

## **FREEDOM OF INFORMATION ACT POLICY**

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## **FREEDOM OF INFORMATION ACT POLICY**

### **1. Introduction**

- 1.1 This Policy has been prepared to form part of London South Bank University's Information Strategy, a strategy which aims to provide a framework for the successful deployment, maintenance and exploitation of information within the University.
- 1.2 The Freedom of Information Act 2000 ("the Act") provides a general legal entitlement to all information held by the University (subject to certain exemptions). Therefore, any individual or body has the legal right:
- To access all the information in the University's Publication Scheme (this details all the information that the University makes available to the public).
  - To request all information held by the University, regardless of when it was created, by whom, or the form in which it is now held
  - To be informed whether the University holds such information and if so to have that information communicated to them.
- 1.3 The Act operates in conjunction with the Data Protection Act 1998 and the Environmental Information Regulations 2004.

### **2. Purpose**

- 2.1 The Policy provides the framework for the University to embrace the new culture of openness and accountability enshrined in the Act, especially that:
- A significant and growing portion of information about the University can be made available to the public through the Publication Scheme
  - Information not included in the Publication Scheme can be made readily available on request
  - Requests for information are responded to within 20 working days
  - Exemptions under the Act, and associated public interest tests, are applied appropriately
  - A fair and efficient internal appeal system is administered.

### **3. Scope**

- 3.1 This policy applies to all recorded information that the University holds, that is to say, information created, received and maintained by University staff in the course of their work.
- 3.2 Information can be held in a number of different media including paper and electronic.

### **4. Policy Statements**

- 4.1 The policy statements are:
- The University believes in the ethos of the Freedom of Information Act 2000 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 through its internal complaints procedures
  - Complainants will be informed to appeal to the Information Commissioner if they are not satisfied with the outcome of the University’s internal complaint 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.

### **5. Responsibilities**

- 5.1 The University will recognise 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 Director of University Archives and Information Compliance 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 Director of University Archives and Information Compliance has the day-to-day responsibilities for co-ordinating the University’s Freedom of Information function including:
  - the overall development and maintenance of Freedom of Information Act compliance throughout the University and in particular for 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 handle information requests and how to apply exemptions
  - liaising with the Information Commissioner’ Office.
- Executive Deans and Heads of Departments are to ensure that their staff are aware of the existence of this policy.
- Executive Deans and Heads of Departments are to ensure their faculties and departments comply with the Act, including the preparing of responses to information requests and practising good Records Management
- Information Representatives are to co-ordinate the Freedom of Information requests received in their faculties/departments, and they are to liaise with the Director of University Archives and Information Compliance in answering information requests
- All staff, whether or not they create, or manage information have responsibilities under the Act. They are to ensure that any information request they may receive is handled in compliance with this policy and in accordance with the University’s Freedom of Information guidelines. In general, all staff should:
  - study this policy and the Freedom of Information guidelines

- contact the Director of University Archives and Information Compliance for assistance
- provide advice and assistance to persons making information requests
- reply to information requests within the statutory 20 working days
- contribute documents for the updating of the Publication Scheme

## **6. Publication Scheme**

- 6.1 The University's Publication Scheme is a document which is available on the University's website which describes the information it publishes, or intends to publish.
- 6.2 The scheme sets out the classes, or categories, of information published. It also makes clear how the information described can be accessed and whether or not charges will be made.
- 6.3 The University has adopted the model publication scheme developed for the Higher Education sector and is therefore committed to publishing the information it describes.

## **7. Information Requests**

- 7.1 The University will always release information requested unless there is a very good reason, allowed by the law, not to.
- 7.2 Information not already made available in the University's Publication Scheme will be obtained when a requestor sends a written request. Requestors will not be sent to information which any of the absolute exemptions apply.
- 7.3 The University must respond to any request within 20 working days, but where further reasonable clarification is needed, the requestor will be contacted.

## **8. Public Interest Test**

- 8.1 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.

- 8.2 In the case of every information request where the University needs to apply this test; it will be handled in accordance with official University procedures and the guidance from the Information Commissioner's Office.

## **9. Fees**

- 9.1 The University is able to charge fees for the provision of information and its stance on charging fees will be:
- 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 in complying with that request the cost will not be more than the upper limit of £450 or 18 working hours in accordance with the guidance issued by the Information Commissioner
  - Where an applicant requests information to be provided in another format, there will be no charge, 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.

## **10. Appeals Procedures**

- 10.1 Applicants dissatisfied with the University's initial response to a request for information would need to make a complaint in writing to the University Secretary and Clerk to the Board of Governors
- 10.2 Complainants dissatisfied with the outcome of any complaint made through the University's internal complaints procedure can appeal to the Information Commissioner.

## **11. Records Management**

- 11.1 All staff members of the University are to manage corporate records in a way that will ensure easy, appropriate and timely retrieval of information.

- 11.2 All staff members are to manage their records in accordance with the University's Records Management Policy and guidelines and Records Retention Schedules.

## **12. Guidance**

- 12.1 All members of staff should receive an introductory briefing on the Freedom of Information Act and relevant compliance procedures.
- 12.2 Guidance on the procedures necessary to comply with this policy are available from the Director of University Archives and Information Compliance.

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