

Freedom of Information Policy

March 2026



Contents

1. Introduction
2. Legal Background
3. Scope
4. Policy Statement
5. Roles and Responsibilities
6. Procedure
7. Administration of the Policy
8. Non-Compliance
9. Implementation, Monitoring and Review of this Procedure
10. Benchmarks Used in Policy Formation

Appendix 1: Procedure for Handling Requests

Appendix 2: FOISA Process Flowchart

1. Introduction

The Police Investigations & Review Commissioner (PIRC) is required by The Freedom of Information (Scotland) Act 2002 (“FOISA”) to provide the public with access to any recorded information held by PIRC, subject to certain exemptions. This policy is designed to provide a policy framework through which PIRC can embrace a culture of transparency and accountability in line with the provisions and requirements of FOISA.

PIRC holds information within the Reviews and Investigations Teams, as well as non-case related material such as procurement, property, accounts, finance and staff records. Information provides a verifiable audit of activity which can be used to assess performance, inform future decisions and ensure the accountability of the organisation.

The purpose of PIRC’s Freedom of Information Policy is to set out the arrangements for the processing of requests for information made to PIRC.

This policy equally applies to the processing of information requests under the Environmental Information (Scotland) Regulations 2004 (EIRs), however requests of this type are extremely rare.

As a named authority within the Scottish Biometrics Commissioner Act 2020 (“the 2020 Act”) PIRC is obliged to process biometric information in accordance with the Scottish Biometrics Commissioner’s code of practice in terms of the 2020 Act. Any information of this nature processed in accordance with PIRC’s role will also be held in accordance with PIRC’s Records Management Policy.

2. Legal Background

FOISA provides a general right of access to information held by all public authorities, subject to certain exemptions.

When creating this Policy, PIRC has taken full regard of the FOISA and its principles to ensure compliance at all times. FOISA entitles individuals to request information from PIRC.

Best practice guidance for public authorities on discharging their functions under the FOI Act and Environmental Information Regulations is provided by the [Scottish Ministers Code of Practice](#) under Section 60 of the Act.

Should information be requested from PIRC and a decision taken to withhold that information, the information should not be destroyed until the timescales for a review and appeal have expired, irrespective of the fact that the information may be due for destruction during that time.

PIRC has nominated the Information Officer as the Freedom of Information Officer, overseen by the Accountable Officer who will ensure that the Freedom of Information Policy is appropriately applied and that all data held by PIRC is done so in compliance with FOISA. The Information Officer is responsible on a daily basis for the processing of requests made to PIRC, assisted by the Information Coordinator.

3. Scope

All information received or generated by PIRC will be subject to the conditions contained within this Policy.

This Policy applies to all staff in relation to:

- the records they create (whether electronic or manual), received or maintained on behalf of PIRC
- all recorded information held by PIRC regardless of format and including telephone recordings.
- identification of Freedom of Information requests made in any format to PIRC, and ensuring that these are passed onto the relevant staff for action.

4. Policy Statement

FOISA was introduced by the Scottish Parliament to make provision for the disclosure of information held by Scottish public authorities. FOISA states that any person can receive information that they request from a public authority, subject to certain exemptions.

People now have the right to information that may previously have been withheld by public authorities. If they are dissatisfied with the response they have the right to ask the public authority to review their decision. If they are still dissatisfied with their response they have the right to appeal to the Scottish Information Commissioner. The Scottish Information Commissioner has power to issue an enforcement notice to the public authority if the Scottish Information Commissioner considers the public authority has failed to comply with FOISA.

This Policy represents a statement of intent that will:

- Describe our framework for the management of all FOISA requests in full compliance with the legislation.
- Provide all staff with clear guidelines and procedures to implement PIRC's FOISA Policy.

In accordance with Section 23 of FOISA, PIRC have adopted and maintain a Publication Scheme. This is available on the PIRC website [PIRC Guide to Information](#).

5. Roles and Responsibilities

All staff must ensure that, in carrying out their duties, PIRC complies with its obligations under the FOISA.

Staff are reminded that the FOISA relates to all information held by PIRC. All documentation, including handwritten notes and emails (current or deleted) have to be considered for release in the event of a FOISA request. This includes draft documents and previous versions of a document. If we hold a number of versions of a document – all versions will be caught in the event of a request. It is therefore crucial that previous drafts are not retained and staff are reminded that they must ensure the appropriate housekeeping has been carried out – not only at the conclusion of an investigation/review but throughout the process.

Dealing with requests

PIRC is obligated under FOISA to provide advice and assistance to help people make requests under the FOISA. PIRC aims to respond to all requests promptly and within the statutory response period of 20 working days following receipt of a valid request.

PIRC aims to operate in an open and transparent manner and to publish a wide range of information, both proactively and in response to requests under the FOISA; however exemptions will be applied where applicable to ensure that information which is not suitable for publication is protected.

Written requests for information received by PIRC via post, email or other recordable means will be treated as requests under the FOISA in cases where the information is not routinely disclosed on request. There is no need for requests to indicate they are made under the FOISA; however applicants making requests must provide their real name and an address for correspondence (email or postal). If a request is unclear, we will seek clarification as soon as possible.

