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# **FoI, EIR and Data Protection Publication Scheme and Privacy Notice**

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# Freedom of Information, EIR and Data Protection

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## Access to Information

- 1 You have statutory rights to access information held by public authorities, which are also required to proactively publish information.
- 2 The sections below:
  - explain how to access information held by the Scottish Fiscal Commission; and
  - provide information about the Freedom of Information legislation, Environmental Information legislation and policy background.
- 3 The Guide to Information sets out how the Commission makes information available through the Scottish Information Commissioner's model publication scheme.

## How to Access Information - Your right to request information

- 4 The Freedom of Information (Scotland) Act 2002<sup>1</sup> gives you the right to ask us for any recorded information which we have. The Environmental Information (Scotland) Regulations 2004 (EIR) give you a similar right to ask us for environmental information. You do not have to mention this legislation in your request.
- 5 Anyone anywhere can make a request for information – there are no restrictions on age, nationality or where you live.

## How to request information from the Scottish Fiscal Commission

- 6 Your request must include:
  - your full name
  - an address for correspondence – this can be a postal or e-mail address
  - a description of the information you want
- 7 You do not need to say why you want the information but, if you do, it may help us to find the particular information you are looking for. You can also specify how you want the information to be provided, for example electronically or as paper copies. If possible, please provide a daytime telephone number so that we can contact you if we have any questions about your request.
- 8 You can send us your request by:

E-mail to: [FOIrequests@fiscalcommission.scot](mailto:FOIrequests@fiscalcommission.scot)

Writing to:

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<sup>1</sup> Freedom of Information (Scotland) Act 2002 ([link](#))

Scottish Fiscal Commission - FoI Requests,  
Governor's House, Regent Road,  
Edinburgh, EH1 3DE

- 9 Help: If you have any questions about requesting information, or if you need advice on making a request to the Commission, you can write or send an e-mail to the above addresses or phone 0131 244 0738 (Office Hours: 09:00 to 17:00 Monday to Thursday, 09:00 to 16:30 on Friday).
- 10 You may also find it helpful to look at the Scottish Information Commissioner's guidance before you make your request – see links below.
- 11 What happens next?: We first check that we have enough information from you to find what you are looking for. We may contact you if we need you to clarify your request. We will then search our records for the information you have requested. Our aim is to provide information whenever possible. In any case, you should receive a full response from us promptly and within 20 working days.
- 12 Cost: The Scottish Fiscal Commission does not charge for answering information requests but we may refuse to provide information if the cost of doing so would exceed £600.
- 13 Guidance: The Scottish Information Commissioner has published information on your rights to access information from Scottish public authorities and a leaflet Your Right to Know - a guide to FoI in Scotland, setting out your rights in more detail, is also available on the Commissioner's website.
- 14 Both of these include:
  - advice and tips on how to make a request
  - what to do if you're unhappy with the response to your request
  - your right to appeal to the Commissioner

## Personal data

- 15 If you are looking for information about yourself, you must make a 'subject access request' under the Data Protection Act 2018<sup>2</sup>. A form for that purpose is available on the Commission's website<sup>3</sup>.

## The Re-use of Public Sector Information Regulations

- 16 The Commission will follow the National Archives "Guidance on the Re-Use of Public Sector Information Regulations 2015 and Best Practice Advice – For Public Bodies" in order to meet our commitment under The Re-use of Public Sector Information Regulations 2015<sup>4</sup>.

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<sup>2</sup> The Data Protection Act 2018 ([link](#))

<sup>3</sup> Subject access request form ([link](#))

<sup>4</sup> The Re-use of Public Sector Information Regulations 2015 ([link](#))

# Scottish Fiscal Commission Publication Scheme

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## Guide to Information Published by the Scottish Fiscal Commission

- 17** This guide to information sets out how the Scottish Fiscal Commission makes information available through the Model Publication Scheme. It provides you with details of the publication scheme, how you can access this information, our policies on charging, copyright and records management, and how to request information not covered by the scheme.
- 18** The Guide is split into the following sections:
1. Introduction to the Publication Scheme
  2. Availability and formats
  3. Information that we may withhold
  4. Our charging policy
  5. Our copyright policy
  6. Our records management and disposal policy
  7. How to access information which we do not publish
  8. Charges for information available only through request
  9. Contact us
  10. Classes of Information

