

# Guidance on Information Requests, Telephone Calls and Voicemail

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**Are verbal requests valid?**

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## Glossary and abbreviations

Term used	Explanation
FOISA	Freedom of Information (Scotland) Act 2002
EIRs	Environmental Information (Scotland) Regulations 2004

### Cross-referenced VC documents

VC No	VC name
33452	This document

# Guidance on Information Requests, Telephone Calls and Voicemail

## Introduction

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1. This briefing provides guidance to public authorities on dealing with information requests which are left on voice-mail or which are otherwise recorded during telephone calls. It considers whether these requests are valid under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004 and sets out the responsibilities of public authorities when dealing with requests made this way.
2. More information on how to comply with the technical requirements of FOISA and the EIRs can be found in the Commissioner's guidance. The Commissioner also produces a series of briefings on key concepts, exemptions and exceptions. All briefings can be found at <http://www.itspubliknowledge.info/briefings>.

## Are information requests left on voicemail valid?

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### Environmental Information (Scotland) Regulations 2004 (the EIRs)

3. A request for environmental information may be made in any form (including verbally). Therefore, all voice-mail requests which include a method of contacting the requester should be dealt with as a valid request.

### The Freedom of Information (Scotland) Act 2002 (FOISA)

4. The issue of whether a voice-mail request should be considered as valid under FOISA will largely depend on the capabilities of the voice-mail system used by the authority receiving the request. If the system allows for voice-mail records to be permanently stored and subsequently referred to and the requester describes the information and includes a name and address for correspondence, then the request should be considered as valid.
5. If the system does not have this functionality (e.g. if the system automatically deletes records after a period of time and there is no way to transfer them onto other systems for storage), then the request is unlikely to be valid under FOISA.
6. However, under the duty to provide advice and assistance (section 15 of FOISA), the authority should try to contact the requester to advise him/her to submit the request in writing, or in another recordable format.

## Are information requests recorded during a telephone call valid?

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### EIRs

7. A request for environmental information may be made in any form (including verbally). Therefore, all requests made by telephone (and not just those that are recorded) which include a method of contacting the requester should be dealt with as a valid request.

### FOISA

8. To be valid, a request must:

- (i) be capable of being kept, for example either in writing or in recorded form; **and**
  - (ii) be able to be referred to; **and**
  - (iii) include the name and correspondence address of the requester.
9. If a request is made during a telephone conversation, its validity will depend on the capability of the authority's telephone system, what advice is given at the time and whether the conversation is being recorded.
10. A request is likely to be valid if:
- (i) the requester knows the conversation is being recorded (as a sound file, not simply recorded in a note); **and**
  - (ii) the recording can be stored permanently; **and**
  - (iii) the recording can be subsequently referred to or saved separately as a file on another system; **and**
  - (iv) the recording can be stored in such a way that it confirms when the request was made; **and**
  - (v) the requester describes the information sought; **and**
  - (vi) the recording includes the name and contact details of the requester.
11. A request is unlikely to be valid if:
- (i) the conversation is not recorded; **or**
  - (ii) the requester does not know the conversation is being recorded; **or**
  - (iii) the recording cannot be saved permanently or transferred to a file for access and storage on another system; or the recording does not include a description of the information sought or the name and correspondence address of the requester.

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# Appendices

## Document control sheet

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01/12/14	KB	01.11	01.12	DCS updated with publish details. Published on website.
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