COLLEGE

INSPIRING LEARNING
SINCE 1854

FREEDOM OF INFORMATION POLICY

Reviewed and Approved by	**Saira Minhas** **Head of MIS & Exams**
Version	**November 2024**
Date of next review	**August 2025**

WORKING MEN'S
COLLEGE
EST. 1854

1. Introduction

The Freedom of Information (FOI) Act 2000 gives the public a general right to access recorded information held by public authorities including Further Education Colleges. The Act promotes greater openness and accountability across the public sector, therefore facilitating a better understanding of how public bodies carry out their business, why they make the decisions they do and how they spend public money.

This policy is designed to ensure that all requests for information are treated fairly and consistently whilst recognising that decisions on exemptions are a matter for professional judgement and discretion may have to be exercised.

This policy deals with eight main issues:

- The Publication Scheme
- Responsibilities for Freedom of Information
- Handling Freedom of Information Requests
- Timescale for Compliance
- Exemptions and applying the Public Interest Test
- Vexatious and Repeat Requests
- Fees
- Complaints procedure

2. The Publication Scheme

Under the FOI it is the duty of every public body to adopt and maintain a publication scheme to facilitate the proactive release of information. In accordance with the legislation, the College has adopted a publication scheme which is a document describing the information that the College publishes or otherwise makes available as a matter of routine. The College has adopted the publication scheme that has been recommended by the UK Information Commissioner for adoption by further education colleges since January 2009.

(https://ico.org.uk/for-organisations/guide-to-freedom-of-information/publication-scheme/)

3. Responsibilities for Freedom of Information

Under the FOI Act the governing body is responsible for compliance. However on a day to day basis the Head of MIS and Exams will deal with FOI issues within the College.

Managers are responsible for ensuring that staff under their direction are aware of the FOI Policy, and information is processed in accordance with the Freedom of Information Act 2000. Staff should ensure any requests for information under the FOI Act are referred to the Head of MIS and Exams.

4. Handling Freedom of Information Requests

The FOI Act permits access to all types of information, for example organisational charts, policies, procedures and all documents specified in the publication scheme.

Any requests for information made to frontline staff that can be dealt with at the time of contact and within the boundaries of the data protection policy should not be considered under the FOI policy.

Any requests for information under the FOI Act received by a member of staff via email or as a paper copy must firstly be forwarded to the Head of MIS and Exams who will liaise with colleagues to provide the information.

Although the FOI Act does not specify a formal request procedure, individuals are encouraged to complete an FOI Request form to obtain information held by the College (see Appendix B). Staff should advise people making verbal requests to contact the College in written form by completing the FOI request form.

Under the Freedom of Information Act, any individual is able to make a request to the College for information. They do not have to indicate why they want the information. An applicant is entitled to be informed in writing as to whether the information is held and to have the information communicated to them or provided with an explanation why this cannot be done.

Any request made to the College stating the name of the applicant, including an address for correspondence and describing the information required qualifies as a request for information.

5. Timescale for Compliance

On receipt of a request the College is obliged to inform the applicant in writing whether the information requested is held and if so, communicate that information to the applicant promptly, but not later than 20 working days after receipt of the request.

A request is received when it is delivered to the College, or when it is delivered to the inbox of a member of staff. The date of receipt is not the date the request is passed to the appropriate person for processing.

In respect of emails, however, where an automated 'out of office' message provides instructions on how to re-direct a message, the request would not be 'received' until it was re-sent to the alternative contact.

The correspondence to the applicant must state:

- whether the College holds the information of the type requested;
- whether it cannot be supplied due to the constraints of the Data Protection Act which takes precedence over any FOI rights;
- whether the information is exempt from disclosure (see exemptions – Appendix A).

If the information is held and can be provided it must be given to the individual in so far as possible in the format requested i.e. hard copy or electronic.

Information will be collated by the Head of MIS and Exams in conjunction with other appropriate College staff. Records of FOI requests and how they have been dealt with should be maintained by the College.

