



FREEDOM OF INFORMATION ACT POLICY

1. **Introduction**

The Freedom of Information Act (“the Act”) established a general right for members of the public to access information held by public authorities including universities.

1.1 Any individual or organisation has the right:

- To access information in the University’s Publication Scheme, which details all information that the University routinely makes available to the public.
- To request any information held by the University; regardless of when it was created, by whom, or the form in which it is now held.

1.2 The Act places a number of obligations on the University, subject to any exemptions, as follows:

- Any person who makes a request must be informed whether the University holds the information they have requested and whether there will be any cost involved (see para 5). The information must be supplied within 20 working days
- Applicants are not required to indicate that their request is a Freedom of Information request for information, and it is therefore sensible to treat all non-routine requests for information, except those relating to person specific information as Freedom of Information requests. (Requests for information relating to an individual should be dealt with under the Data Protection Act).
- The information must be supplied in a format accessible to the applicant, as far as is reasonably practicable
- There is a duty to provide advice and assistance to anyone seeking information.

2. **Scope**

2.1 The scope of this policy applies to all recorded information held by the University. That is, all information created, received and maintained by University staff in the course of their work.

Information can be held in a variety of media including paper, electronic, emails, databases, etc.

3. Purpose

3.1 The purpose of this policy is to provide a framework for ensuring that the provisions of the Freedom of Information Act 2000 are adhered to. In particular that:

- A significant proportion of information about the University and its activities is made available to the public as a matter of course through the Publication Scheme;
- Other information not included in the Publication Scheme is readily available on request;
- All requests for information are dealt with in an efficient and timely manner, and
- In all cases where information maybe covered by an exemption, due consideration is given as to whether or not the information should be disclosed, with appropriate regard to the public interest, the rights of data subjects, legal obligations and issues of information access and security.

4. Responsibilities

4.1 The University fully supports this increased public access to information and recognises its corporate responsibility under the Act to provide a general right of access to information held.

4.2 Overall responsibility for this policy and ensuring that the University complies with the Act lies with the University Secretary.

4.3 Day to day responsibility for: responding to requests; providing advice; maintaining the Publication Scheme; developing guidance material and promoting compliance with the Act and this policy lies with the Assistant University Secretary.

4.4 All staff who receive written requests for information, including via email, should:

- Not refuse requests for information
- Forward the request for information to the Assistant University Secretary

5. Charges

5.1 Unless otherwise specified information made available through the University's Publication Scheme will be provided free of charge.

5.2 The University does, however, reserve the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme in accordance with the Act. The appropriate limit is specified as £450 in the Act. This represents the estimated costs of one person spending 18 hours in determining whether the University holds the information, locating, retrieving and extracting the information. The University is required by law to calculate the time spent responding to requests at no more than £25 per person per hour, regardless of their pay grade.

5.3 If the University reasonably believes that the cost of providing the information will exceed £450 or it will take more than 2¹/₂ days to respond to the request, the University is entitled either to refuse the request altogether or to charge for all the

time taken to respond. All decisions on such matters are at the discretion of the University Secretary.

6. Exemptions

- 6.1 There are 23 exemptions provided under the Act, some where the public interest test applies, and others which are absolute exemptions.
- 6.2 The University may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes that covered by a qualified exemption, the University will consider the public interest test (para 7) and may in some circumstances withhold the requested information.
- 6.3 In instances where an exemption is claimed, the University will issue a refusal notice clearly stating the exemption applied and supply details of its appeals procedure.

7. Public Interest Test

- 7.1 Section 2 of the Act sets out the circumstances under which a public authority may refuse an FOI request. In those cases where a qualified exemption might apply the University is obliged to consider whether there is a greater public interest in providing the information to the applicant or in maintaining that exemption. Each FOI request where this test needs to be applied will be approved by the University Secretary.

8. Appeals and Complaints

- 8.1 Where a request for information under the general right of access is denied or the requestor is unhappy or has a complaint or comment about the way in which their request for information was handled they should write to the University Secretary.
- 8.2 If the requestor's concerns cannot be resolved informally then they have the right to appeal under the University's Freedom of Information Appeal Process (see appendix 1).
- 8.3 If the requestor is not content with the outcome of their complaint, they can apply, under Section 50 of the Act, to the Information Commissioner (insert web address) for a decision on whether their request for information to the University has been dealt with in accordance with the requirements of the Act. The Information Commissioner will then issue a 'decision notice' to the applicant and the University.

9. Publication Scheme

- 9.1 Section 19 of the Act places a duty on every public authority to:
- Adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the Information Commissioner
 - To publish information in accordance with its publication scheme
 - To review its publication scheme from time to time.
- 9.2 The University's Publication Scheme is available on the web (<http://www.worc.ac.uk/dpfoi/649.htm>).

10. Information Commissioner

- 10.1 The Information Commissioner, who is an independent public official responsible directly to Parliament, has responsibility for overseeing and enforcing both the Act and Data Protection Act 1998. In addition to the above the Commissioner has responsibility for approval of publication schemes, the promotion of good information handling and the encouragement of codes of practice for data controllers.

11. Related Policies

This policy has been formulated within the context of the following university documents:

- Data Protection Policy
- Information Security Policy
- Document Retention Policy

12. Further information

Any queries relating to this policy should be referred to the Assistant University Secretary.

FREEDOM OF INFORMATION COMPLAINTS AND APPEALS PROCESS

The Freedom of Information Act Code of Practice places a duty on public authorities to have in place an appeals process to ensure that requestors are able to call for an internal review if they are not content with the University's handling of their request.

1. Types of Complaints

The following complaints will be considered through this process:

- i) The request was not dealt with within the statutory 20 working days timescale
- ii) The response did not provide all the information requested
- iii) The requestor considers that inappropriate exemptions were applied
- iv) The requestor considers that the wrong fee was charged.

2. Process

- 2.1 Upon receipt of a complaint that a request for information under the Freedom of Information Act was not dealt with appropriately and to the requestor's satisfaction an acknowledgement letter will be issued with an indication when a response should be received.
- 2.2 The complaint or appeal will be considered by the Vice Chancellor or his nominee. Any member of staff appointed to review the case will not have been previously involved in the original decision on whether to release information.
- 2.3 The review must provide a fair and impartial means of reviewing decisions made during the original consideration of whether to release information. The review will consider the information released against the information requested and make a full review of the papers associated with the original application. The original decision may be discussed with the members of staff originally involved with the request to ascertain how the decision was made, and a review will be made of all the documents gathered or retained to support this decision.
- 2.4 The reviewer will discuss their findings with the University Secretary in order to ensure that any internal processes which may need to be altered are fully reviewed.
- 2.5 On completion of the review, the requestor will be fully informed of its outcome.

3. Outcomes

- 3.1 An internal review can have two outcomes:
 - i) The original decision is confirmed or
 - ii) The complaint is upheld
- 3.2 If the complaint is upheld the requestor will be informed by the reviewer and advised when any (further) information requested will be provided.

4. Information Commissioner's Office

- 4.1 If the requestor is not content with the outcome of their complaint, they can apply, under Section 50 of the Act, to the [Information Commissioner](#) for a decision on whether their request for information to the University has been dealt with in accordance with the requirements of the Act. The Information Commissioner will then issue a 'decision notice' to the applicant and the University