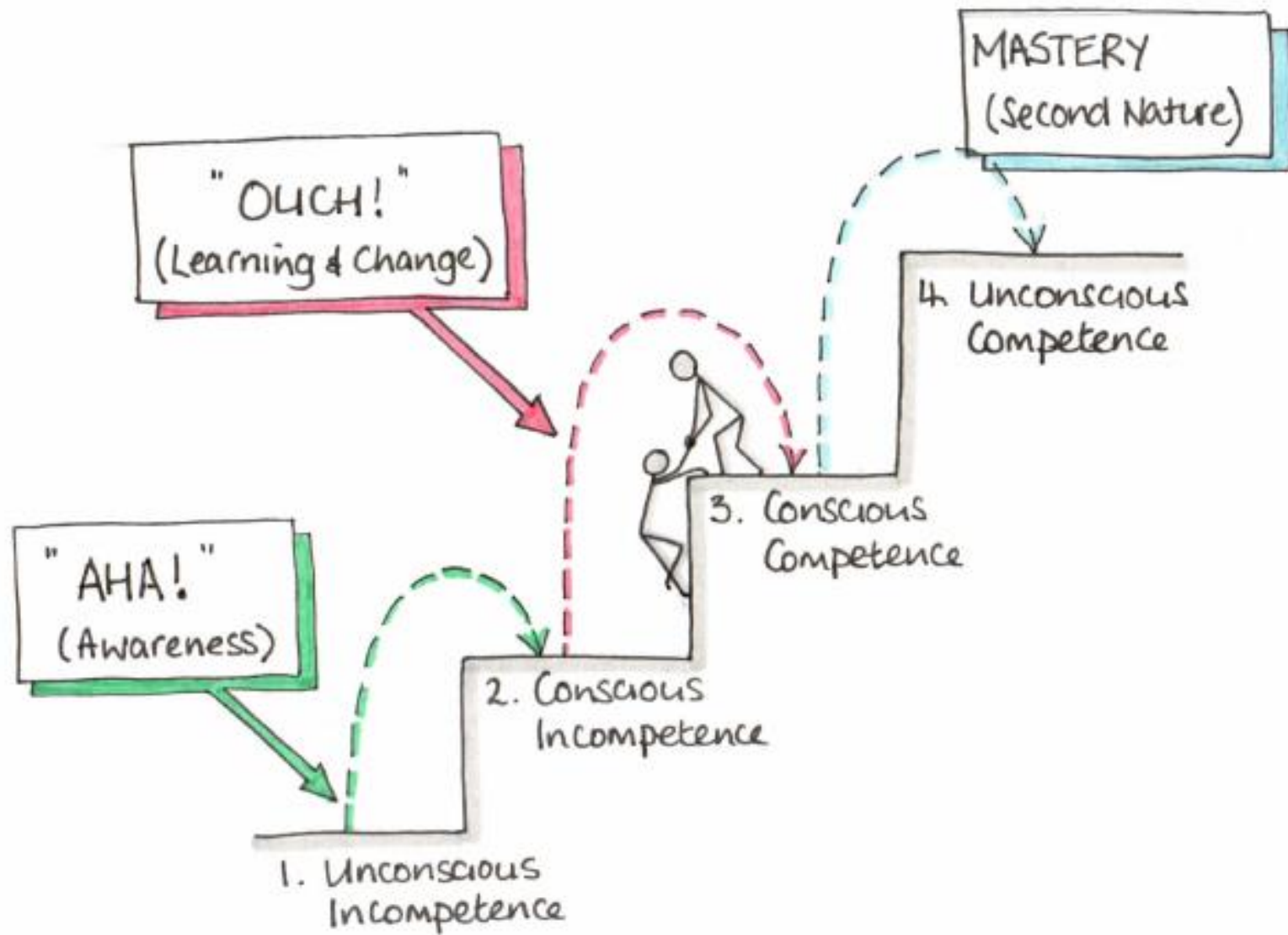
**ASK
ANY
THING**

FOI	EIR	DPA	Internal Reviews	Appeals
100	22	21	8	1

A 3D rendered scene featuring a line of humanoid figures in a starting crouch. The figure in the foreground is red, while the others behind it are grey. They are positioned on a light grey surface against a grey background. The text "GETTING READY" is overlaid in the center.

