

## Freedom of Information Policy

<b>Subject:</b>	Freedom of Information Policy
<b>Date of first Approval:</b>	January 2005
<b>Effective date:</b>	January 2022
<b>Person responsible:</b>	Executive Director - Corporate Services
<b>Approved by:</b>	SLT
<b>For action by:</b>	Executive Director - Corporate Services
<b>For Information:</b>	Staff, Students, Members of the public

Policy No. D5/22

### 1.0 Background

- 1.1 The Freedom of Information Act 2000 promotes greater openness and accountability across the public sector by requiring all public authorities to make information available to the general public through a publication scheme.

### 2.0 Scope

- 2.1 The Freedom of Information Act is a law that gives people the general right to see recorded information held by public authorities.
- 2.2 Public authorities are defined in the Act and include Universities, Further Education Colleges and Sixth Form Colleges.
- 2.3 This policy should be read in conjunction with the separate Publication Scheme which shall determine the information to be made routinely available by HCUC.

### 3.0 Intent

- 3.1 HCUC will include in its Publication Scheme all information that has been recommended for Further Education Colleges by the DfES.

## **4.0 Legal duties of HCUC under the Act**

- 4.1 HCUC will respond to written requests for information from individuals.
- 4.2 HCUC will make some information available for the public without a specific request being made. This information will be included in HCUC's Publication Scheme and will be available on HCUC's website.

## **5.0 Publication Schemes**

- 5.1 The HCUC Publication Scheme will give people access to some information without them having to make a specific request for it.
- 5.2 The Scheme describes the type of information that HCUC publishes or is going to publish.
- 5.3 It also describes how this information is available, for example on the website, in a leaflet or a published report.
- 5.4 The HCUC Publication Scheme is published on HCUC's website and individuals can ask for a copy by letter or by phone.
- 5.5 Information in the HCUC Publication Scheme will include for example Senior Management and College Management Team minutes, minutes of Governor's meetings, College policies and procedures, names of College Governors, Health & Safety Committee minutes and statistics, the Annual budget, the HCUC property strategy and site maps of HCUC Estate.

## **6.0 Requests for Information**

- 6.1 All requests for information from HCUC must be made in writing, which can be in any written format, such as letters, fax or e-mail.
- 6.2 Requests for information to HCUC must be in writing, give the name of the person asking for the information, provide an address for correspondence to be sent to and describe the information required.

## **7.0 Individuals Rights under the Freedom of Information Act**

- 7.1 People who ask for information from HCUC will be advised if the information already exists in the HCUC Publication Scheme.
- 7.2 If the information is not in the HCUC Publication Scheme, the HCUC Publication Officer will advise the person making the enquiry about its availability.
- 7.3 The person making the enquiry does not have to mention the Freedom of Information Act when asking for information and does not have to give a reason for wanting to see it.

## **8.0 Responding to requests for information**

- 8.1 The HCUC Publication Officer will give advice to people asking for information under the Freedom of Information Policy.
- 8.2 HCUC will provide documentation free of charge for the first request under this policy provided the request is reasonable and not onerous in which case charges will apply.
- 8.3 HCUC may make a minimum charge of £15 per separate document where requests are multiple, numerous, repeated or demanding of College time and resources. The precise amount payable will depend on the amount of information or photocopying required and will be advised to the person requesting the information in advance.

## **9.0 Providing the information**

- 9.1 HCUC will provide information to the person requesting it in the format asked for wherever possible.
- 9.2 The format provided may include a written copy or a copy in another format.

## **10.0 Timescales**

- 10.1 HCUC will respond to a request for information within 20 working days of receiving it and will advise the person requesting it if it is not available within this time frame.
- 10.2 If there is a fee to be paid because of the amount of information required, then HCUC will provide information within 20 working days of receiving the fee.

## **11.0 Exemptions**

- 11.1 HCUC may legally withhold information in certain circumstances where it would not be in the public interest to provide it. For example, information affecting law enforcement or breaching confidentiality.
- 11.2 There are two types of exemption that may result in HCUC withholding information. These are qualified and absolute.
- 11.3 Qualified exemption is when the information may still have to be released if it is in the public interest. For example, audit functions and commercial interest. The Information Commissioner would decide if qualified exemption information should be released after a refusal by HCUC.
- 11.4 Absolute exemption should not be released and includes information for example which is already available through the Publication Scheme, information provided in confidence or personal information about the applicant, which is covered by the Data Protection Act 2018.

## **12.0 Record Keeping**

- 12.1 HCUC will manage records accurately and effectively in order to make access to information readily available.
- 12.2 A record is information that is held as part of a system, on paper, in an electronic format or on video or audio tape.
- 12.3 Staff should be aware that good College records are factual, consistent and accurate, relevant and useful, clear and concise as well as up to date and complete. They should not include unnecessary abbreviations, jargon or personal opinions.
- 12.4 It is a criminal offence for any member of College staff to alter, damage, erase, destroy or conceal any record held once someone has asked for that information to be released.
- 12.5 Staff should make themselves aware of this policy and the rights of individuals to information about public authorities.

## **13.0 Refusals, complaints and appeals**

- 13.1 Refusals to provide information to those requesting it, will be communicated by HCUC Publications Officer.
- 13.2 If HCUC decides to withhold all or part of the information requested, then they will send a letter explaining which exemption is being used and the reason why the information is being withheld from the person applying. The letter of refusal will advise the person applying of the procedure if they wish to appeal against the decision.
- 13.3 If the person asking for the information is not satisfied with the reason for it being withheld they can appeal to the Information Commissioner on the website at [www.ico.org.uk](http://www.ico.org.uk).