|  |  |
| --- | --- |
| https://le.ac.uk/~/media/uol/images/guidelines/logo/logo-no-bar-178.png?h=47&w=178&la=en&hash=27585E3A3CF9D7929D785ADDF0A5531C72DE2FFA | *Information Assurance Services Policy Documentation* **Strategic Policy** |

**Policy: FOI-S1**

**Title: Freedom of Information Policy**

**Status: Approved**

1. Introduction

The Freedom of Information Act was passed on 30 November 2000 and came into force on 1 January 2005. The Act gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. In the context of the Act, universities are considered to be public authorities.

1. Policy Statement

The University fully supports the underlying principle of the Freedom of Information Act 2000 - to provide a right of access to information held by public authorities - and is fully committed to meeting its obligations under the legislation.

To the extent that it is practicable, the University will endeavour to make information considered of interest to the broader public available through the medium of its Publication Scheme.

Where a request is received for access to information not contained within the publication scheme, such requests will be processed in a timely manner and in accordance with the requirements of the legislation and this policy.

The University will promote and sponsor effective records management practices to ensure that information can be readily located and retrieved in a timely manner.

1. Obligations under the Act
	1. **Right of Access.**

Under the provisions of the Act individuals have the right to be told whether particular information exists and the right to receive the information. Upon receipt of a request for information a public authority has 20 working days in which to respond. A charge, set in accordance with the Fees Regulations defined by the Secretary of State, may be made for providing the information.

Whilst the Act contains a number of exemptions to the right of access to information, some are not relevant to the higher education sector. However, it should be noted that information included in the publication scheme is exempt from access (on the grounds that it is available under the scheme).

* 1. **Publication Scheme.**

Public authorities are required to adopt and maintain a publication scheme. Such schemes must set out the types of information the authority publishes, the form in which it is published and details of any charges.

The University’s Publication Scheme and access to many of the documents contained within the scheme are accessible on the University’s Information Assurance Services website.

The University’s Publication Scheme and documents contained within the scheme are also available upon request from Information Assurance Services.

* 1. **Codes of Practice**

Public authorities are also required to introduce Codes of Practice for responding to requests for information and for records management. Whilst these Codes of Practice do not have statutory force, the Act does require the Information Commissioner to promote observance of the Codes.

The Code of Practice for responding to requests for information is incorporated within a separate procedure detailing the request handling process.

The Code of Practice for responding to requests for information is incorporated within a separate procedure detailing the request handling process. The Code of Practice for Records Management is embedded within a separate Records Management policy. These documents can be obtained by contacting the Records Management.

Email: records.management@leicester.ac.uk

1. Information Commissioner

The Act establishes the office of the Information Commissioner with responsibility for the implementation and observance of the Act.

The specific duties of the Information Commissioner include:

* + - * 1. Promotion of good practice and observance of the Act;
				2. Approval of publication schemes;
				3. Provision of advice and information to the public as to their rights under the Act;
				4. Enforcement of compliance with the Act.

Note that the Information Commissioner also has responsibility for implementation and compliance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

1. Enforcement

The Freedom of Information Act provides legal remedies against public authorities that do not comply with the legislation which can lead to fines and could ultimately be treated as contempt of court. It is therefore extremely important to adhere to this policy and associated guidance – failure to do so may result in disciplinary action being taken by the University.

1. Data Protection and Freedom of Information

Personal data which falls within the scope of the Data Protection Act 2018 is not covered by the Freedom of Information 2000 and therefore not publicly accessible.

In some instances certain personal information may be released where it relates to senior staff or staff in public facing roles, but only where such information relates to a person’s working life. For example contact information and salary grade.

1. Scope

Information that falls within the scope of the Freedom of Information Act 2000 is held in all areas and at all levels of the University. Whilst there is clearly a corporate responsibility for compliance with the freedom of information legislation, given the complexity of the organisation this responsibility is devolved to Heads of Department[[1]](#footnote-1)

1. Responsibilities
	1. **The Information Assurance Team**

The University’s Information Assurance Team have responsibilities with respect to Freedom of Information as detailed below. The role is referred to as IAS Officers throughout this and associated documents.

