

# QUEEN ALEXANDRA COLLEGE

<b>Policy Number</b>	<b>2.25</b>
<b>Title</b>	<b>Freedom of Information Policy</b>
<b>Department/Area of Operations</b>	<b>Management Information</b>
<b>Date implemented</b>	<b>May 2014</b>
<b>Date last reviewed</b>	<b>September 2019</b>
<b>Date due for review</b>	<b>September 2022 (or earlier subject to statutory requirements)</b>

## 1. Introduction

QAC is aware of its responsibilities with regards to the management of the requirements of the Freedom of Information Act 2000 (FOIA). FOIA gives the public a general right of access to information held by public authorities and publicly funded organisations.

In developing the policy two matters are of prime importance:

- The Freedom of Information Act should not be confused with the Data Protection Act (from May 2018 General Data Protection Regulations – GDPR) which is the subject of a separate QAC policy. Although both Acts give the public rights to access information an organisation holds, the DPA/ GDPR relates to personal information which is held by an organisation which that individual has in certain instances the rights to access; the FOIA allows access to public information, but at a non personal level.
- The Model Publication Scheme and Definition Document provided by the ICO (Information Commissioner's Office) for colleges of Further Education has been adopted by QAC. The scheme provides a list of the information routinely published by colleges which the ICO expects to be made available unless:
  - The information is not held
  - The information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIRs) exceptions; or its release is prohibited under another statute
  - The information is archived, out of date or otherwise inaccessible; or it would be impractical or resource-intensive to prepare the material for routine release.

The current Model Publication Scheme and Definition Document for Further Education Colleges are available at <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf> and <https://ico.org.uk/media/for-organisations/documents/1131/definition-document-colleges-of-further-education.pdf>

## 2. Overview and Key Messages

- Requests for information under the FoIA do not need to mention the Act but must be in writing (which can include email), give the applicants name and address and describe the information being sought, but no reason for requiring the information needs to be given. Requests may come through the website 'whatdotheyknow.com'. A proforma Access to Information Form is attached as an appendix to this policy.
- Colleges have 20 working days to respond to a request, where working days only exclude Bank Holidays and weekends. If further information is sought from the applicant the clock stops ticking from the point the extra information is requested until it is received; this also applies if a fee is sought.
- Under the FoIA there is a duty to advise and assist people making requests. Consequently the College's procedure needs to be on the website, and assistance is provided to the applicant if they have difficulty making the application in writing. In addition, assistance must be provided in order to define the required information more clearly, and consider if the information can be provided free of charge. If the costs are excessive consideration of the information which could be given at sensible cost must be made.
- Colleges can refuse vexatious or repeated requests, but must provide reasons to the applicant. (See section 3)
- Colleges only need to deal with requests about information held by them, but not everything the College holds is subject to FoIA. (See section 4).
- Colleges do not need to deal with FoIA requests which would cost more than £450 to process, where a labour charge of £25 per hour is assumed. However if the cost is less than £450, the labour cost cannot be charged to the applicant, rather the costs must only be postage, copying, and if appropriate translation. If the cost is to exceed £450 and the information is not to be provided the applicant must be informed, a complaint form provided together with confirmation of whether the College holds the information or not (unless it would cost >£450 to ascertain even this information). If the cost is to exceed £450, but the College is prepared to provide the information, then labour costs can be recharged. Specific VAT rules also apply (Sections 4/5).
- The College has two duties under FoIA: to confirm or deny it holds the information and if available produce it. However two exemptions exist which can be absolute or qualified, and these are used separately in respect of each duty.

Absolute exemptions (Section 6) can be summarised as:

- Information available to the applicant through other means
- Court records
- Personal Information (DPA / GDPR)

- Information provided in confidence
- Prohibitions on Disclosure

Qualified exemptions include a public interest test, but for Colleges the primary exemptions which are likely to apply are:

- Information intended for later publication
- Prejudice to effective conduct of public affairs
- Legal professional privilege
- Commercial interests

If the College relies on an exemption it must confirm to the applicant that:

- The information is covered by an exemption, and stating the exemption relied upon
- State the reason(s) why the exemption applies.

This must be done for each duty.

- If a refusal notice is sent to an applicant, the College must send the applicant a note of the College Complaints Procedure in addition to informing them that they can complain to the Information Commissioner.

### 3. **Summary**

The Freedom of Information Act allows the public access to information held by a public authority, but the authority has certain exemptions available to it in order to prevent disclosure in certain circumstances. The College FoIA procedures for all such requests is that they should be forwarded to the relevant officer, currently the Director of Finance & Resources who will follow the guidance set out in this policy and the AOC Guide. Consultation with the Deputy Principal and/or Principal will occur in all cases of any doubt to the correct course of action.