GETTING READY







FIRST STEPS

Lots of Research & Lots of Learning



Key Workstreams

Marketing

Procedures

Records
Management

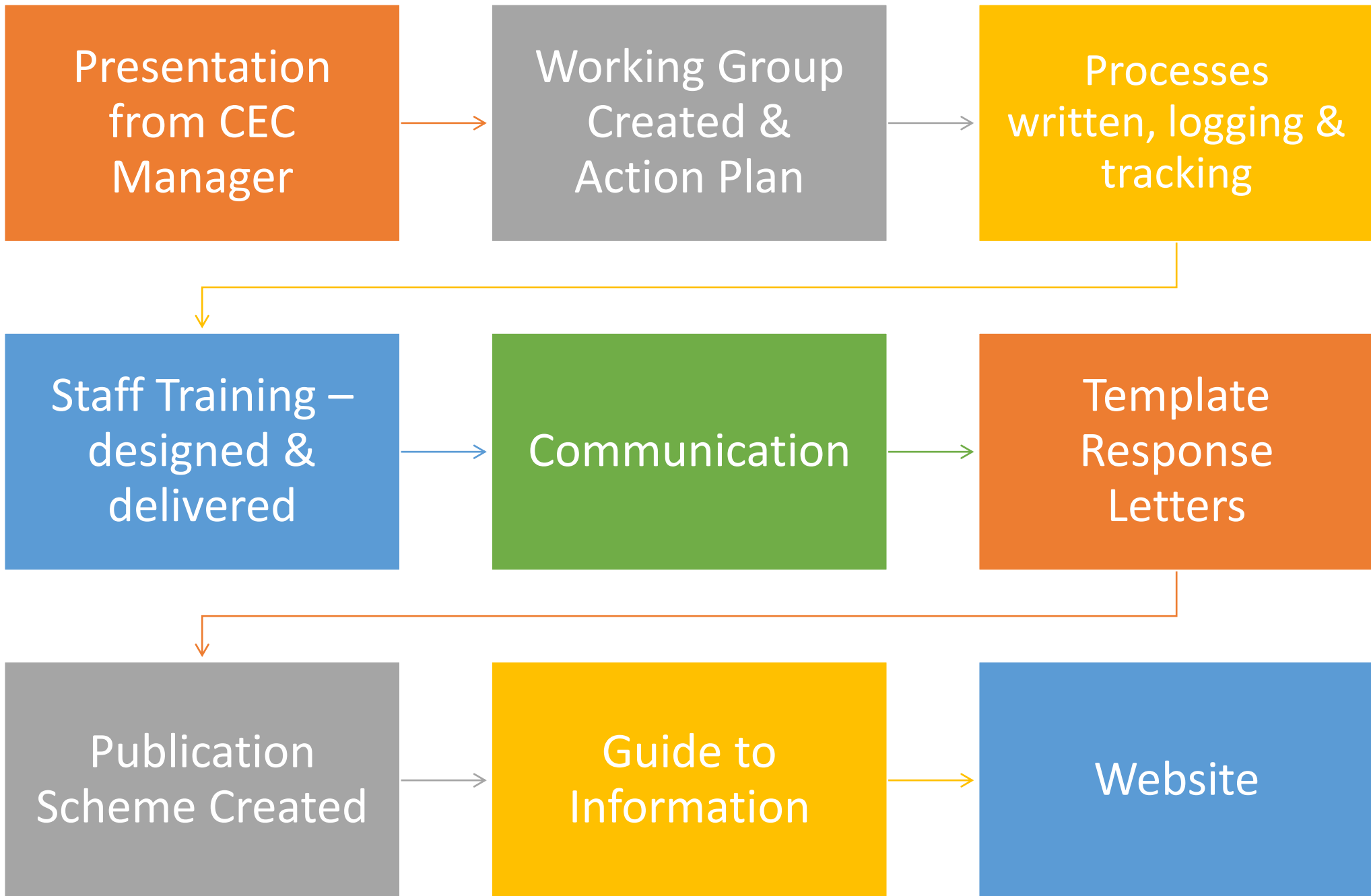
Training

Communications

EIRS

ICT

Working Group



Month	Item	Key Dates	Dependancies	Lead	Others	Progress Status	Notes
	Work with SICO & 2X Leisure trusts to ID template for Guide To Publication Scheme	02.12.13		JD		Complete	
	Discuss Retention Schedule	02.12.13		GF	ALL	Complete	
	Identify Audit resource	02.12.13		GF	KA, KS	Not Started	Audit process should lie with teams.
	FOI Project Team Meeting	02.12.13		JD	ALL	Complete	
	KS & JD to review Job description	02.12.13	KS	JD		Complete	JD to update Job Description & consider permanant or fixed contract posiiton
	Understand what we need to do, create fuller action plan	03.12.13		AH		Complete	
	Start Guide to Information	03.12.13		JD		Complete	Draft 1 completed
	Advertise for resources, temporary, permanent	04.11.13		JD		Complete	Meeting with Holly to be arranged
	Attend FOI Conference	05.12.13		JD		Complete	
	L&D Facilitator volunteers to assist in designing FOI training	06.12.13		JD		Complete	Kate, Kerry, Steph to assist JD
	JD & RK to meet to review Web site Plan	06.12.13	JD	RK		Complete	Site plan reviewed, RK to feedback to Whitespace
	Internal Records retention Schedule to team	06.12.13		GF	KA, KS	Complete	
	Arrange meeting for FOI Training design team	07.12.13		JD		Complete	Emailed 07.12.13
	Training design dates arranged for January	07.12.13		JD	KC, KP, SH	Complete	Dates arranged
	FOI Project Board Meeting	09.12.13			AL, JD, KJ, JP	Complete	
	Retrospective info on PEM (re mudflats) if not passed to new provider	10.12.13		AH		In Progress	
	Communication at One Team - Raise awareness or FOI re purging, record mgt etc	12.12.13		KH	JM	Complete	



Staff Training



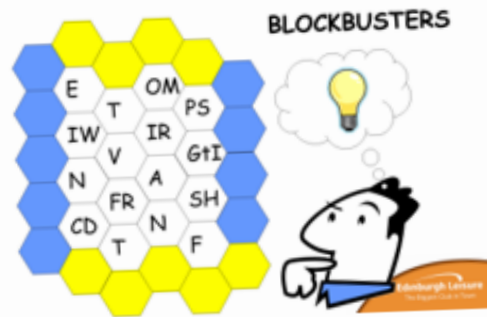



AWARE

ACT

DECIDE

Staff Training

