

# Freedom of Information Policy

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**This Procedure is available in accessible formats on request from the Data Protection and Information Compliance Officer. Please contact: [foi@lsbu.ac.uk](mailto:foi@lsbu.ac.uk)**

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## Freedom of Information Policy

### 1. Policy Statements

1.1 The policy statements are:

- The University believes in the ethos of the Freedom of Information Act 2000 (the 'Act') and accepts its obligations under the Act and will seek to make information readily available.
- The University, as much as possible, will not charge fees for handling information requests.
- The University will apply the "appropriate limit" and where the cost of complying with requests exceeds this, we will ask the requestor to refine the request.

The University will deal with initial complaints from requestors in line with this procedure.

- The University will proactively publish information as part of its Publication Scheme and will update it regularly.
- The University will offer advice and assistance to requestors and will inform requestors of their rights under the Act.

### 2. Scope

2.1 This policy applies to all recorded information that the University holds, which includes information created, received, and maintained by University staff in the course of their work.

2.2 Information can be held in a number of different media including paper and electronic.

### 3. Responsibilities

3.1 The University recognises its corporate responsibility under the Act as follows:

- Responsibility for ensuring compliance with this policy lies with the University Secretary and Clerk to the Board of Governors, to whom the Data Protection and Information Compliance Officer reports.
- The Vice Chancellor is the “qualified person” who has to respond to the disclosure/non-disclosure of information that would “prejudice effective conduct of public affairs” (Section 36 of the Act).
- The Data Protection and Information Compliance Officer has the day-to-day responsibilities for coordinating the University’s Freedom of Information function including:
  - the overall development and maintenance of Freedom of Information Act 2000 compliance throughout the University, including establishing and promoting good practice;
  - reviewing this policy and all procedures and guidance;
  - ensuring that the University’s Publication Scheme, is maintained and updated regularly;
  - ensuring all information requests have been answered in line with the legislation;
  - providing general guidance and training, as well as specific advice, on any aspect of the Freedom of Information Act, including the Publication Scheme, how to manage information requests and how to apply exemptions;
  - liaising with the Information Commissioner’s Office.
- The Deans and Heads of Departments are to ensure that their staff are aware of the existence of this policy.
- The Deans and Heads of Departments are to ensure their faculties and departments comply with the Act, including the preparation of responses to information requests and practicing good Records Management.
- All staff, whether they create or manage information, have responsibilities under the Act. They are to ensure that any information request they may receive is managed in compliance with this policy. In general, all staff should:
  - pass any FOI requests to the Information Compliance Team without delay [FOI@lsbu.ac.uk](mailto:FOI@lsbu.ac.uk)
  - provide advice and assistance to persons making information requests;
  - reply to information requests promptly and within the time frame given by the Information Compliance Team, to ensure the response can be sent within the

statutory 20 working-day deadline;

- contribute relevant documents for the purposes of updating the Publication Scheme.
- All staff, whether they create or manage information, are offered Freedom of Information training.

#### **4. Publication Scheme**

- 4.1 The University's Publication Scheme is available on the University's website (please follow the link below). This describes the information the University publishes or intends to publish. The scheme is reviewed and updated annually.

<https://www.lsbu.ac.uk/footer/foi/publication-scheme>

- 4.2 The scheme sets out the classes, or categories of information published. Where applicable it provides links to supporting documentation or information that is held elsewhere.
- 4.3 The University has adopted the model [publication scheme](#) developed for the Higher Education sector. Where possible the University is committed to publishing the information it describes, whilst also protecting its commercial interests.

#### **5. Information Requests**

- 5.1 The University will always release the requested information unless there is a very good reason, allowed by the law, not to.
- 5.2 Information not already made available in the University's Publication Scheme can be requested in writing. Requestors will not be sent information which any of the "absolute" exemptions apply.
- 5.3 The University must respond to any request within 20 working days, but where further reasonable clarification is needed, the requestor will be contacted. In circumstances where "qualified" exemptions apply that require the "public interest test" to be considered, an additional 20 working days may be permitted.

#### **6. Public Interest Test**

- 6.1 In line with the Act, if the University considers applying a qualified exemption when a request for information is received, then the University is obliged to consider whether there is a greater public interest in providing the information to the requestor, or in maintaining the exemption.

6.2 In the case of every information request where the University needs to apply this test; it will be managed in accordance with the guidance from the Information Commissioner's Office.

## **7. Fees**

7.1 The University can charge fees for the provision of information, and its stance on charging fees is as follows:

- Fees will not be charged for the provision of information available through the Publication Scheme, unless a charge is already included in the scheme
- Fees will not be charged for the provision of information made in response to a request where the cost of compliance will not exceed the upper limit of £450, or 18 working hours in accordance with the guidance issued by the Information Commissioner.
- Fees will not be charged where a requestor requests information to be provided in a specific format unless the request makes excessive demands on the University's resources.
- Fees may be charged where compliance with a request would exceed the upper limit of £450. All such requests will be dealt with on a case-by-case basis.

## **8. Handling and Tracking Information Requests**

8.1 The Data Protection and Information Compliance Team are responsible in processing and monitoring Freedom of Information requests.

8.2 Requests for Information should be sent either via:

- Email: [foi@lsbu.ac.uk](mailto:foi@lsbu.ac.uk); or
- Post:

Group Data Protection and Information Compliance Officer  
Legal Services  
London South Bank University  
103 Borough Road  
London  
SE1 0AA

## **9. Complaints Procedure**

- 9.1 This procedure will be used to consider complaints from requestors when they think the University has failed to:
- provide the information they requested
  - respond to their requests within 20 working days (or failure of the University to explain why longer than 20 working days is needed)
  - give proper advice and assistance
  - give information in the form in which they requested the information
  - properly explain the reasons for refusing the request
  - correctly apply an exemption under the Act
  - comply with its Publication Scheme.
- 9.2 Requestors may ask for an internal review of the response provided by the University to their information request.
- 9.3 The internal review will be taken by the Secretary and Clerk to the Board of Governors. This may result in previously taken decisions being upheld, reversed, or amended.
- 9.4 There is no statutory time limit for dealing with internal reviews. However, where possible, the University will aim to provide a response within 40 working days.
- 9.5 Requestors can appeal to the Information Commissioner's Office if they are dissatisfied with the outcome of the internal review. The Information Commissioner's Office will then determine whether the University has dealt with the information request in accordance with the Act.

## **10. Records Management**

- 10.1 All staff members of the University are to manage corporate records in a way that will ensure easy, appropriate, and timely retrieval of information
- 10.2 All staff members are to manage their records in accordance with the University's Retention Schedules. Please see the relevant links below:
- Student Records Retention Schedule:  
[https://www.lsbu.ac.uk/data/assets/pdf\\_file/0003/11928/student-records-retention-schedule.pdf](https://www.lsbu.ac.uk/data/assets/pdf_file/0003/11928/student-records-retention-schedule.pdf)
  - Corporate Records Retention Schedule:  
[https://www.lsbu.ac.uk/data/assets/pdf\\_file/0004/344416/corporate-records-retention-schedule.pdf](https://www.lsbu.ac.uk/data/assets/pdf_file/0004/344416/corporate-records-retention-schedule.pdf)

