

# RoS FOISA Process

## Contents

FOISA request handling process .....	2
Introduction .....	2
1. Receipt and triage .....	2
2. Log request .....	3
3. Create folder .....	3
4. Acknowledgement .....	3
5. Send to relevant area/s to locate relevant information .....	4
Registration requests .....	4
Other common request types .....	4
6. Collate and sift information .....	4
7. Apply exemptions .....	5
8. Compile response .....	5
9. Quality check.....	6
10. Send for review.....	6
Requests which should be sent to the Head of Information Governance.....	6
Requests which should be sent to the Keeper .....	7
11. Release response to requester .....	7
Template for email accompanying response .....	7
12. Referral to Property and Information team .....	8
13. Update the log and save all docs .....	8
Artefacts to be saved in the requests folder: .....	8
Friday updates.....	9
Annex A: Process diagram.....	10
Annex B: Redaction guidance .....	11
When to redact .....	<b>Error! Bookmark not defined.</b>
Adobe Acrobat- Mark and Apply .....	12
Annex C: Registration documents - Business or Archive?.....	13

## FOISA request handling process

### Introduction

At RoS, requests for information under the Freedom of Information (Scotland) Act 2002 (FOISA) are dealt with by the Information Governance team.

This process manual outlines the step by step process which should be followed in all cases where a request is identified as a FOISA request.

### 1. Receipt and triage

Requests for information under FOISA are usually received via the FOI Requests mailbox. Therefore, this mailbox should be checked several times each day.

FOISA requests may also be received by other teams across RoS and so all staff must be aware of what constitutes a FOISA request.

In instances where it is not immediately clear whether the request should be dealt with as BAU (business as usual) or FOISA, colleagues from the Information Governance team will discuss the request with a colleague from the appropriate team to agree the most appropriate approach.

On receipt of a request by any area of the business, it needs to be determined if it should be handled as a FOISA request or whether it can be handled as BAU by another business area. The following factors should be taken into consideration as part of this decision:

	BAU	Consider FOISA	SAR
The request mentions FOISA or 'official information request'		✓	
The request doesn't mention FOISA or 'official information'	✓	✓	
It can be handled by the receiving team as part of their day to day function	✓		
The customer has a straightforward query not relating to recorded information	✓		
Information requested includes personal and/or sensitive data		✓	✓
You think any FOISA exemptions might apply.		✓	
The information can easily be accessed through ScotLIS	✓		
The customer is requesting their own personal data			✓

In order for a request to be considered as a valid FOISA request, it must meet the following criteria:

- Received in a permanent form (usually in writing, but other formats, eg voicemail can be considered if these can be saved and meet the additional criteria below)
- Request recorded information held by RoS
- Provide the name of the requester
- Provide an address to respond to (eg an email address)

If the request meets the first two criteria, but the requester has failed to give a name or address, this can be sought as clarification by the IG team.

If the requester is unable to put their request in writing, alternative methods can be used, for example the request can be noted by a RoS colleague and sent to the requester to seek confirmation of the details of their request.

## **2. Log request**

All FOISA requests should be logged on receipt, and the deadline for response calculated (20 working days from receipt with the day of receipt as day 0). New requests should be allocated the next request number in the sequence as indicated in the casework [log](#).

If clarification is required, the deadline for response should be calculated from the date when satisfactory clarification is received.

Further guidance on calculating the response deadline can be found on the website of the Scottish Information Commissioner:

<https://www.itspublicknowledge.info/YourRights/ResponseCalculatorInstructions.aspx>

## **3. Create folder**

A folder should be created in the [relevant year folder](#), named using the convention for FOISA request numbering, ie CW-YYYY-NN, in which copies of the request, any relevant correspondence and information can be stored.

Email correspondence is routinely kept within the FOI mailbox until the response has been sent out (tagged with the request number), at which stage relevant emails are saved into the request folder.

## **4. Acknowledgement**

An acknowledgement of receipt should be sent to the requester using either the [email](#) or [letter](#) templates, ideally on the day the request was received

If the request is unclear, clarification can be sought using this [template](#). This can either be done at the acknowledgement stage, or later if it is necessary to refer the request to a more senior colleague to confirm. However, any requests for clarification should be sent without undue delay.

## 5. Send to relevant area/s to locate relevant information

From the details in the request, you should then decide which areas of RoS are likely to hold relevant information.

Requests should then be sent to contacts in these areas asking them to provide any relevant information, or to confirm that they do not hold anything relevant. A deadline for response of five working days should be given.

### Registration requests

Requests asking for registration related information should generally (depending on the nature of the request) be sent to:

- Registration ([RMT contacts](#))
- Registration Practice Team (RegistrationPracticeTeam@ros.gov.uk)
- Legal Services (LegalServices@ros.gov.uk)
- Policy (Policy.Unit@ros.gov.uk)
- Post-Reg (PostReg-CX-RectificationEnquiries@ros.gov.uk)
- Secretariat (rossecretariat@ros.gov.uk)
- Reports ([reports@ros.gov.uk](#))
- Customer Services ([CSManagement@ros.gov.uk](#))
- Property and Information team (PIManagement@ros.gov.uk)

### Other common request types

Request subject	Area/s to contact
Contracts or tender submissions	Procurement
Registration statistics	BIA team, Data team

## 6. Collate and sift information

Once you have heard back from all of the areas contacted in step 4, you should collate all of the information and sift it for relevance, taking out any information that does not fall within the scope of the request. This should then be converted into a pdf document preferably as a single document although it may be necessary to create additional pdfs due to size.

It may be necessary to consult with colleagues from other business areas at this stage if further context or technical explanation is necessary to ensure relevant information is included.

## 7. Apply exemptions

If any of the information is sensitive or has been highlighted as such by an area of the business, an exemption may apply. When applying an exemption, the guidance produced by the Office of the Scottish Information Commissioner (OSIC) should be referred to. This explains how the exemption should be applied, including and tests or limits that need to be taken into consideration. This guidance can be found on the OSIC website: <https://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx>

It is also useful, especially when considering an application that is not commonly used in RoS, to look at OSIC decisions relating to exemptions as these illustrate examples when that exemption has been used by other organisations and what OSIC take into consideration when deciding whether the use of that exemption should be upheld. These can be found on the OSIC website:

[https://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/Decision\\_Listing.aspx](https://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/Decision_Listing.aspx)

Documents which form part of the registration statutory archive should be withheld under Section 25 (information otherwise accessible) as these are available from ScotLIS or the Property Information team for a fee. A list of document types commonly found on registration systems, along with their designation as part of the statutory archive or as information that can be released under FOISA can be found in Annex C.

Once a decision has been made regarding application of exemptions, the logic behind the decision should be recorded, including carrying out the public interest test if this applies. Even if the exemption isn't applied, any research should be recorded in the [exemption form](#) including the reason the exemption wasn't applied.

### Redact or withhold?

- If small parts of a document are covered by an exemption, redact these
- If whole documents are covered by an exemption, withhold the whole document (ie do not redact)
- If there are only small parts of a document that are not covered by an exemption, provide these as an extract

If any of the relevant information constitutes the requester's own personal data, this part of the request should be handled as a subject access request. If this is the case then the response letter (step 8) should include an explanation of this.

Mark up any text for redaction (see guidance for redaction in Annex B).

## 8. Compile response

Using the [template](#), write the response letter, including the relevant paragraph/s for the request.

If there are a number of documents being provided, or being withheld, it is useful to provide a table listing these as an annex to the response letter.

## 9. Quality check

All FOISA responses should be quality checked by a member of the IG team who was not responsible for compiling the response. In most cases this will be the Information Governance Service Manager.

Send an email with a link to the proposed response (letter and information), including the deadline for the response.

The colleague carrying out the quality check will check:

- Details of the letter for accuracy (date, name etc)
- Redaction of personal data
- Logic of any exemptions applied

Once the response has been quality checked, any suggested changes should be made.