Slides	Section & Trainer's Notes								
<div>FOI Training Level 3</div> <div></div> <div><ul style="list-style-type: none">• DECIDE<ul style="list-style-type: none">• Raise awareness of the legislation• What you need to know about the Law• How to recognise a request• What you need to do if you receive a request for information• Your responsibilities, collating information• Records Management• Exemptions & Exceptions</div> <div></div>	<div><h3>Introduction Slide 2</h3><p>Briefly introduce the aims of this course, why we are here, purpose of this session:</p><ul style="list-style-type: none">• Raise awareness of the legislation• What you need to know about the Law• How to recognise a request• What you need to do if you receive a request for information</div>								
<div></div> <div>BLOCKBUSTERS</div> <div></div>	<div><h3>Quiz - Slide 3</h3><p>We're going to play a Blockbusters quiz to test your knowledge of the basics of Information Legislation:</p><table><tr><th>Letter</th><th>Question</th><th>Answer</th></tr><tr><td>E</td><td>What E has a right to request information under the Freedom of Information (Scotland) Act?</td><td>Everyone</td></tr></table></div>			Letter	Question	Answer	E	What E has a right to request information under the Freedom of Information (Scotland) Act?	Everyone
Letter	Question	Answer							
E	What E has a right to request information under the Freedom of Information (Scotland) Act?	Everyone							

RECOGNITION OF REQUESTS





1 What is the total supported accommodation figures broken down by target group for last 3 years?

2 How many accidents have there been reported in the last 2 years broken down by type?

3 What is the total rent received broken down to the last 5 financial years?

4 All communications between myself and your organisation?

5 Inspection report from Scottish Housing Regulator?

6 What's your address?

WHAT'S YOUR PROCESS

What's your
PROCESS?



