

South Staffordshire College



# Freedom of Information Policy

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Policy Originator:	Miranda Hughes
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Audience:	All College Staff, Governors and Members of the Public



## **Freedom of Information Policy**

### **1.0 Policy Statement**

- 1.1** It is a legal requirement under the Freedom of Information (FOI) Act 2000 that the College complies with this legislation.
- 1.2** South Staffordshire College is committed to supporting and implementing the Act and this document provides the policy statement and framework to enable compliance with this Act.
- 1.3** The FOI Act 2000 gives the public a general right to access information held by public authorities, subject to certain conditions and exemptions. The Act was reviewed by the UK Government during 2016 and no legal changes were made.
- 1.4** Requests for information can be made by anyone, anywhere and for any reason.
- 1.5** The Act applies to both historic and new information held by the College and applies to all information recorded in any format.
- 1.6** The purpose of the FOI Act 2000 is to create a culture of openness across the public sector.
- 1.7** The College endorses and adheres to the principle of public access to official information.

### **2.0 Scope**

- 2.1** This policy applies to all information that is created, received or maintained by staff and students at South Staffordshire College and by any external partner on behalf of South Staffordshire College.
- 2.2.** This policy applies to all records of information regardless of format, i.e. both hard copy and electronic records.

### **3.0 Linked Policies and Procedures**

- General Data Protection (GDPR) Policy

### **4.0 Key Guiding Principles**

- 4.1** This policy will be implemented in a manner that embraces our 'Values' and "Guiding Principles":

## Values

- Togetherness-Working together to provide an outstanding experience for our learners, employers and communities;
- Standards- High performance to enhance life chances and success of learners, communities and employers;
- Sustainability-A beacon for sustainable development, to educate, inspire and enhance quality of life; and
- Customer Care-Exceed the expectations of all by providing creative leadership, inclusivity and respect for people and their future.

## Guiding Principles

- Excellence in learning and teaching;
- Community contribution; and
- Entrepreneurial attitude.

## 5.0 General

- 5.1 The Freedom of Information Act provides members of the public with a general right of access to all recorded information held by the College. Any person has the right to ask if information is held by the College and to see a copy of that information. There are exemptions to this right set out in the Act and detailed in FOI procedures.
- 5.2 The College is obliged to publish a Publication Scheme under Section 19 of the Act. The Publication Scheme outlines the range of information held by the College and how it may be accessed. The Publication Scheme is available to the public through the College website: [South Staffordshire College Publication Scheme](#). Paper copies are available upon request. This policy will be implemented in accordance with all existing and emerging legislation.
- 5.3 The College supports the principle of openness in public institutions and recognises that, in addition to the exemptions outlined in the procedures, there is an obligation to maintain an individual's right to privacy.
- 5.4 The management of personal and sensitive information will continue to be dealt with in accordance with the requirements of the General Data Protection Regulation (GDPR) via Data Protection Act 2018 and any other associated legislation.
- 5.5 The information sources detailed within the College Publication Scheme may already be openly published by the College or a specific request may be required. The Scheme indicates how the information may be accessed and gives details relating to any appropriate costs that may be required.
- 5.6 The Scheme will be regularly reviewed and updated as necessary. The classes of information detailed within the Scheme are those given in the Model Scheme for Further Education Colleges which is intended to assist the public in accessing information across the Further Education sector, excluding that which will be exempt from disclosure by the Act. The College aims to be as open as possible, however organisations covered by the Act are entitled to withhold information when an appropriate exemption can be suitably applied and include, national security, law enforcement, commercial interests and personal information.

5.7 The Model Scheme for Further Education Colleges is available via the [Information Commissioner's \(ICO\) website](#) and comprise of the following classes of information:

- Who we are and what we do;
- What we spend and how we spend it;
- What our priorities are and how we are doing;
- How we make decisions;
- Our policies and procedures;
- Lists and registers; and
- The services we offer.

5.8 In summary, the College is required under the FOI Act 2000 to:

- Maintain a Publication Scheme, which identifies a range of information documents that are routinely and proactively published in the public domain.
- Provide access to College information which is not otherwise published on receipt of a written request, stating the name and address of the requester and describing the information required.
- Inform the requester in writing whether the College holds the information requested and, where applicable, communicate that information to them within 20 working days, subject to any exemption or fees.
- Contact the requester to discuss their request further should a request be particularly complicated and/or if further information is required. If a delay is likely, the College will also advise them of this.
- Provide advice and assistance, as far as is reasonably possible, to anyone seeking information from the College.

5.9 We ask that all requests are made in writing, with the name and contact details of the requester included within correspondence to enable the College to provide a response. The requester should describe the information required as clearly as possible in order for the College to identify and process the request promptly: if the request is too broad or unclear, the College may need to ask for more detail which could in turn result in delays in processing.

5.10 Where information is exempt from disclosure, the College will send the requester a written notice which specifies and explains the reason why.

5.11 Where a request is vexatious or repeated, the College is not obliged to comply with the request and will send the requester a written refusal notice.

