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 (FOIA) 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 and recognises its responsibility under the Act. It is committed to promoting a culture of openness and transparency with all the information it holds to meet the requirements of the FOI Act.

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' means each item of material held by the College in paper or electronic form. It includes but is not limited to, all draft documents, agendas, minutes, emails, diaries, handwritten notes as well as all other recorded information. These examples are not exhaustive.

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 Act. The policy incorporates guidance from the Information Commissioner's Office (ICO). The Information Commissioner Office monitors organisational compliance, issue undertakings, serve information and enforcement notices and, if needed, initiates 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 responses 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 that 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 FOIA 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. Requests for Information

5.1 Managing requests for information

Existing processes for providing information to members of the public and other people remain in place; this policy does not supersede them. Requests for information arising through those processes may be answered as 'business as usual' where 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.
The applicant is not legally required to explain why they require the information or how they intend to use it. They do not need to demonstrate a good reason or legitimate interest in seeking the information.

Requests may also be received via the website whatdotheyknow.com which helps applicants request 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 anywhere within the College. The 20-working day period starts on the working day after the day on which the College receives the request. For example, if the College receive a request on a Friday, time starts running on the following Monday. Working days exclude weekends and bank holidays. Others count as working days even when the College is closed.

If the College is unable to respond to the request within the 20 working days, it will contact the applicant to explain the delay, and if appropriate, 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

To identify and locate the information requested, the College may, where reasonable, ask the applicant to provide further details of their request. Examples include the following circumstances:

- Where the request is not in English,
- Where the request is not sufficiently precise for the College to be clear what information is sought, or
- Where a more focused request would assist for the College in reducing the cost of compliance to 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 counting down 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 the College requires an applicant to pay a fee, the 20 working day period stops on the working day before the day the fee notice is sent to the applicant. It re-starts the working day after the College receives the fee.

If one of the qualified exemptions applies to the information requested and the College has to apply the public interest test, it may extend the 20 working day period. The extension must be for a reasonable time to consider the public interest test. The College must notify the applicant of the estimated response date.

5.5 Requirement to advise and assist

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

The College 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 Act 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 will take into account the public interest in disclosing or withholding the information, the rights of data subjects, any legal and contractual obligations and any 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. (List of exemptions | ICO).

7. Fees and Charges

Unless otherwise specified, information will be made available through the College's website and if possible, information will be provided to applicants 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 applicant is unhappy with the way in which their request has been handled, they can request a review by contacting the College by email at foi@burycollege.ac.uk, or by post to: Freedom of Information, Bury College, Market Street, Bury, BL9 0DB.

The applicant should submit a request for an internal review within 40 days of receiving the response. They should explain why they disagree with the initial response and identify the factors they would like considered during the review, including any public interest arguments for disclosure.

The College will deal with the request for internal review within 20 working days of receipt. If the review takes longer the College will explain to the applicant and tell them when to expect a response.

If the applicant 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**