Mapping & Creating Processes



Who's in Charge?

Identify who manages your Information Request processes. It would be useful to have one person or team who:

Are a central point for all requests to come into e.g. a form on the web, an email address that goes to a central point / team

Manages the requests, logging and tracking and responding

Sends acknowledgement letter to requester

Sends out request to the staff who can provide the information

Collates the responses and writes response letter

Sends response to requester and adds to Disclosure Log

Who do you send it to?

Chief
Executive

Board
Directors

Policy Lead

Digital &
Design Lead

Management
Committee

Executive
Team

Operational
Managers

Estate
Services

Finance

Property
Services

Tenancy
Services

Corporate
Team

REQUEST RECEIVED
(days 1-2)
ID legislation
Send acknowledgement

CLARIFY REQUEST
(days 1-2)
Contact requester
If necessary

ASSESS REQUEST (days 3-5)
Do we hold the information
requested?
Is the information already
accessible?

INFORM /CONSULT
(days 3-5)
Request to colleagues /
managers to collate info

LOCATE INFORMATION
(days 3-5)
Obtain all recorded information
from sources
Prepare response

CONSIDER RESPONSE
(days 6-10)
Review documentation
Consider Exemptions /
Exceptions

CLEARING RESPONSE
(days 11-15)
Seek advice and
clearance

ISSUE RESPONSE
(days 16-20)
Prepare information for
release & send to requester

The Process – 20
working days

Information Request Assignment

The summary below provides details of a FOISA request for information that has been allocated to your site / section for action. Please treat with high importance as statutory timescales apply.

Requests for information cover freedom of information requests (FOISA), requests for environmental information (EIRS) and requests under the Data Protection Act 1998 (DPA).

Request Summary	Request Number:	ELIR000XX
<insert details of request>		
Please reply to:	foi@edinburghleisure.co.uk	By: 22.02.17

Request assessment

Please consider the points listed below and respond to the Information Compliance Section within **5 days** of receipt of this request.

1. Do you hold the requested information in whole or in part?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2. If in part please suggest where the information may be held.				
3. Is the information publically available e.g. on EL website?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4. Is the request clear, do you need further clarification?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5. How long will it take to collate the requested information?				
Number of records	=			
Reproduction/ photocopying costs (@10p per copy)	=			
Total Staff cost (at £15.00 / hour)	=			
Total overall cost	=	£		

Information Request Assignment

Please return requested information to foi@edinburghleisure.co.uk by no later than 22.02.17.

If you do not respond, we will assume that the requested information will be provided in full and returned to the Information Compliance Section.

Application of exemptions

Edinburgh Leisure has a statutory duty to provide information upon request. However, there are a number of limited exemptions/ exceptions that can be applied in certain circumstances (e.g. information may be commercially sensitive or confidential).

If during the course of responding to this request you think there are reasons why information should not be disclosed, please contact the Information Compliance Section immediately.

Responding to applicants


Upon receipt of the information, the Information Compliance Section will frame the response and respond on behalf of Edinburgh Leisure. Do not respond directly to the applicant. Please note that responses to requests for information under FOISA and EIRS will be published and made available through Edinburgh Leisure's website.


Further advice and information


Should you require advice or assistance with any of the above, please contact Jean Duncan.

For further information about Edinburgh Leisure's procedures and your statutory responsibilities under the legislation, please visit the Information Compliance pages on the Intranet. Please do not hesitate to contact me if I can be of further assistance.


