Item 12
For Noting

Glasgow Kelvin College

Audit and Risk Committee – Meeting 14 February 2023

Freedom of Information and Data Protection Request Monitoring
January 2022 – December 2022

Report by Director of Estates and Corporate Services, Corporate Support and Administration Manager and Regulations and Compliance Manager

1. Introduction

Members will be aware that the College is required to ensure that it complies with both the Freedom of Information (Scotland) Act (2002) (FOISA) and the Data Protection Act 2018.

The purpose of this report is to provide reassurance to members that requests received are responded to in accordance with the requirements of both Acts and provide an overview of the requests received in calendar year 2022.

2. Freedom of Information (FOI) Monitoring, Control and Quarterly Returns

As members will be aware the College has an approved procedure for ensuring that all FOI requests are dealt with in accordance with statutory requirements and in accordance with the Board of Management commitment to transparency in corporate governance. As part of that procedure, all Freedom of Information requests received by the College are reviewed by the appropriate managers in order to ensure there is no ambiguity in respect of what is being requested. Should there be any such doubt as to what is being requested, contact is made with the requester to clarify matters.

A summary of the number of requests received between January 2022 and December 2022 is provided in the table below:

Description	Jan – Mar 22	Apr – Jun 22	Jul – Sept 22	Oct – Dec 22	TOTALS
The number of requests received	3	7	3	5	**18**
The number of requests which received a response with the statutory timescales	3	7	3	5	**18**
The number of requests for which information was provided in full	3	7	3	4	**17** [1]
The number of requests for review received	0	0	0	0	**0**

[1] Part of a request received by the College requested an opinion rather than actual data held. The remainder of the request was answered fully.

For comparison purposes, in calendar year 2021, the College received 18 requests.

The compliance rate for the College for the period January 2022 - December 2022 in relation to responding in the relevant timescales (20 working days) was 100%.

The College has received no requests for review and there have there been no appeals to the Information Commissioner during 2022.

The quarterly returns required by the Information Commissioner were also completed and returned well ahead of deadline dates.

Members should note that the Senior Management Team reviews FOI responses as part of the College approach to transparency in corporate governance.

Furthermore, members should note that much of the information requested is available to the public as a consequence of the commitment of the Board to transparency in corporate governance.

3. Data Protection Monitoring and Control

The College continues to ensure that it remains abreast of Data Protection requirements in line with the 2018 Data Protection Act. The College maintains a number of measures to ensure compliance including:

- Writing/reviewing and updating relevant policies and procedures;
- Ensuring appropriate Data Share Agreements are in place with relevant organisations;
- Keeping a master log of all data related matters i.e., Subject Access Requests received, Data Incident Logs, Record of Processing Activities and conducting Data Protection Impact Assessments for new projects involving data;
- Updating and amending the Business Continuity Plan to include information pertaining to data attacks;
- Testing the Business Continuity Plan for SMT and Incident Management Team members on a 6-monthly basis;
- Providing regular updates in relation to GDPR within the staff newsletter;
- Maintaining a comprehensive data/document retention schedule across the College; and
- Maintaining Privacy Notices for staff, students and trustees.

The Data Protection Team consists of a College Privacy Network team, a Regulations and Compliance Manager and an external named Data Protection Officer (DPO) via HEFESTIS (HE/FE Shared Technology & Information Services). The DPO post is a resource shared with other Colleges and the DPO is available to the College one day per week. The Regulations and Compliance Manager deals with the daily management of GDPR and Data Protection matters at the College. The DPO provides professional support and guidance as well as compliance assurance.

A summary of the number of GDPR requests received between January 2022 and December 2022 is provided in the table below:

GDPR Items by Category Jan 2022 – Dec 2022	Jan – Mar 22	Apr – Jun 22	Jul – Sept 22	Oct – Dec 22	TOTALS
Subject Access Requests (SAR)	5	3	1	1	**10**
Data Breaches/incidents	7	1	3	1	**12**
Law enforcement requests and data release consents	1	2	3	4	**10**
Other rights e.g. Right to erasure	0	0	1	0	**1**

A total of 33 data related items were attended to during the calendar year 2022. For comparison purposes, in calendar year 2021, the College also received a total of 33 data related items, while in 2020, a total of 35 items were actioned.

The compliance rate for the College for the period January 2022 - December 2022, in relation to responding in the relevant timescales (for SARs, this is one month) was 100%.

4. Resource Implications

There are no additional resource implications for Glasgow Kelvin College arising from the continued compliance with the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 2018.

Responding to these requests continues to place a workload burden on those managing and preparing responses and staff throughout the College, particularly within the Student Records, Finance, Procurement and HR/Payroll teams.

5. Impact on Students

There are no negative impact on students identified as a consequence of anything within this report. Requests for information are handled in a timely manner in compliance with relevant legislation.

6. Risk and Assurance

As a public body, Glasgow Kelvin College continues to ensure that requests for information from applicants and the Information Commissioner are actioned in the timescales required. Failure to comply with the Freedom of Information (Scotland) Act 2002 can lead to an intervention by the Information Commissioner's Office - ICO.

This report highlights that the processes in place within Glasgow Kelvin College to manage the risk in relation to Freedom of Information / Data Protection continue to be working effectively.

7. Equality

No negative impacts on people with protected characteristics have been identified as a consequence of this report.

8. Data Protection

There are no data protection implications as a consequence of this report. Cognisance is given where requests are received under FOISA in which a response may contain personal data. When drafting responses to these requests the relevant exemption is applied.

9. Recommendations

Members of the Audit and Risk Committee are recommended to:

i) note the contents of this report;
ii) note the number of FOI/Data Protection requests received for the period January 2022 – December 2022;
iii) note that the College has submitted the required quarterly FOI returns for the Information Commissioner; and
iv) note that the College will continue to have due regard to both the Freedom of Information (Scotland) Act 2022 and Data Protection Act 2018 and adhere to the timescales required.

10. Further Information

Members can obtain further information on the content of this report from Lisa Clark, Director of Estates and Corporate Services – lisaclark@glasgowkelvin.ac.uk; Donald Higgins – Durnan, Corporate Support and Administration Manager – dhigginsdurnan@glasgowkelvin.ac.uk; or Roddy MacKenzie, Regulations and Compliance Manager – rmackenzie@glasgowkelvin.ac.uk

Glasgow Kelvin College
LC/DHD/RMacK
February 2023