6. Exemptions and applying the Public Interest Test

In certain circumstances the College may refuse a FOI request:

- when the request is vexatious or repeated;
- when the cost of compliance exceeds the appropriate limit (currently £450);
- when the information falls under one of the exemptions.

Some information is exempt from disclosure and so does not have to be provided.

There are two broad categories of exemptions:

- Absolute exemptions. These are cases where the right to know is wholly dis-applied.
  In some cases there is no legal right of access at all, for instance information supplied by or relating to bodies dealing with security matters or information covered by parliamentary privilege. In other cases, for instance information available to the applicant by other means or personal information relating to the applicant, it may be possible to obtain the information by alternative means and not under the FOI Act.

- Qualified exemptions. These are cases where the College, having identified a possible exemption, must consider whether the public interest in maintaining the exemption is greater than that in confirming or denying the existence of the information requested and providing the information to the applicant.

The full list of exemptions can be found in Appendix A.

Exemptions are subject to the public interest test unless FOI states that they are absolute exemptions.

When applying the test the College is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information.

Should the College receive a request for information which is covered by an exemption, the applicant will be informed wherever possible within 20 working days of receipt of the request that the information cannot be provided together with an explanation. Where the College does not hold the requested information then again this must be communicated within 20 working days giving a brief explanation of why this is not held if appropriate and similarly where the applicant may find the information.

7. Vexatious and Repeat Requests

A request can be treated as vexatious where it would impose a significant burden on the College in terms of expense or distraction and meets at least one of the following criteria:

- It clearly does not have any serious purpose or value;
- It is designed to cause disruption or annoyance;
- It has the effect of harassing the College;
- It can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Each specific request should be looked at and assessed individually.

The College will not normally refuse a request for information which should be available through the publication scheme on the grounds that it is vexatious.

Issues of a vexatious nature may arise where the College receives requests from individuals who have previously registered a grievance, pursued a complaint or otherwise been involved in a dispute. It is not unusual for those who believe they have been unfairly treated by the

College to pursue or attempt to re-open their grievance by using the FOI.

Any request considered to be vexatious will be passed to the Head of MIS and Exams. Should this be linked to a complaint/dispute this will then be referred to the Principal.

All refusals for information will be communicated to the applicant in accordance with the paragraph above on exemption.

8. Fees

The College will not levy a fee for FOI requests that are relatively straightforward and where the information held is readily available. Requests for information may be chargeable if significant staff time or resources will be required to meet the request. If a fee is chargeable then this will be agreed with the applicant before the request is processed.

The College will not comply with a request for information under the Act where the cost of finding out whether it holds the information; locating it' retrieving it and extracting the information exceeds £450 for one individual request. Where more than one request on the same or related subject is received from one individual or from a number of people who appear to be attempting to ensure that the costs will not exceed the £450 limit then the College will not comply with it. The limit of £450 represents 18 hours of officer time.

9. Complaints procedure

If someone considers that their request for information has not been properly handled or is dissatisfied with the decision made by the College about their request, their complaint will be dealt with by a more senior officer depending on the level of officer making the initial decision. Complaints will be dealt with under the College's Complaint procedure.

10. Making a request

The designated FOI officer is Saira Minhas (Head of MIS and Exams) and requests can be made directly or via any other staff member.

Appendix A

Exemptions

Qualified Exemptions

Information intended for future publication

National security

Defence

International relations

Relations within the UK

The economy

Investigations and proceedings

Law enforcement

Audit functions

Formulation of government policy

Prejudice to effective conduct of public affairs

Communications with her Majesty

Health and safety

Some personal information

Legal professional privilege

Commercial interests

Absolute Exemptions

Information accessible by other means

Information supplied by or relating to, bodies dealing with security matters

Court records

Parliamentary privilege

Personal information

Information provided in confidence

Information whose disclosure is prohibited by law.