## 10. Send for review

FOISA responses should be sent to either the Keeper or Head of Information Governance for review. The appropriate route depends on the potential sensitivity of the information being requested and the level of risk associated with the disclosure.

Reviewers should be sent the response letter plus the information to be released, with any redactions marked but not applied. If the context or reasoning behind the response is complex, this should be briefly explained in the email to the reviewer.

### Requests which should be sent to the Head of Information Governance

FOI request responses which are low risk in nature should be sent to the Head of Information Governance for review (or the Information Governance Service Manager when the Head of Information Governance is absent). Always include the deadline for response in your communication.

Requests which are low risk in nature include:

- Those where no information is being disclosed, including:
  - Where no information is held in scope of the request
  - Where all information is otherwise accessible from the Property and Information team
- Those asking for information which is non-sensitive and low risk in nature, such as:
  - Information relating to titles not subject to any litigation, complaint, dispute etc.

### **Requests which should be sent to the Keeper**

Any request responses which are not low risk in nature should be sent to the Keeper for visibility before disclosure. Examples of such requests include, but are not limited to:

- Those where information requested relates to a potentially contentious issue, such as
  - A title subject to live or recent litigation
  - A title subject to any kind of dispute/complaint (either with ROS, or between proprietors)
  - A title subject to a recent rectification, or unsuccessful rectification request
- Those where exemptions have been applied beyond Section 25 (information otherwise accessible) and/or Section 38 (personal information)
- Those relating to a wider political/Scottish Government issue/party political issue
- Those which require the release of material from minutes or other papers from the Board, EMT or any other Director chaired governance group
- Requests from individuals with ongoing or complex issues, such as persistent correspondents
- Requests which originate from correspondence directly with the Keeper

When the Keeper is absent, requests of this nature should be sent to RoS Secretariat to be assigned to an alternative member of EMT for review. Always include the deadline for response in your communication.

Once the request has been reviewed, any suggested amendments should be made before the response is released to the requester.

### **11. Release response to requester**

Following review, all redactions should be applied.

If the response is to be sent via email, the information and response letter should each be converted to pdf and sent to the requester using the email address provided.

### **Template for email accompanying response**

Our ref: CW-YYYY-NN

Good morning/afternoon,

Please find attached our response to your request for information.

Kind regards,

Information Governance team  
Registers of Scotland

If the response is to be sent by post, then it should be suitable packaged. If the response contains sensitive or personal information, then it should be sent by recorded delivery which can be arranged by the post room team. The reference number should be noted in the requests log. Large requests can be packaged by the post room team.

## **12. Referral to Property and Information team**

If the information requested is exempt from disclosure under FOISA under S25 as it is available from our public registers, then the request should be referred to the Property and Information team.

If this applies, the relevant paragraph should have been included in the response letter and the original request, plus the FOISA response, should be sent to the Property and Information Management team inbox (PIManagement@ros.gov.uk) for allocation.

A copy of the referral email should be saved in the request folder, and a note included in the requests log.

## **13. Update the log and save all documentation**

Once the response has been sent, all relevant emails and documents should be saved to the requests folder.

The requests log should also be updated.

### **Artefacts to be saved in the requests folder:**

- Original request
- Acknowledgement email
- Emails with any information provided from colleagues
- Logic behind any decision to apply exemptions, plus any relevant emails from colleagues
- Correspondence relating to quality check of response
- Correspondence relating to review
- Unredacted material for response
- Redacted copy of information for response
- Response letter
- Pdfs to be sent via email
- Response email



## Friday updates

In order that senior staff are aware of requests in progress, a weekly update is compiled and circulated, giving details of each request.