* + - 1. To advise staff of their responsibilities with respect to freedom of information;
			2. To provide guidance and training to the University in the requirements of the legislation;
			3. To advise the University in all matters pertaining to freedom of information;
			4. To co-ordinate and supervise the creation, maintenance and development of the University’s Publication Scheme;
			5. To ensure that arrangements are made for dealing with requests for access;
			6. To establish, maintain and manage a scheme of charging for access requests in accordance with the Fees Regulations as set out by the Secretary of State;
			7. To establish, maintain and manage procedures for the processing of complaints relating to freedom of information;
			8. To ensure that difficulties in matters related to freedom of information are promptly resolved;
			9. To ensure that this policy and associated documents are drawn to the attention of staff and are available for consultation.

Contact details are available on the University’s Information Assurance Services website or at the University’s Central Reception Desk in the Fielding Johnson Building.

* 1. **Heads of Department**

To assist the IAS Officers in the carrying out of their duties, the University requires that Heads of Department assume responsibility for those activities within their departments falling within the scope of the Act.

Heads of Department should appoint Information Assurance Coordinators for their departments to assist them in their duties. Provisions for cover should be put in place for periods that the Coordinator may be absent.

Heads of Department are responsible for ensuring that University policy and this Code of Practice are implemented across their department.

In particular they must ensure that:

* + - 1. the University’s IAS Officers have up to date information about departmental arrangements for dealing with Freedom of Information matters, including the contact details for the Information Assurance Coordinator;
			2. departmental information published online is reviewed and updated as necessary;
			3. all information held within the department is properly documented and retrievable within a period of two weeks;
			4. where a request for access to information has been made, the relevant data is gathered, under the direction of an IAS Officer, to satisfy the request;
			5. the departmental FOI Co-ordinator has the full cooperation of departmental staff in carrying out their duties with regard to freedom of information;
			6. staff (including casual staff) are made aware of their responsibilities and obligations with respect to information held within the department;
			7. information held by staff for the purpose of work or study is surrendered or, if appropriate, destroyed when the staff member or student leaves the University, or as soon as is practicable thereafter in line with the Records Management Policy.
	1. **Information Assurance Coordinators**

Will assist Heads of Department in undertaking the above responsibilities. In particular, they will have responsibility for the following:

* + - 1. Organising the retrieval of information from within a department in response to an access request and, in conjunction with the IAS Officer, addressing any issues that may arise with respect to the application of exemptions and the need for editing of responses.
			2. Organising the review and update of departmental information contained within the University’s Publication Scheme.

In cases where a Department is too small to warrant the nomination of a Coordinator, this role will be fulfilled by the Head of Department.

* 1. **Individual Members of Staff**

Every member of staff must comply with the University’s Freedom of Information Policy and any guidelines issued by the University in relation to Freedom of Information.

Members of staff must refer to Information Assurance Services any written request for access to information that makes specific reference to the data protection or freedom of information legislation, or is for access to information that is not normally made available to an individual or to the public. Members of staff are specifically forbidden to respond to such requests personally.

Members of staff must make provision for access to all information which they hold in connection with their work and duties, and in such a manner that the University is able to respond to requests for access within 20 working days.

Members of staff must also make provision for requests for information addressed to them to be processed promptly in their absence

* 1. **Others**

Departments may sometimes hire temporary staff or have dealings with external consultants (for example, computer engineers, external examiners etc.). Heads of Department must ensure that such individuals are made aware of their responsibilities and obligations under the Freedom of Information Act 2000 and are informed of this Policy and associated documentation, and of the identity of their departmental Information Assurance Coordinator.

**Failure to comply with University Policy may lead to disciplinary action.**

The official version of this document will be maintained on-line. Before referring to any printed copies please ensure that they are up-to-date. Last updated 22 July 2020.

1. In this document references to Department and Heads of Department include Colleges and Corporate Divisions, and Heads of Corporate Divisions and College Directors of Administration unless otherwise specified. [↑](#footnote-ref-1)