



ACE Newburgh Freedom of Information (FOI) Policy

Introduction: ACE Newburgh believes in operating with transparency and openness. While as a Scottish Charitable Incorporated Organisation (SCIO) we are **not classified as a public authority** under the Freedom of Information (Scotland) Act 2002 (FOISA), we understand the spirit of FOI – enabling public access to information – and we strive to be clear and responsive with information about our charity. This policy outlines what information we make available and how we handle requests for information.

Legal Context:

- FOISA provides the public the right to access information from Scottish public authorities. Charities like ACE Newburgh are generally *not* subject to FOISA unless they have been specifically designated due to certain functions (which we have not). Therefore, FOISA does not impose a legal obligation on us to respond to formal FOI requests.
- However, separate from FOISA, Scottish charity law (Charities and Trustee Investment (Scotland) Act 2005) has its own transparency requirements. For example, **if any member of the public asks**, a charity must provide:
 - **Governing Document:** A copy of our constitution.
 - **Latest Annual Accounts:** Our most recent accounts/report submitted to OSCR oscr.org.uk.
 - These can have a reasonable fee charged, but generally we will provide digital copies for free.
- Additionally, as a SCIO, we maintain a **Register of Trustees** (with names and contact addresses of current charity trustees). By law, we must provide a copy of this register on request within 28 days, except we may withhold personal addresses of trustees if disclosure could put any individual at risk (there are provisions for trustee privacy under certain conditions). Typically, we would provide the names of trustees and an official contact address (like the charity's address or email) rather than home addresses.

Information We Proactively Publish:

ACE Newburgh already shares a lot of information publicly:

- **Website:** On our website, you can find details about our mission, activities, and key information. We will also publish key policies (like this one and others), so stakeholders know how we operate.
- **OSCR Register:** Our entry on the Scottish Charity Register (searchable by our charity number SC053654) contains our official details. OSCR also publishes our

annual accounts and Trustees' Annual Report there each year (for SCIOs, all accounts are public on OSCR's site)

- **Annual Reports:** We may publish an accessible version of our annual report on our website or make it available at our AGM. This usually includes highlights of projects, financial summary, and plans.
- **Governing Document:** While not posted on the website, our Constitution is available on request, and we will consider putting a summary or the full document online for convenience.
- **Meeting Minutes/Summaries:** As a small charity, we do not typically publish Board meeting minutes publicly. However, members have a right to certain information about decisions, and we provide updates at member meetings. For general transparency, we might share major decisions or project updates via newsletters or the website.
- **Policies and Procedures:** We intend to publish our key policies (like safeguarding, privacy, etc.) on our website, demonstrating our commitment to good practice.

How to Request Information: If you cannot find the information you need through our website or the OSCR register, you are welcome to request it from us:

- Please send an email or written request to us (email: info@ace-newburgh.org or our registered postal address found on the website). To help us respond, be as specific as possible about what information you are looking for.
- While not bound by FOISA timelines, we aim to respond promptly, usually within **20 working days** (which aligns with FOI timescales) as a matter of good practice.
- If the request is for something we are required by charity law to provide (constitution, accounts, trustee register), we will supply that as soon as possible, certainly within the statutory 28 days for documents like the trustee register.
- We prefer to provide information electronically (via email or links) for efficiency and to save resources. If you need physical copies, let us know – we might charge a small fee to cover printing/postage if it's a large document, but we'll discuss that with you first.

Limitations and Exemptions: Since we're not legally mandated to comply with FOISA, we handle requests on a voluntary basis. That said, there are some types of information we might **not** be able to share, such as:

- **Personal Data:** We cannot release personal information about individuals (staff, volunteers, members, etc.) except as allowed under data protection laws. For example, if someone requested a list of members, we would likely refuse as that's personal data and not in the public domain.
- **Confidential or Sensitive Info:** If we hold any commercially sensitive information (unlikely for us, but e.g. a confidential contract or a pending project

bid) or information given to us in confidence, we would not disclose that. Also, if disclosing information could endanger someone or security (again rare in our context), we'd withhold it.

- **Excessively Burdensome Requests:** We are a small volunteer-run charity. If a request came in for an extremely large volume of information or something that would take significant staff/volunteer time to compile, we might not be able to fulfil it fully. In such cases, we would communicate with the requester to maybe narrow down the request or explain our constraints.
- **Not Our Information:** If someone asks for information we don't have (for example, records that are actually held by another organisation), we'll let them know if we can, and perhaps direct them to the correct source.

In any case where we decide we cannot provide some or all of the information requested, we will explain why. Remember, since FOISA doesn't legally apply, there's no formal appeal route – but we want to maintain trust, so we will be honest and as helpful as possible.

FOI and Environmental Information: A note: There is also the Environmental Information (Scotland) Regulations 2004 (EIRs) which give a right to environmental information from public authorities. ACE Newburgh is not a public authority under these regulations either, but given our work in environmental areas, if someone is interested in data or findings from our projects (say, tree planting numbers, survey results), we are generally happy to share that unless there's a compelling reason not to.

Serious Incident Reporting: This is separate from FOI but related to transparency: as a charity, if something serious occurs (like a significant loss of funds or safeguarding issue), we may have to report it to OSCR. While these reports aren't public, we handle such matters with transparency to regulators. We may also choose to share important information with our members or public if it's in the interest of accountability.

Open Governance Philosophy: In summary, our policy is to be as open as possible:

- We pro-actively publish key information about our operations and performance.
- We respond to requests for information in a timely and courteous way.
- We only refuse information for good reason (privacy, confidentiality, etc.), which we will explain.
- We continually consider what additional information we might comfortably publish to enhance transparency, without violating privacy or creating undue burden on our limited resources.

Review: This FOI Policy will be reviewed every few years or as needed (for instance, if the law changes to bring certain charities under FOI, or if we get frequent requests and find we need a more formal system). The Board of Trustees approves this policy and any updates.

By adhering to these principles, ACE Newburgh aims to build trust with our community, supporters, and any interested members of the public. We recognise that as a community charity, being open with information strengthens our legitimacy and accountability. If you have any questions about this policy or the information we provide, please contact us at info@ace-newburgh.org and we will be happy to assist.

Last reviewed: 01 November 2025