☐ Name

☒  01 - FOI ACKNOWLEDGEMENT OF REQUEST


 002 FOI - ADVISING REQUESTER RESPONSE WILL BE LATE


 02 - REASSIGNMENT - FOISA NOT EIRS


 003 EIR ADVISING REQUESTER RESPONSE WILL BE LATE


 03 - REASSIGNMENT - FOISA NOT DPA

 04 - FOI REQUEST FOR CALRIFICATION

 05 - FOI - REQUEST FOR CLARIFICATION REMINDER


 06 - FOI - REQUEST FOR CLARIFICATION - RECEIPT


 07 - FOI - REQUEST FOR CLARIFICATION - CLOSURE


 08 - FOI - INFORMATION OTHERWISE ACCESSIBLE


 09 - FOI - VEXATIOUS REQUEST


 10 - FOI - REPEATED REQUESTS


 11 - FOI - INFORMATION NOT HELD


 12 - FOI - PROVIDE CONTACT DETAILS


 13 - FOI - FEES NOTICE


 14 - FOI - EXCESSIVE COST

 15 - FOI - REFUSAL NOTICE (ABSOLUTE EXEMPTION)

 16 - FOI - REFUSAL NOTICE (PUBLIC INTEREST TEST)

 17 - FOI - RELEASE OF THIRD PARTY INFORMATION

 18 - FOI - INFORMATION - PARTIAL RELEASE

 19 - FOI - INFORMATION - FULL RELEASE

<<Contact Name>>

<<Contact Address>>

Date: <<CurrentDate>>

Our ref: ELIR000XX

Dear <insert name of applicant>

Freedom of Information (Scotland) Act 2002 - Acknowledgement of Request

Subject: <<ShortDescription>>

Thank you for your request for information of <<DateReceived>> which was received on <<DateReceived>>. In your request you asked for [insert details of information request below].

1. Add question / information requested here

Tracking & Logging

- This has formulas added for calculating dates
- It also pulls through info for the Statistics portal

Home	Ref	Short description	Requester's name	Received by	Quotes legislation?	Progress comments	Date received anywhere in the organisation (dd/mm/yy)	Month	Type	Clarification sought	Clarification received (dd/mm/yy)	Request closed due to lack of clarification or withdrawal	External due date	Site/Section request assigned to	Staff deadline for supplying information (set as 10 working days before due date but can be changed)	Date responded to requester or closed due to lack of clarification or withdrawal	Working days taken to respond	Total time taken to respond, including inactivity (in days)	New start date	Working days to go
	ELIR00001	Request for evaluation process for grading of Mobile Pool Plant Operator			Yes - References FOI legislation		01/04/14	Apr	FOI				30/04/14	HR	15/04/14	17/04/14	12	16		
	ELIR00002	Request for number of times disabled parking areas at CLTC are checked			No - Made through FOI request page		07/04/14	Apr	FOI				07/05/14	CTLC	22/04/14	17/04/14	8	10		
	ELIR00003	Request for "on request" disclosure log information			No - Made direct to foi inbox		14/04/14	Apr	FOI	Yes	15/04/14		15/05/14	HR	30/04/14	23/04/14	5	8		



MODEL PUBLICATION SCHEME & GUIDE TO INFORMATION

Model Publication Scheme 2018

- FOI requires Scottish public authorities to produce and maintain a publication scheme. We must:
 - publish the classes of information that we make routinely available
 - tell the public how to access the information and whether information is available free of charge or on payment





Our Guide to Information – On the Website

Freedom of Information

Guide to Information

FOI Request Form

Environmental Information

Data Protection

Published Information

Record Management

Disclosure Log

Guide to Information

The purpose of our Guide to Information, available through the [Model Publication Scheme 2018](#), has been developed to:

- allow the public to see what information is available (and what is not available) for Edinburgh Leisure in relation to each class in the Model Publication Scheme 2017
- state what charges may be applied
- explain how you can find the information easily
- provide contact details for enquiries and to get help with access to the information
- explain how to request information that we hold which has not been published

Download Guide to Information 

<https://www.edinburghleisure.co.uk/freedom-of-information/guide-to-information>

Our Guide to Information – On the Website

Classes of Information

We publish all the information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

Classes

Please select

Class 1: About Edinburgh Leisure

Class 2: How we deliver our functions and services

Class 3: How we take decisions and what we have decided

Class 4: What we spend and how we spend it

Class 5: How we manage our human, physical and information resources

Class 6: How we procure goods and services from external providers

Class 7: How we are performing

Class 8: Our commercial publications

Class 9: Our open data

Us
er Feedback
Conditions
n of Information



Class 1: About Edinburgh Leisure

Information about Edinburgh Leisure, who we are, where to find us, how to contact us, how we are managed and our external relations.