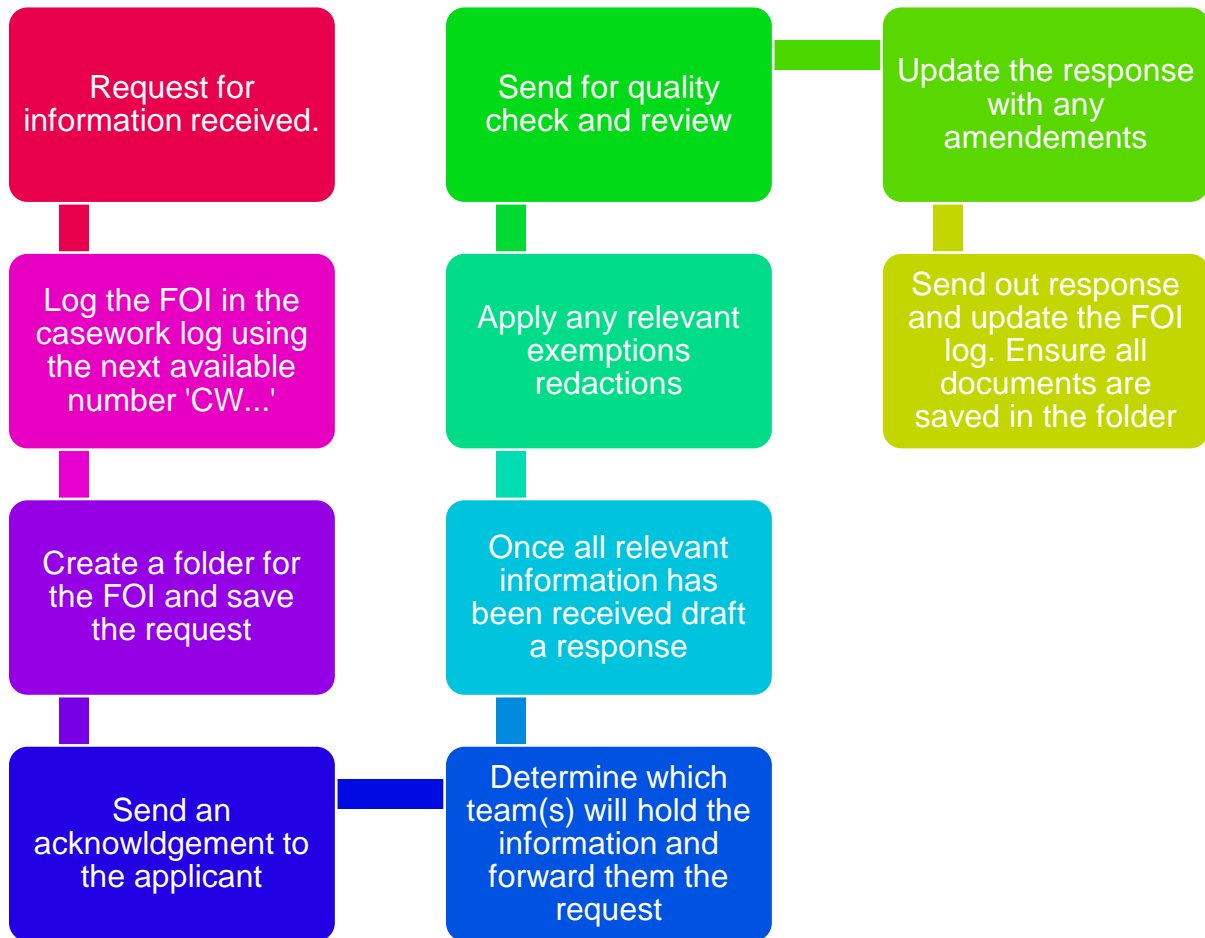
The update should be sent to:

- RoS Secretariat – for circulation to Keeper and Directors
- Head of Information Governance - for awareness

The update should be sent on Friday mornings in an email entitled “FOISA requests – weekly update”. Send the information in a table using the template below:

<b>FOISA No</b>	<b>Status</b>	<b>Due date</b>	<b>Notes</b>	<b>Review</b>
As per casework log	Received & acknowledged, Awaiting info, Response being written or Awaiting approval	Date response due – also include estimated date to be sent for approval if possible	Short summary of type of request, eg 'Request for title sheets' Include title number or address if relevant	Indication of whether response will be reviewed by Keeper or Head of IG

## Annex A: Process diagram



## Annex B: Redaction guidance

The following guidance should be referred to when redacting information.

