**Environmental Information Requests Standard Operating Procedure**

The Standard Operating Procedures (SOPs) are practical guides on what the University must to do in order to comply with Freedom of Information and Data Protection Laws. Details of who is responsible for this SOP and the definitions used in it are set out in Annex A.

**Environmental Information requests**

**IT IS A CRIMINAL OFFENCE TO CONCEAL, ALTER OR DELETE INFORMATION TO PREVENT DISCLOSURE IN RESPONSE TO A REQUEST.**

**1 Scope**

1.1 The Environmental Information (Scotland) Regulations 2004 (EIRs) give individuals the right to request certain types information from the University as a public body. The EIRs provide similar rights to those under the FOI Act but there are important differences.

1.2 This SOP details the process to be followed by the University where a request for information is received in terms of the EIRs.

**2 What is Environmental Information (EI)?**

2.1 EI covers a broad range of topics, including:

* the environment itself, including air, water, earth, and the habitats of animals and plants;
* other things that affect the environment, such as emissions, radiation, noise and other forms of pollution;
* policies, plans and laws on the environment.

**3 Does an EI request have to be in writing?**

3.1 A request for EI does not need to be in writing. A verbal request for information may be valid.

3.2 The University cannot require that a requestor puts their request in writing.

**4 How long does the University have to respond to an EI request?**

4.1 The University has 20 working days from receipt of the request to respond.

4.2 If the request is not clear, the requester should be contacted for clarification. The 20 day time limit will not start until the further information has been received.

**5 What should you do if you receive an EI request?**

### Record details of the request

5.1 If you receive an EI request you should forward the request and any related information you have to the Information Governance team (IG) without delay using the e-mail address freedomofinformation@dundee.ac.uk.

5.2 If you do not think that it would be appropriate for the University to disclose the information for any reason, you should let IG know. IG can then decide how to respond to the request.

**6 What will Information Governance do with an EI request?**

### Acknowledge receipt of the request

6.1 Information Governance shall write to the requester to acknowledge receipt of the EI request.

6.2 If a request has been made verbally, in the acknowledgement, Information Governance should also add in details of the request and confirm that it is an accurate record of their request.

### Obtain and collate information

6.3 Information Governance shall seek to obtain the information needed to be able to respond to the EI request. This may involve contacting members of the University and/or third parties who hold information on behalf of the University to get the relevant information. Such requests for information should not identify the applicant.

6.4 Information Governance shall collate the information received and consider whether any of the information is exempt from disclosure. Information Governance may redact and remove information as appropriate.

6.5 Exemptions can be relied upon to prevent disclosure in specific circumstances.

### Prepare a response to the applicant

6.6 Information Governance shall prepare a draft response to the applicant.

6.7 The response should include an explanation to the applicant that they have the right to request a review within 40 days.

### Take practical steps when responding

6.8 When responding to a request, Information Governance should take the following practical steps:

* use the applicant’s preferred method of communication (if indicated) or the same method used by the applicant in submitting the request
* retain copies of all correspondence and information sent
* check the any information that should not be disclosed is not included or has been permanently redacted from the disclosed copies
* include a schedule or a list of documents enclosed
* if sending the response by e-mail:
	+ send the letter with the response and the information as attachments
	+ request a “read receipt”

**7 What if the requestor is unhappy with the decision?**

7.1 If a requestor is unhappy with a decision made under this procedure then they can request that the decision is reviewed.

7.2 Any request for a review should be sent to the Senior Information Governance Officer (SIGO) using the e-mail address freedomofinformation@dundee.ac.uk. The SIGO shall decide how to respond.

**8 How long should the University take to respond to a request to review a decision?**

8.1 The University should ensure that a review takes no longer than 20 working days from the date the request is received.

**9 What will the SIGO do with a request to review a decision?**

9.1 A review will normally be carried out by the SIGO. However, if the SIGO has previously been involved in the EI request then the SIGO should pass the matter to another member of senior staff to consider the review. This may be the Director of Legal or their nominee.

## What can the reviewer do?

9.2 The SIGO or Director of Legal (or nominee) shall make a fresh decision based on all of the available evidence. They may decide to:

* confirm the original decision
* replace the original decision with a different one.

## What must a response include?

9.3 The response to the requestor must include details of the requestor’s right of appeal which is mentioned at 10.1 below.

**10 What if the requestor is not happy with the review outcome?**

10.1 If a requestor is not satisfied with the outcome of the review then they may submit an appeal to the Office of the Scottish Information Commissioner (OSIC). If, following an appeal, OSIC finds that the University has wrongly withheld information, the University may be ordered to disclose it.

**Annex A**

**Definitions**

|  |  |
| --- | --- |
| **Definition** | **Meaning**  |
| **Data Protection Laws** | means any law, statute, subordinate legislation regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements of any regulatory body which relates to the protection of individuals with regard to the processing of personal data, electronic communications and privacy to which a party is subject including the Data Protection Act 2018 and any statutory modification or re-enactment thereof and the UK GDPR |
| **DPO** | Data Protection Officer |
| **EI** | Environmental Information |
| **EIRs** | Environmental Information Regulations  |
| **IG** | The University’s Information Governance Team |
| **ICO** | Information Commissioner |
| **OSIC** | Office of the Scottish Information Commissioner |
| **personal data** | Any information relating to an identified or identifiable Data Subject. |
| **SOP** | Standard Operating Procedures  |
| **SIGO** | Senior Information Governance Officer |

**Who is responsible for the Environmental Information Request SOP?**

### Data Protection Officer (DPO)

The DPO is responsible for implementing and overseeing the University’s compliance with the Standard Operating Procedures (SOPs).

The DPO shall provide such guidance, resources and training in Data Protection as required in order for University staff to have a reasonable level of awareness in respect of Data Protection laws and regulation as they apply to their role. The SOPs form part of this.

### General need for compliance

All University staff are responsible for complying with the SOPs and ensuring that any matters relating to data protection are actioned appropriately and in a timely manner. Staff are also expected to attend any training relating to data protection as required.

If a member of University staff is found to have willfully or negligently breached this procedure, they may be subject to the University’s disciplinary procedures.

**Who is the University’s DPO?**

The University’s DPO is Dr Richard Parsons. His contact details are set out below:

|  |  |
| --- | --- |
| Email | dataprotection@dundee.ac.uk  |
| Telephone | 01382 384082 |

**General duties of the DPO**

In terms of Article 39 of the UK GDPR, the DPO shall have at least the following tasks:

* to inform and advise the University and its employees about our obligations to comply with the UK GDPR and other data protection laws;
* to monitor compliance with the UK GDPR and other data protection laws, and with our data protection polices, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
* to advise on, and to monitor, [data protection impact assessments](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/);
* to cooperate with the ICO; and
* to be the first point of contact for the ICO and for individuals whose data is processed (employees, students etc).

**Duties of the DPO in relation to EI requests**

When it comes to EI requests, the DPO shall:

* exercise general oversight of the process and management of requests by staff members
* respond to any queries from staff concerning EI requests
* monitor the University’s performance in responding to requests
* provide training
* maintain the publication scheme which explains what information the University routinely places into the public domain.