

POLICY TITLE: Freedom of Information

STATUS: Statutory

DATE OF REVIEW: September 2023



1. Introduction

The objective of this policy is to ensure commitment and legal compliance to the Freedom of Information Act 2000 (in force from 01 January 2005) (FOIA) and to the principles of accountability and the general right of access to information, subject to legal exemptions. This Policy outlines our response to the Act and a framework for managing requests and has been drafted using Department of Education (DfE) and Information Commissioner's Office (ICO) guidelines.

2. Aims and objectives

The FOIA applies to all recorded information held by the College and its staff regardless of format, storage medium and age.

The Act places the following requirements on the College:

- Information which is routinely published by the College is made available in accordance with the ICO's Model Publication Scheme
- Information which is not covered by the Publication Scheme is made available to enquirers on request, within 20 working days, unless a valid exemption or limit applies
- Exemptions under the Act and Regulations are applied appropriately and in accordance with the legislation
- A fair and efficient internal appeal system is administered.

3. Responsibilities

The College, as a public authority, is under a duty to provide assistance and advice to anyone requesting information. Enquirers do not have to say why they want the information and the request does not have to mention the FOIA. The request must be in writing, which includes email. All requests for information that are not covered by the Data Protection Act 1998 or Environmental Information Regulations are covered by the FOIA. Verbal enquires are not covered by the FOIA.

There are only four reasons for not complying with a valid request for information under the FOIA:

- The information is not held
- The cost threshold is reached (£450)
- The request is considered vexatious or repeated
- One or more exemptions apply

The Act is fully retrospective, so that any past records which the College holds are covered by the Act.

4. Compliance

The College has a legal responsibility to comply with the Act and is accountable to the ICO. The Governing Body delegates the day-to-day responsibility for compliance with the FOIA to the Principal. The Business Manager will act as co-ordinator and provide a point of contact for advice and training.

The information which the College routinely makes available to the public is included in the Publication Scheme. Request for other information will be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an FOIA enquiry.

The College will respond to all requests in accordance with the FOIA, and maintain a register of requests with a retention period of five years

5. The Publication Scheme

The Publication scheme and the materials it covers is available on the ICO Website at <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

6. Charging

Charging will be in accordance with the Freedom of Information Act Publication Scheme. The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the College for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- Photocopying
- Postage and packaging
- The costs directly incurred as a result of viewing information

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

The College reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

7. Complaints

Any comments or complaints will be directed to the Principal, and if necessary to the Chair of Governors.

If on investigation the College's original decision is upheld, then the College has a duty to inform the complainant of their right to appeal to the ICO. Appeals should be made in writing to the ICO.

They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF