



South
Staffordshire
College

Freedom of Information Policy

Reference: Version	V2
Policy Originator:	Head of Governance
Equality Impact Assessed:	March 2023
Approved by:	Board of Governors
Date Approved:	30 March 2023
Review Interval:	3 years
Last Review Date:	April 2020
Next Review Date:	Spring 2026
Audience:	All stakeholders

Freedom of Information Policy and Procedure

1.0 Policy Statement

The College will comply with:

- 1 The terms of the Freedom of Information Act 2000, the Environmental Information Regulation 2004 and any other relevant legislation 'the Act' to ensure requests for access to information held by the College are treated in a manner that is fair and lawful.
- 2 Information and guidance displayed on the Information Commissioner's website <https://ico.org.uk/>

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.
- 2.3 This policy will be implemented in a manner that embraces our [strategic vision and objectives](#)

3.0 Linked Policies and Procedures

- Data Protection Policy
- Data Retention Policy

4.0 General

- 4.1 The 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 procedures set out the ICO webpages.
- 4.2 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.
- 4.3 The management of personal and sensitive information will continue to be dealt with in accordance with the requirements of the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and any other associated legislation.
- 4.4 The College has adopted the Information Commissioners' model Publication Scheme which can be found on the [ICO website](#). The Publication Scheme outlines the range of information held by the College and how it may be accessed. The

information available to the public via the College's Publication Scheme "the Scheme" can be found on 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.

- 4.5 The information sources detailed within the 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.
- 4.6 The publication of information under 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.
- 4.7 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.
- 4.8 In summary, the College is required under the Act 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.

Procedure for making a request for disclosure of information

- 4.9 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.
- 4.10 Where information is exempt from disclosure, the College will send the requester a written notice which specifies and explains the reason why.
- 4.11 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.
- 4.12 If a fee is chargeable, the College will send the requester a written fees notice, stating the amount required.

Further details of the College's procedure can be found in Appendix 1

5.0 Contact and Complaints

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

Head of Governance
South Staffordshire College
Rodbaston Campus
Penkridge
Staffordshire
ST19 5PH

Email: freedomofinformation@southstaffs.ac.uk

- 5.2** The College takes its obligations under the Act 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](#).

- 5.3** 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 Act. The address to write to is:

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

www.ico.org.uk

6.0 Monitoring, Review and Responsibility

- 6.1** 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 Head of Governance.
- 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 Head of Governance.

Appendix 1

Procedure for Freedom of Information Requests

1. General

All formal requests for information under the Freedom of Information Act 2000 or other relevant legislation "the Act" must be directed to the Head of Governance in the first instance via the email freedomofinformation@southstaffs.ac.uk or by writing to the Head of Governance at the following address:

Head of Governance
South Staffordshire College
Rodbaston Campus
Penkridge
Staffordshire
ST19 5PH

The Head of Governance will then determine how each request is to be handled and will then make the College's formal response to such requests.

2. Action for all staff

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

To advise the Head of Governance 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 Head of Governance.

4. Action by the Head of Governance

The Head of Governance 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 Head of Governance

The Head of Governance will respond to all requests and release information having first:

- Ensured that information released complies with the Data Protection Act 2018 and UK GDPR.
- Considered whether the information requested or any part thereof is subject to an exemption under the Act.
- 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 Head of Governance 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 Head of Governance 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 Head of Governance 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 Head of Governance 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](#).