## 1. Introduction to the Publication Scheme

- 19** The Freedom of Information (Scotland) Act 2002 (FoISA)<sup>5</sup> provides individuals with a right to request any recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FoISA expressly permits this.
- 20** Section 23 of FoISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available.
- 21** The Scottish Fiscal Commission has adopted the Model Publication Scheme 2016 developed and approved by the Scottish Information Commissioner. The Commissioner is responsible for enforcing FoISA.
- 22** The Commissioner's Model Publication Scheme is designed to ensure that authorities meet their obligation to take account of the public interest in providing access to the information that they hold which relates to:
- the services they provide
  - the costs of those services
  - the standard of those services
  - the facts that inform the important decisions they take

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<sup>5</sup> Freedom of Information (Scotland) Act 2002 ([link](#))

- the reasoning that informs their decisions
- 23** The Scottish Fiscal Commission has adopted the Model Publication Scheme 2016 without amendment. We have therefore made a commitment to publish all information which we hold which falls within the classes of information in the scheme. The information we publish through the model scheme is, wherever possible, available on our website.
- 24** The Commission is committed to publishing information proactively whenever possible. We will also consider the types of information which are requested from us routinely and whether they could be published by us more proactively.
- 25** If you would like to access information not published under the scheme, you can still request it from us under FOISA or, in the case of environmental information, the EIR. For further information on accessing information we do not publish, see "How to access information which we do not publish" below.

## 2. Availability and formats

- 26** The information we publish through the model scheme is available to download from our website. Alternatively, you can use our website's "Search" facility. If you are still having trouble finding any information set out in this guide, then please call the general enquiry line on 0131 244 0738. You can also email us at: [FOIrequests@fiscalcommission.scot](mailto:FOIrequests@fiscalcommission.scot)
- 27** If the information you seek is listed on our website but you are unable to download it, we can usually send it to you by email. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.
- 28** Please send your request for information to: [FOIrequests@fiscalcommission.scot](mailto:FOIrequests@fiscalcommission.scot)
- 29** Information listed on our website is also available in paper copy form, although there may be a charge for it. Please address your request to:
- Scottish Fiscal Commission - FoI Requests,  
Governor's House, Regent Road,  
Edinburgh, EH1 3DE
- 30** When writing to us to request information, please include:
- your name and address
  - full details of the information or documents you would like to receive
  - any payment (if you know the applicable fee)
  - a telephone number so we can telephone you to clarify any details, if necessary

## 3. Information that we may withhold

- 31** All information published in this guide can be accessed either through our website, or by asking us for it.
- 32** Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from publication. Information will only be withheld, however, where FoISA (or, in the case of

environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it. Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation.

- 33 Where we withhold information we will remove it or redact it before publication and explain why. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.
- 34 If you wish to discuss further any information which has been withheld from you, please contact us at 0131 244 0738.

## 4. Our charging policy

- 35 Unless otherwise stated below under charges for information available only through request, all information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email.
- 36 We reserve the right to impose charges for providing information in paper copy. Charges will reflect the actual costs of reproduction and postage to the Commission, as set out below.
- 37 In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.
- 38 Printing Charges - Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).
- 39 Postage Costs - We will pass on postage charges to the requester at the cost to the Commission of sending the information by first class post.
- 40 Equality Act 2010 - We are required by the Equality Act 2010 to take steps to meet the needs of people who share a relevant protected characteristic. In terms of access to information, this means making reasonable adjustments to our practices to ensure that information is physically accessible. This may, for example, involve producing information in a larger script or different format where it is practicable to do so. The costs of this will be met by the Commission.

## 5. Our copyright policy

- 41 The Scottish Fiscal Commission is a Crown body and the information we produce is subject to Crown copyright, which is administered by the Queen's Printer for Scotland. The material listed in this publication scheme is Crown copyright unless stated otherwise.
- 42 You may use and re-use Crown copyright information published through this Guide free of charge in any format or medium, under the terms and conditions of the Open Government Licence, provided it is reproduced accurately and not used in a misleading context. Where any of the Crown copyright items published through this guide are being republished or copied to others, the source of the material must be identified and the copyright status acknowledged.

## 6. Our records management and disposal policy

- 43 The Scottish Fiscal Commission has in place Record Retention and Disposition Schedules in respect of all documents that it creates and holds. These Schedules set out the lengths of time for which all types of records must be held. This means that, whilst FoISA is retrospective, it is only possible to provide copies of records that are still in existence.

## 7. How to access information which we do not publish

- 44 If the information you are seeking is not available through this website, then you may wish to request it from us.
- 45 For details on how to request information held by the Commission, please follow the guidance set out above.