Website - Class 1

The information we publish under this class includes:	How to access it
Subsidiary companies Details of any subsidiary companies wholly owned by Edinburgh Leisure.	On Request
Strategic Leadership Team A list of Edinburgh Leisure Directors including their roles and responsibilities.	Strategic Leadership Team (233kb pdf)
Sponsorship Details on current sponsors and sponsorship opportunities.	Online - Sponsorship page
Our Board Who our Board are and their responsibilities.	Online - Our Board
Organisational Chart Details the organisational structure of Edinburgh Leisure.	Organisational Chart (397kb pdf)
News News about Edinburgh Leisure e.g. news releases, newsletters.	Online - News
Model Publication Scheme 2018 Edinburgh Leisure has adopted the Scottish Information Commissioner Model Publication Scheme 2018.	Model Publication Scheme 2018 (116 kb pdf)
Memorandum of Association Information under the Companies Act 1989 on Edinburgh Leisure and its establishment.	Memorandum of Association (200kb pdf)

Disclosure Log

The Disclosure Log details each Freedom of Information (FOI) request we have processed, including when it was received, what it concerned and our response to it.

Show FOI Requests for

2019



Request No.	Request	Request Date	Resolution
ELIR00242	List of Golf Professionals Do you have a list of the golf professionals who worked for Edinburgh Corporation through the years at the Braids? I remember XXXXXXXX who taught me at Boroughmuir whilst professional at the Braids. Other names I remember include XXXXXXXX, XXXXXXXX and XXXXXXXX. Would you be kind enough to check your archives and let me know any other names. Many thanks	13.05.2019	14.05.2019
ELIR00241	Access Control Implementation Your answer ref ELIR000237 indicates that there was a session of your Strategic Leadership Team where the business case for access gates was heard and a decision to progress was not made. On this new information I	20.04.2019	14.05.2019

WITHHOLDING INFORMATION

EXEMPTIONS & EXCEPTIONS





Providing Information

- Starting point must be access should be provided unless there is a reason not to give it which outweighs the public interest in access.

Exemptions (FOI)

- Under the relevant exemption, we can withhold information if release would be likely to cause real and actual harm to a relevant commercial, financial or economic interest





- Ⓢ Information is not held
- Ⓢ Cost is excessive
- Ⓢ Vexatious or repeated
- Ⓢ Exemption applies

FOI Withholding Information

We can only refuse a FOI request if:

FOI Absolute Exemptions

S25 Information otherwise accessible

S26 Information prohibited from disclosure

S36 Information subject to an actionable breach of confidence

S37 Court records

S38 Personal data where the applicant is the data subject



Public Interest Test

- Balancing Act
- Public interest to disclose v public interest in maintaining exemption
- FOISA & EIRS
- Serves the interest of the public

FOI Case Studies – Using Exemptions

1

- Commercial Information

2

- Potential Claims

3

- Personal Information

4

- Excessive Cost

Case Study 1 – Information Already Accessible

EICA Financial Report

The latest Financial Report
pertaining to the Edinburgh
International Climbing Arena.

April 2019



Case Study 2 – Commercial Information

Request for information held by Edinburgh Leisure in regards to detailed Income and Expenditure at Silverknowes Golf Course for last 5 years.

April 2016



Public Interest Arguments - Withhold

- EL is an arms-length not for profit charitable trust charged with operating as a private company in a market which is open to entry from private competitors. In our view, we would be unable to compete effectively or equally with those competitors if (unlike its competitors) we are obliged to disclose commercially sensitive cost information
- It is in the public interest to ensure that we can operate in the competitive environment, and that we are able to do so without our status as a public body impacting significantly on our ability to operate effectively in a competitive market
- Any profits that we generate are reinvested in our services. Consequently, we could be viewed as a net contributor to, rather than a drain on public finances, and our ongoing commercial good health benefits everyone who lives and works in Edinburgh and the surrounding area. As a result, we consider the greater public interest lies in the continued success of our business and our ability to compete fairly with its competitors
- We believe there is a strong public interest in avoiding significant harm to the commercial interests of our organisation
- We believe there is a strong public interest in avoiding prejudice to our own commercial interests by providing the detailed cost information for Meggetland Sports Complex, competitors would be able to use this information to gain a competitive advantage against us
- There is also a strong public interest in avoiding prejudicing our own commercial interests, as disclosure would be likely to lead to higher costs which would need to be paid using public funds
- It is in the public interest for Edinburgh Leisure, in common with other Scottish public authorities, to be able to offer services in a competitive market, thus securing best value for the public purse
- It is also in the public interest for any supplier of a public service to remain commercially viable and capable of offering best value, along with its potential competitors on a fair and equal footing.