PIRC reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £600, which equates to 40 hours' work at a statutory rate of £15 per hour. Where we estimate that complying with a request will take more than 20 hours of staff time, we will try to assist applicants to make refined requests so as not to exceed the statutory cost limit.

6. Procedure

Upon receiving a request for information, staff should contact the Information Officer/Information Coordinator who will determine if it is to be treated as a FOISA request. It is crucial to identify a request for information timeously as the 20-working day deadline begins the day following receipt of the request.

The Information Officer/Information Coordinator will request the information sought from the relevant business area. If staff receive a request from the Information Officer/Information Coordinator, the requested information (or confirmation that it is not held) should be provided to the Information Officer/Information Coordinator as soon as possible to ensure the timescales for a response can be achieved. This will enable the Information Officer/Information Coordinator to assess the information held and either release the information or withhold it based on relevant exemptions.

In some instances, we may not hold the information requested, however, to preserve comprehensive records of any searches carried out, written confirmation of this will be requested from the senior manager of the relevant business area and saved with the original request.

For some requests, it may be necessary to refer to Legal Services for advice and guidance on our response. They may view responses ahead of issue.

The Information Officer/Information Coordinator may discuss in more detail the business reasons for PIRC withholding the requested information with the relevant member of staff to ensure the most comprehensive response to the applicant.

The Information Officer/Information Coordinator will prepare a response for the applicant, applying relevant exemptions to any information withheld, and provide this to the senior manager for the relevant business area, along with any information which is to be provided.

The Information Officer/Information Coordinator may confirm the PIRC response with the senior staff member prior to issuing this to the applicant. As the timescale for responding to applicants is rigid and closely scrutinised, responses are prepared some time ahead of the deadline to allow time for consideration. A copy of the response may be provided to the

Communications Team prior to issue to ensure they are aware of any information being released. In addition a redacted copy of the response may be published on our website.

In circumstances where the applicant is dissatisfied with the response provided, they have the option of requesting an internal review. This review must be undertaken by staff who did not make the decision to release (or withhold) information within the original response. In most circumstances the Information Coordinator will prepare the response to requests to allow the Information Officer to process the review.

In the event of the prolonged absence of the Information Officer, the Information Coordinator will lead on managing requests, with support and guidance from the Head of Corporate Services and Head of Legal Services where necessary. Qualified practitioner staff are located within the operational teams and can be called upon to support the process of responding to requests. This allows for requests to be processed within statutory timescales and provides PIRC with resilience in delivering this mandatory function.

Information on PIRC's performance on FOISA requests is provided to the Scottish Information Commissioner quarterly, and members of the SLT are updated monthly on outstanding and recently closed information requests.

7. Administration of the Policy

This Policy is supported by recognised external FOISA procedures, which set out how this Policy is applied in practice. In addition the retention of the information is supported by the PIRC Records Management Policy which details retention and destruction timescales. This Policy will be made available both on the PIRC website and on the PIRC intranet.

8. Non Compliance

Anyone who does not believe that the principles set out in this Policy have been correctly applied may appeal to the Head of Corporate Services who will investigate and respond in writing within 20 days.

Non compliance of FOISA can result in an intervention from the Scottish Information Commissioner.

9. Implementation, Monitoring and Review of this Policy

This Policy is a formal PIRC policy and will be reviewed by the PIRC Senior Leadership Team on an annual basis.

10. Benchmarks Used in Policy Formation

- Previous policy

Version control data

Title:	Freedom of Information Policy
Author:	Information Officer
Approver:	Head of Corporate Services
Version Number:	Version 4.0
Publish Internet/Pulse	Both
Summary of last modification:	General revision, and clarification on additional staff resource.
Modified by:	Information Officer
Date of Approval:	March 2026
Next review date:	March 2028

APPENDIX 1

Procedures for Handling Requests

1. Request must be received in recordable format by email/letter/voicemail/social media
2. Request forwarded to the information requests mailbox (informationrequests@pirc.gov.scot), accessed daily by Information Officer (IO) and Information Coordinator (IC), who will
 - a. Log request onto FOI spreadsheet to determine required response date
 - b. Acknowledgement letter sent by same format as request made, eg email, post, providing required response date
 - c. Inform key/relevant staff of request
 - d. Ensure the Head of Corporate Services and Legal Services are aware of new, complex or noteworthy requests and agree the most appropriate response.
 - e. Obtain information from appropriate internal source(s)
3. The Information Officer/Information Coordinator will:
 - a. Prepare a draft response
 - b. Issue the draft letter to the relevant Head of Department/Team, Head of Legal Services for approval and the Communications Team for information.
 - c. Where the response is prepared by the IC, and is relatively straightforward, the IO will approve a request for issue.
 - d. Issue letter to include details of right to the review process and right to appeal to the Scottish Information Commissioner
 - e. Retain copies of all materials including clean/redacted copies, whether released or not
 - f. Update FOI spreadsheet with outcome
 - g. Provide Communications with a redacted copy of the response for publishing on our web site, alternatively the IC will publish the response, after approval from the Head of Corporate Services.
4. In the absence of the IO, the IC or another qualified PIRC Information Practitioner will handle some or all of the request following the above procedure.

APPENDIX 2

FOISA Process Flowchart