## 8. Charges for information available only through request

- 46 FoISA - The Scottish Fiscal Commission does not charge anyone for making requests for, nor for providing, information under FoISA. We may, however, refuse to deal with a request where we estimate that it will cost more than £600 to locate, retrieve and provide the information.
- 47 EIR - The Scottish Fiscal Commission does not charge anyone for making requests for, nor for providing, environmental information under the EIR, up to a limit of £600. Thereafter we may charge the full cost of providing the information.
- 48 In the event that we decide to charge for the full cost of a request under the EIR costing over £600, we will issue you with notification of the charge and how it has been calculated. If you decide not to proceed with the request, there will be no charge to you.
- 49 Charges are calculated on the basis of the actual cost to the authority of locating, retrieving and providing the environmental information:
- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
  - Postage is charged at actual rate for first class mail.
  - Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

## 9. Contact us

- 50 Our aim is to make our Guide to Information as user-friendly as possible, and we hope that you can access all the information we publish with ease. We are obliged to review our Guide to Information from time to time. We therefore welcome feedback on how we can develop it further. If you would like to comment on any aspect of this Guide to Information, then please contact us. You may, for example wish to tell us about:
- other information that you would like to see included
  - whether you found it easy to use
  - whether you found the Guide useful

- whether our staff were helpful
- other ways in which our Guide can be improved

**51** Please send any comments or suggestions to:

Scottish Fiscal Commission - FOI Requests,  
Governor's house, Regent Road,  
Edinburgh, EH1 3DE

Email: FOIrequests@fiscalcommission.scot

**52** You have legal rights to access information under this scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing\* or another recordable format. If you are unhappy with our response to your request you can ask us to review it, and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

**53** The Commissioner's website has a guide to this three step process, and operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. The Commissioner's office can be contacted as follows:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Tel: 01334 464610

Email: enquiries@itspublicknowledge.info

Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

\*verbal requests for environmental information carry similar rights.

## 10. Classes of Information

Class 1: About the Scottish Fiscal Commission

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

Class 2: How we deliver functions and services

Information about our work, our strategies and policies for delivering functions and services and information for our service users.

Class 3: How we take decisions

Information about the decisions we take, how we take decisions and how we involve others.

Class 4: What we spend and how we spend it

Information about our strategy for, and management of, financial resources.

Class 5: How we manage our resources

Information about how we manage the human, physical and information resources of the Commission.

Class 6: How we procure goods and services

Information about how we procure goods and services and our contracts with external providers.

Class 7: How we are performing

Information about how we perform as an organisation and how well we deliver our functions and services.

Class 8: Our commercial publications

The Scottish Fiscal Commission does not publish any information available on a commercial basis.

Class 9: Our open data

The Scottish Fiscal Commission will look to publish open data when these become available.

# Privacy Notice

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- 54** The Scottish Fiscal Commission operates [www.fiscalcommission.scot](http://www.fiscalcommission.scot). This page informs you of our policies regarding the collection, use and disclosure of personal information we receive from users of the Site.
- 55** By using the Site, you agree to the collection and use of information in accordance with this policy.

## Disclaimer

- 56** The Scottish Fiscal Commission seeks to ensure that the information published on its website is up to date and accurate. However, the information on the website does not constitute legal or professional advice and the Scottish Fiscal Commission cannot accept any liability for actions arising from its use. The Scottish Fiscal Commission cannot be held responsible for the contents of any pages referenced by an external link.
- 57** Any personal data collected through this website will be treated as confidential in line with the principles of the Data Protection Act 2018 and General Data Protection Regulation<sup>6</sup>.

## Log Data

- 58** Like many site operators, we collect information that your browser sends whenever you visit our Site ('Log Data').
- 59** This Log Data may include information such as your computer's Internet Protocol (IP) address, browser type, browser version, the pages of our Site that you visit, the time and date of your visit, the time spent on those pages and other statistics.
- 60** In addition, we may use third party services such as Google Analytics that collect, monitor and analyse this.

## Collection and use of personal information

- 61** We collect anonymised data from partner agencies to create our forecasts as set out in our Memorandum of Understanding documents found [here](#).
- 62** Within the vacancies section of our website potential opportunities for future short-term opportunities (between 3 and 23 months) are advertised for individuals who have a degree in a highly numerate subject. To apply a CV and covering note is requested. This information will be kept for up to 12 months from date received unless a shorter timescale is requested by the individual.
- 63** We also collect personal email addresses via Mailchimp which comprise our news update and media contact circulation lists. We will only use these names and email addresses to make contact with subscribers for reasons relating to:
- updating subscribers on our news and forecasts
  - periodically asking if they would take part in our surveys
  - notifying subscribers of forthcoming Scottish Fiscal Commission events

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<sup>6</sup> General Data Protection Regulation ([link](#))

