



Freedom of Information Policy

Introduction

This policy sets out our commitment to exercise best practice when complying with the Freedom of Information (Scotland) Act 2002 (FOISA).

Purpose and Scope

This policy sets out the commitment of The Scottish Land Commission (The Commission) to exercise best practice when complying with the Freedom of Information (Scotland) Act 2002 (FOISA).

FOISA gives individuals the right to access information from a wide range of public organisation in Scotland, including the Commission.

FOISA applies to all recorded information held by the Commission. This includes information held in both electronic and hard copy formats, whether on Commission premises or devices, or elsewhere by any third party acting on behalf of the Commission. Scottish Land Commission's IT Code of Conduct prohibits the storage or transfer of Commission information to personal devices.

Publication of information

Requirements of FOISA legislation also include an obligation to proactively publish information through a Publication Scheme and Guide to Information which is available on its website www.landcommission.gov.scot

The Commission is committed to transparency in public life; this is reflected in the Scottish Land Commission Openness and Transparency Policy.

The Commission has adopted the Scottish Information Commissioner's Model Publication Scheme and publishes a Guide to Information on its website which are reviewed biennially.

Handling requests for information

Requests for information under FOISA are handled by the Information Officer following the FOI requests procedure.

Requests are answered within the 20 working day statutory timescale unless exceptional circumstances apply.

Exemptions are applied where necessary in line with the legislation and Scottish Information Commissioner's guidance.

In locating information for requests, searches may be carried out of all core information systems likely to hold relevant information. In line with the Commission's

IT Code of Conduct, staff are not permitted to hold Commission information on personal devices.

Training and awareness

Staff are provided with training and guidance to allow them to identify potential FOISA requests and to understand the Commission's obligations under freedom of information legislation.

Relationship with data protection legislation

Information requested under FOISA may contain personal data which is exempt from release under Section 38 (personal information) of the Act. The Commission handles such requests in line with the published guidance of both the Scottish Information Commissioner (OSIC) and the UK Information Commissioner's Office (ICO).

In cases where the exempt information is the personal data of the individual making the request, a dual response may be issued, with information being released under both FOISA and data protection legislation. There is no requirement for the individual to make an additional request for their own personal data in such cases.

Where personal data pertains to a third party, the Section 38 (personal information) exemption is considered and applied as necessary in line with the legislation and published guidance of regulators.

Roles and responsibilities

All Scottish Land Commission employees must complete appropriate training as is required of them, in order to understand that all recorded information is covered by FOIA and that this information will be released upon request unless a valid exemption applies. Any employee may be required to assist in locating relevant information in a timely manner to help meet statutory timescales for responding.

Third parties acting on the Commission's behalf may also be required to assist in locating information in relation to requests.

The Information Officer is responsible for handling requests for information under FOISA and for ensuring the Publications Scheme and Guide to Information are kept up to date. They are responsible for reporting levels of compliance both internally and externally, and for ensuring that any risk associated with compliance is appropriately escalated.

Appropriately trained colleagues who have not been involved with the initial request will act as reviewers in cases where requesters are not content within the response they receive or how their request was handled.

Where appropriate The Scottish Land Commission Management Team and CEO will be made of proposed FOISA responses and/or disclosures, prior to their release.

Review

This policy will be reviewed and approved at two year intervals, unless earlier review is appropriate.

Version	Description	Author	Effective date	Date for review
V1.0	Policy created and adopted	S. Smith	May 2026	May 2028