5.12 If a fee is chargeable, the College will send the requester a written fees notice, stating the amount required.

## **6.0 Contact and Complaints**

6.1 The contact for any questions or comments about this policy, including requests for information via the Publication Scheme or under the terms of the Freedom of Information Act, is:

Freedom of Information Request  
South Staffordshire College  
Rodbaston Campus  
Penkridge  
Staffordshire  
ST19 5PH

Email: [freedomofinformation@southstaffs.ac.uk](mailto:freedomofinformation@southstaffs.ac.uk)

**6.2** The College takes its obligations under the Freedom of Information Act 2000 very seriously. If a requestor is not satisfied with the College's response, or the process by which the initial response was handled, they may wish to discuss the matter further with the College Quality Improvement Office, who will then handle the matter in accordance with the Complaints, Comments and Compliments Procedure, accessible via the College website: [Complaints, Comments and Compliments Procedure](#).

**6.3** The College will do everything in its power to meet the needs of individuals or organisations requesting information. However, if the College is unable to resolve a complaint, the requestor has the right to write to the Information Commissioner, an independent body which oversees the implementation of the Freedom of Information Act. The address to write to is:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

[www.ico.org.uk](http://www.ico.org.uk)

## **7.0 Monitoring, Review and Responsibility**

**7.1** This policy will be reviewed by the Board every three years.

**6.2.** The internal monitoring of the implementation of this policy will be the responsibility of the Clerk to the Corporation.

**6.3** The responsibility for ensuring that this policy, and its associated processes and procedures, remain appropriate and comply with changes in legislation will be held by the Clerk to the Corporation.

# Freedom of Information Procedure

## 1. General

All formal requests for information under the Act must be directed to the Clerk to the Corporation in the first instance. The Clerk will then determine how each request is to be handled.

The Clerk will then make the College's formal response to such requests.

## 2. Action for all staff

Assist in the location and retrieval any information requested under the Act as swiftly as possible, within the requested timeframe.

Advise the Clerk if they believe there are any reasons why the information should be withheld.

## 3. Initial Request - Assisting the Requester

There is an obligation on the College to provide advice and assistance to those making requests under the Act. The duty on the College is to provide advice and assistance "so far as it would be reasonable to expect [it] to do so".

Not all potential requesters will be aware of the Act, or regulations made under it. Members of College receiving requests must draw these to the attention of potential requesters who appear to be unaware of them.

A request for information under the Act must be made in writing (which can include e-mail). Where a person is unable to submit a written request, the member of staff must assist the applicant and should refer them to Clerk.

## 4. Action by the Clerk to the Corporation

The Clerk is responsible for assisting in requests for information under the Act and ensuring the requests are processed both in accordance with the Act and this policy.

In the event that the College does not hold some or all of the information requested, the College must:

- provide the information which the College does hold as part of the request; and
- redirect the requester to enable them to pursue the request with a third party.

## 5. Response by Clerk to the Corporation

The Clerk will respond to all requests and release information having first:

- Ensured that information released complies with the Data Protection Act 2018;
- Considered whether the information requested or any part thereof is subject to an exemption under the Act; and
- Consulted with third parties, where appropriate.

## 6. Timescale for Responding to Requests

The Act requires that replies to requests for information be made within 20 working days. Those dealing with requests must do so promptly and not delay responding until the end of the 20 working day period if the information can reasonably be provided earlier.

The Clerk will aim to make all decisions within 20 working days, including those where it needs to consider where the public interest lies in respect of an application for exempt information.

In those instances when it is not possible for the Clerk to deal with an application within 20 working days they must:

- Give an estimate of the date by which they expect to reach such a decision.
- Ensure that their estimates are realistic and reasonable in the circumstances of the particular case, taking account, for example, of the need to consult third parties where this is necessary
- Comply with their estimates unless there are good reasons not to do so. If they exceed their estimate, they should apologise to the applicant and explain the reason(s) for the delay. If they find, while considering the public interest, that the estimate given is proving unrealistic, they must keep the applicant informed. They must keep a record of instances where estimates are exceeded, and where this happens more than occasionally, take steps to identify the problem and rectify it.

## **7. Notification of Complaints Procedure**

When communicating any decision made in relation to a request under the Act's general right of access, the College is obliged to notify the applicant of their rights of complaint. The Clerk must provide details of the complaints procedure, including how to make a complaint, and must inform the applicant of his or her right to complain to the Information Commissioner if he or she is still dissatisfied following the College's review.

## **8. Refusal of Request**

Where the College relies on an exemption to refuse a request for information, the Clerk must inform the applicant which exemption has been claimed, and, if it would otherwise not be apparent, why that exemption applies. The Act also requires the College, when withholding information (other than under an "absolute" exemption), to state the reasons for claiming that the public interest in maintaining the exemption outweighs the public interest in disclosure. Members of staff must specify the public interest factors (for and against disclosure) they have taken into account before reaching the decision. Further details on the exemptions that may be claimed under the Act are available via the ICO office: [Exemptions under the Freedom of Information Act](#).