- 64 Subscribers' email addresses are held in our account with Mailchimp. All subscribers should check they are content with Mailchimp's privacy policy.
- 65 No subscriber's email address will ever be shared with any other third party by SFC without the prior consent of that individual subscriber.
- 66 Every SFC communication to subscribers includes an opportunity to opt-out of receiving any more, and subscribers can request to be withdrawn from our list at any time by emailing [info@fiscalcommission.scot](mailto:info@fiscalcommission.scot)

## Accessibility Information

- 67 This web site has been designed to comply with the international web accessibility standards issued by the World Wide Web Consortium (W3C) as part of their Web Accessibility Initiative.
- 68 All reasonable efforts have been made to ensure that top level and main content pages are compliant to a minimum of AA of the Web Content Accessibility Guidelines (WCAG) 2.0 standards.

## Cookies and website traffic

- 69 When users enter the Scottish Fiscal Commission website their computers will automatically be issued with 'cookies'. Cookies are text files which identify users' computers to the Scottish Fiscal Commission's server. The website then creates 'session' cookies to store some of the preferences of users moving around the website, e.g. retaining a text-only preference.
- 70 Cookies in themselves do not identify individual users but identify only the computer used. Scottish Fiscal Commission session cookies are deleted on departure from the website. However, those from third parties may persist.
- 71 Many websites use cookies to track traffic flows, whenever users visit those websites.
- 72 The Scottish Fiscal Commission website uses cookies to measure use of the website including number of visitors, how frequently pages are viewed, and the city and country of origin of users. This helps to determine what is popular and can influence future content and development. For this purpose, the Government uses web analytics to measure and analyse usage of the website. The information collected by the Scottish Fiscal Commission will include IP Address, pages visited, browser type and operating system. The data will not be used to identify any user personally.
- 73 Most modern web browsers allow users to control cookies through the browser settings. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

## Cookies used on our site

	Cookie File Name	Description
Cookie Control	civicAllowCookies	Cookie Control: When you click to turn cookies on or off on the Cookie Control user interface, a cookie is set in order to remember your preference.
Google Analytics	civicShowCookieIcon	
	__utma	Google Analytics: We use Google Analytics to monitor traffic levels, search queries and visits to this website.
	__utmb	Google Analytics stores IP address anonymously on its servers in the US, and neither the Scottish Fiscal Commission nor Google associate your IP address with any personally identifiable information.
	__utmc	These cookies enable Google to determine whether you are a return visitor to the site, and to track the pages that you visit during your session.
	__utmt	Used by Google to throttle request rate.
	__utmz	Google Privacy Policy
	NID	The NID cookie contains a unique ID Google uses to remember your preferences and other information, such as your preferred language (e.g. English), how many search results you wish to have shown per page (e.g. 10 or 20), and whether or not you wish to have Google's SafeSearch filter turned on.
Other 3rd party cookies		
Twitter	guest_id	We use Twitter embed code on some pages within our site. Twitter may set cookies on your device.
Twitter API	k	Twitter Privacy Policy

## Social media accounts

Scottish Fiscal Commission twitter account is managed internally by the Corporate Services Team. There are no other social media accounts.

## What we post

Tweets and retweets will be about:

- Key policy developments

- Key publications and consultations
- News releases
- Video, audio and imagery

Our social media activity will always reflect our values of being independent, open, transparent and accessible.

## Following

If you follow us we will not automatically follow you back. Being followed or re-posted by a Scottish Fiscal Commission social media account does not imply endorsement of any kind.

## Availability

We will update and monitor our social media accounts during office hours, Monday to Friday.

Social media accounts may occasionally be unavailable and we accept no responsibility for lack of service due to platform downtime.

## Direct messages and replies

We will read all direct messages and ensure that any emerging themes or helpful suggestions are passed to the relevant people in the Scottish Fiscal Commission.

## Links

This Website contains links to other sites. Please be aware that we, the Scottish Fiscal Commission, is not responsible for the privacy practices of such other sites. We encourage our users to be aware when they leave our site and to read the privacy statements of each and every website that collects personally identifiable information. This privacy statement applies solely to information collected by this website.

## Changes to the Privacy Policy

This Privacy Policy is effective as of 1 May 2018 and was reviewed on 7 November 2019. It was further updated in June 2021.

We reserve the right to update or change our Privacy Policy at any time and you should check this Privacy Policy periodically. Your continued use of the Service after we post any modifications to the Privacy Policy on this page will constitute your acknowledgment of the modifications and your consent to abide and be bound by the modified Privacy Policy.

## Contact Us

If you have any questions about this Privacy Policy, please contact us at [info@fiscalcommission.scot](mailto:info@fiscalcommission.scot)