### 4. **Complaints**

The College's External Complaints Policy can be requested from the Director of Finance and Resources. If the applicant is dissatisfied with the outcome of the complaints process, they may seek an independent review from the Information Commissioner. Requests for review from the Information Commissioner should be made in writing to:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 01625 545700  
Fax: 01625 545510

**FREEDOM OF INFORMATION ACT (2000) REQUEST**

Individual details:

Name \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date of request \_\_\_\_\_

Information being sought:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed by person making request \_\_\_\_\_

\_\_\_\_\_

**For QAC Office use:**

Request received by \_\_\_\_\_ Date \_\_\_\_\_

Initial response sent \_\_\_\_\_ (Date)

Final response (if required) \_\_\_\_\_ (Date)

**Dealing with a request under FOIA 2000**

**(2) Receiving a Request**

Valid request:

- In writing
- Name and address;
- Adequately describes information?

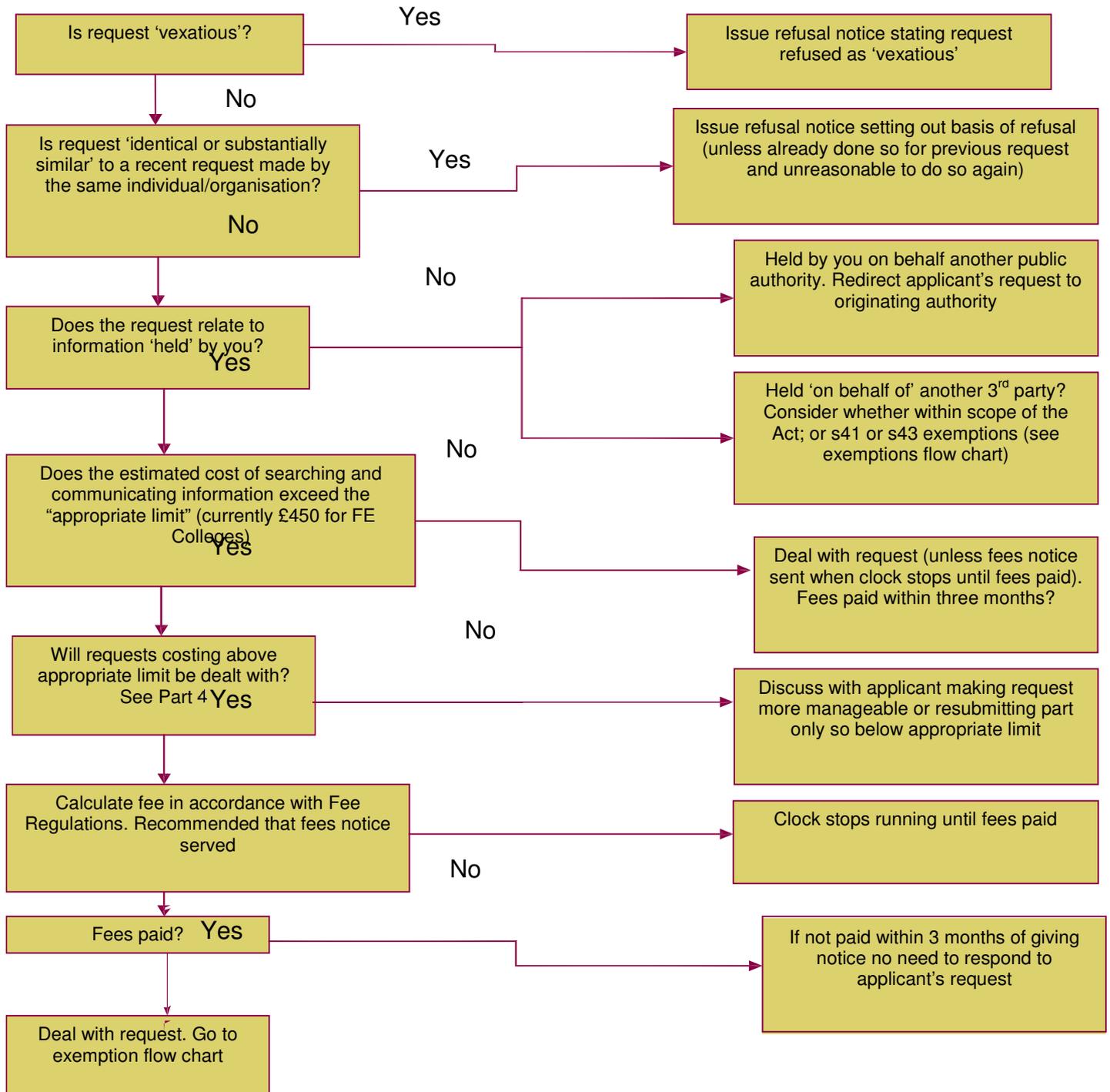
No

Write back advising how to make valid request

No

Request further information to identify and locate requested information

**(1) Initial Management of Request**



**Exemptions under FoIA 2000**