<b>Information</b>	
Do redact	Don't redact
Any information which is subject to FOISA exemptions.  (Or delete) any information which is not relevant to the request for information.	Simply because a colleague requests information to be redacted.
<b>Names</b>	
Do redact	Don't redact
Names of individuals outside of RoS who are not the requester.  Names of RoS employees (with exception as listed in the next column)	Name of the requester.  Names where the document is older than 100 years old.  Names where it is clear the individual will be older than 100.  Names of RoS employees: <ul style="list-style-type: none"> <li>• Named in correspondence sent to or from the requester</li> <li>• Who are the Keeper or a Director</li> </ul>

### Email addresses

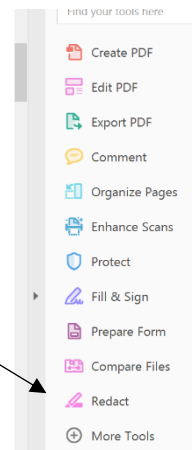
When redacting personal data from professional email addresses associated with email correspondence, the domain name should not be redacted as this can provide useful information to the requester about the origin or destination of the email.

Example: [Joe.Bloggs@Lawfirm.co.uk](mailto:Joe.Bloggs@Lawfirm.co.uk) – redact Joe.Bloggs but leave Lawfirm.co.uk

## Adobe Acrobat- Mark and Apply

### Step 1 – Mark for redaction

1. Open the PDF
2. Select the redact option from the tools sidebar
3. From the toolbar at the top of the page select 'mark for redaction' and then 'text and images'.
4. A box will appear, click ok
5. Use the cursor to draw a box around any information for redaction (this will place a red box around the text);
6. Optional: right click on a red box to apply a redaction code. Adobe is set up with pre-made American legislation. This can be changed manually to enter the relevant FOISA/DPA sections.



There are different approaches to records retention schedules which

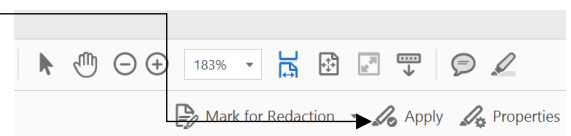
There is the "Classic model" which would typically aim to list all records to give the legal/regulatory/best practice/business justification for the r complex with a wide range of retention periods. While it may be pos becomes increasingly difficult with electronic documents.

There are different approaches to FOISA S25(2)(a) which can legitimately be adopted.

7. Once you have reviewed the entire document go to tools, save as (select ok for the pop up message);
8. Save the document in the relevant FOI folder. Name the file and include \_MFR so you know it has been marked for redaction e.g. BOPS12345\_MFR.

### Step 2 – Applying redactions

1. Once clearance has been received from the relevant person, the redactions which were previously marked up in the document should be applied;
2. Go to the top toolbar and select apply redactions.
3. Select 'OK' on the pop up message;
4. Select 'No' on the pop up message relating to hidden information;
5. Go to Tools, save as and save the document in the relevant FOI folder with the file name e.g. BOPS12345\_redacted).



## Annex C: Registration documents - Business or Archive?

The following table outlines documents often found in relation to a title and indicates whether the document should be classified as part of the archive record or the business record.

Only those documents listed as business records can be released under FOISA, subject to any applicable exemptions.

Document type	Business or Archive?	Notes/reason
Application for registration	Archive	Prescribed in legislation
Paper apart to application	Archive	Part of application
Inventory of writs	Archive	Part of application
Writs (documents, plans etc) listed in inventory	Archive	Part of application
Standard security/discharge of standard security	Archive	Live deeds
Affidavit	Archive	
Cancellation of application	Business	Classed as correspondence
Application for rectification	Business	Classed as correspondence
Draft title sheet	Business	Not the statutory record
Application flysheet	Business	Not part of the application or required for statutory reasons
RoI search	Check with Policy if unclear	Depends on what it discloses. If there are relevant disclosures which are matches that would require to be entered in the title sheet then it is archive record, but if it is disclosures which do not disclose anything that the Keeper would enter onto a title sheet then it is business record.
Correspondence	Business	