Public Interest Arguments – Disclose

- There is a public interest argument in providing information about the performance of Meggetland and the annual expenditure given the subsidy that EL receives from City of Edinburgh Council. It is for that reason that EL discloses performance information in their Board Reports, Annual Report & Audited Financial Statements in our Published Information and Guide to Information which can be found on our Corporate Website. However, the numbers disclosed are carefully considered so as not to damage our commercial interests.
- Our financial statements and annual report can be found on our website [here](#).
- Given the substantial funding received from the City of Edinburgh Council, it could be argued that there is a public interest in disclosing this information to ensure that value for money is seen to be obtained as it relates to the spending of the public purse (funded by CEC)
- It could also be argued that in agreeing final accounts they obtain the most economically advantageous outcome for the public.

Case Study 3 – Potential Claims

Request for information
regarding an accident at
Gracemount Leisure Centre.

February 2017



Case Study 4 – Request for personal data / RTBF

Please can you let me know what data you have kept about me, and once disclosed I request that you delete any data you have about me. I DO NOT consent to you using my data for marketing, monitoring or any other means

June 2018

“

Case Study 5 – Excessive Cost

22 questions within one request including all correspondence between EL & X and all correspondence between person Z relating to X & Y.

June 2018



Staff name	Number of hours anticipated to collate	Number of hours actual	Hourly rate	Anticipated costs incurred	Actual costs to collate
Schools 1	14	5	£15.00	£210.00	£75.00
Schools 2	5	5	£15.00	£75.00	£75.00
Schools Bookings x 4	7	3	£15.00	£105.00	£45.00
Operations 1	4	4	£15.00	£60.00	£60.00
Sports Pitch 1	4	4	£15.00	£60.00	£60.00
Pitch Bookings x 3	4	4	£15.00	£60.00	£60.00
Pitch moible team		2	£15.00	£0.00	£30.00
Sports Pitch 2		0	£15.00	£0.00	£0.00
Saughton staff		2	£15.00	£0.00	£30.00
Meggetland staff		2	£15.00	£0.00	£30.00
CEO	1	1	£15.00	£15.00	£15.00
Director 1	6	6	£15.00	£90.00	£90.00
Director 2	2	2	£15.00	£30.00	£30.00
Finance team		0	£15.00	£0.00	£0.00
Information Compliance	60	42	£15.00	£900.00	£630.00
Support 1	0	0	£15.00	£0.00	£0.00
Support 2		0	£15.00	£0.00	£0.00
		0	£15.00	£0.00	£0.00
TOTAL	107	82	£270.00	£1,605.00	£1,230.00



Case Study 6 – Repeated / Vexatious?

Several FOI requests for information on access control implementation.

2017, 2018 & 2019

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WHAT

NOW?

Action Plan

Write Processes - logging & tracking

Staff Training

Template Response Letters

Adopt 2018 Publication Scheme

Guide to Information – Website Disclosure Log

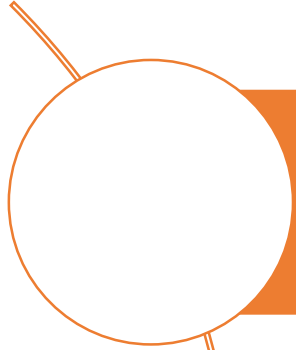
Research & Resources

- Scottish Information Commissioner Website
- Briefings & Guidance
- City of Edinburgh Council
- Google!
- Websites
- Jisc
- Template Letters



Scottish Information
Commissioner

It's public knowledge



Jean Duncan - Customer Development Manager



jeanduncan@edinburghleisure.co.uk



<https://www.edinburghleisure.co.uk/home>

