
Bury College Policy and Procedures

Freedom of Information Policy

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1. Background and Context

1.1 Background

The Freedom of Information Act (FOI) was passed in 2000; the act gives the public a general right of access to almost all types of recorded information held by the public authorities. The Act came into full effect on 1 January 2005.

Bury College (the 'College') as a public authority as defined by the Act, recognises its responsibility and is committed to promoting a culture of openness and transparency with all the information it holds to meet the requirements of the FOI.

The Act places a statutory obligation on all public bodies to publish details of all recorded information that they hold and to allow the general public to have access to this information on request, except where an exemption applies e.g. data protection, personal health and safety or to protect its commercial interests.

1.2 Definitions

In the context of FOI, 'information' is defined as each item of material held by the College in paper or electronic form. This includes but is not limited to, all draft documents, agendas, minutes, emails, diaries, handwritten notes and all other recorded information.

2. Authority and Scope of the Guidelines

The College's Freedom of Information Policy has been produced to ensure compliance with the provisions of the FOI. The policy incorporates guidance from the Information Commissioner's Office (ICO). The Information Commissioner Office monitor organisational compliance, issue undertakings, serve information and enforcement notices and, if needed, initiate court proceedings to ensure compliance.

The policy applies to all members of staff including any staff working for, or on behalf of, the College, such as contractors, temporary, casual or agency staff. It is a condition that employees abide by any policies, procedures, codes of practice and values issued by the College.

The Freedom of Information Act covers any recorded information, including, but not limited to, printed documents, computer files, letters, emails, photographs and sound or video recordings that is held.

3. Responsibilities

The College has a responsibility to ensure the implementation of the provisions of the Act and has designated the Freedom of Information Officer with the overall responsibility for the policy.

The FOI Officer will co-ordinate the processing and response to all non-routine requests for information received and will ensure members of the College have access to guidance and advice on FOI queries. The College has entered into an agreement for Data Protection and Information Governance Lead Services with Naomi Korn Associates; managing FOI requests is part of the Service Level Agreement.

All staff are responsible for ensuring that the records they manage are accurate and complete, and that all requests are handled efficiently and promptly in accordance with the FOI guidelines.

Every member of staff must recognise that all recorded information may be provided to the public and this in every case, the law requires there to be unconditional disclosure unless any of the statutory exemptions apply.

All College staff should be aware that any breach of the FOI act may result in disciplinary action.

4. The FOI Act

Section 19 of the FOI act places a duty on every public authority to:

- a) adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the ICO;
- b) publish information in accordance with its publication scheme;
- c) review its publication scheme from time to time.

The College has adopted the model publication scheme approved by the ICO.

The Scheme sets out the types of information the College publishes in accordance with the guidelines set out by the ICO, and these are:

- a) who we are and what we do
- b) what we spend and how we spend it;
- c) what are our priorities and how we are doing;
- d) how we make decisions;
- e) our policies and procedures;
- f) lists and registers;
- g) the services we offer.

5. Request for Information

5.1 Managing requests for information

The College has existing processes for providing information to members of the public and other persons which are not superseded by this policy. Requests for information generated as part of existing processes may be answered as 'business as usual' if it is deemed reasonable to do so. Requests for information not included in the Publication Scheme can be actioned on receipt of a specific written request. Requests do not need to mention FOI but must:

- Be in writing (which includes email, letter)
- Give the applicant's name and return address, and
- Detail the information requested.

Requests should be addressed via email to foi@burycollege.ac.uk or by post to: Freedom of Information, Bury College, Market Street, Bury, BL9 0DB.

There is no legal requirement for the applicant to provide reasons for why they require the information and how the information will be used. The applicant does not need to demonstrate that they have a good reason or a legitimate interest for seeking the information.

Requests may also be received via the website whatdotheyknow.com which helps applicants find out inside information about the UK Government and public bodies.

5.2 Responding to a Request

The College will acknowledge a request when it is received.

The College will respond to a request promptly, and by the twentieth working day following receipt of the request. The 20-working day period starts on the working day after the day on which Colleges receive the request (for example, if Colleges receive a request on a Friday, time starts running on the following Monday). Working days exclude weekends and bank holidays but include days when Colleges are closed but which are neither weekends nor bank holidays.

If the College is unable to respond to the request within the 20 working days the requestor will be contacted with an explanation and request an extension of time.

The response will confirm whether or not the College holds the information; if it does hold the information, the College will release it. However, some information may be exempt from disclosure under one of the exemptions in the Act.

The College has the right to charge applicants for supplying the requested information but is under no obligation to provide information if the cost of doing so would be in excess of an 'appropriate limit'.

5.3 Request for further information

Where it is reasonable to do so, the applicant may also be asked for further details of the request to enable them to identify and locate the information requested, e.g.,

- Where the request is not in English,
- Where the request is not sufficiently precise for us to be clear what information is sought, or
- Where a more focused request would assist us in reducing the cost of compliance below the appropriate limit.

If the College reasonably asks for further details to allow compliance with the request, the 20-working day period does not start running until the further details have been received.

5.4 Time limit for compliance

The College must comply with a request promptly, and in any event will have 20 working days to respond. If we require an applicant to pay a fee, the 20 working day period stops on the working day before the day on which we send a fee notice to the applicant and re-starts the working day after we receive the fee.

If one of the qualified exemptions applies to the information requested and we have to apply the public interest test, we may extend the 20 working day period for a reasonable time in order to consider the public interest test. We must notify the applicant of the estimated date for response.

5.5 Requirement to advise and assist

We are aware that under the FOI there is a duty to advise and assist those making a request. This means that we will try and be as helpful as possible when responding to a request

We will, amongst other things:

- Publish procedures for dealing with Freedom of Information requests, including an address and telephone number for information and assistance;
- Ensure that appropriate assistance is given to enable an applicant to make a request in writing where the applicant is unable or has difficulty to do so;
- Provide assistance to the applicant to enable them to describe more clearly the information requested;
- Consider whether any suitable information is available free of charge if the applicant is not prepared to pay the requested fee; and
- Where the cost of complying with the request would exceed the appropriate limit, consider what, if any, information could be provided within the cost ceiling.

6. Exemptions

There are a number of exemptions under the FOI where the College is not required to provide the information requested. The Act also limits the circumstances in which information can be withheld. In cases where the College considers a request is subject to an exemption, consideration will be given as to whether or not the information can be disclosed. This would take into account the public interest, the rights of data subjects, legal and contractual obligations and issues of information

access and security.

Information will only be withheld in accordance with the exemptions specified by legislation, and the reasons for applying the exemption will be provided to the requester. A full list of the exemptions can be found on the ICO's website

7. Fees and Charges

Unless otherwise specified, information will be made available through the College's website and if possible, information will be free of charge.

The College does, however, reserve the right to charge an appropriate fee for processing a specific request, this is in accordance with the Act and applicants will be advised of any such charges upon request.

8. Review Procedure

If the requestor is unhappy with the way in which their request has been handled, they can request a review by contacting the University by email at foi@burycollege.ac.uk, or by post to: Freedom of Information, Bury College, Market Street, Bury, BL9 0DB.

A request for an internal review should be submitted within 40 days of receipt of the response by the request. The requestor should specify why they do not agree with the initial response and what factors they would like to be taken into account as part of the review. This should include any public interest arguments for disclosure.

The request for review will be dealt with within 20 working days of receipt. If the review takes longer to conduct, the requestor will be informed why and when to expect a response.

If the requestor remains dissatisfied with the handling of their request or complaint, they have a right to appeal to the ICO at:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire, SK9 5AF.
Telephone: 0303 123 1113
Website: www.ico.org.uk