



Freedom of Information Act Policy

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EXECUTIVE SUMMARY

Freedom of Information Act Policy

South Essex College of Further and Higher Education supports and is committed to the principles of openness, transparency and accountability embodied in the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. This policy establishes a framework which underlines this commitment. It provides policy statements to underpin the College's detailed guidance and procedures in the areas of Freedom of Information and Environmental Information, providing a benchmark against which implementation can be audited.

SIGNIFICANT CHANGES FOLLOWING REVIEW

Policy Review on date

Page Number or Heading Name	Details of significant change	Changes made by
	Draft	Craig Willcocks

Freedom of Information Act Policy

This policy has been established to ensure that South Essex College meets its legal obligations under the Freedom of Information Act and the Environmental Information Regulations, and related statutory codes of practice (see the [Appendix](#)). The legislation, and therefore this policy, applies to all recorded information held by South Essex College and its staff, departments, subsidiaries and agents, regardless of format, storage medium or age. It also applies to any companies which are or may be wholly owned by South Essex College, and to information held by other organisations or individuals on behalf of the College. Information "held" by South Essex College includes not only information created by the College and its agents, but also information in the College's possession which originated from outside organisations or individuals, such as other HE institutions, regulatory bodies or private companies.

This policy and the procedures which implement it will ensure that South Essex College conforms to the Act, Regulations and associated codes of practice, the key requirements of which are that:

- Information which is routinely published by the College is made available in accordance with the College's Freedom of Information Publication Scheme (see [The Publication Scheme](#)).
- Information which is not covered by the Publication Scheme is made available to enquirers on request, within 20 working days, unless a valid exemption or limit applies (see [Requests for information](#)).
- Exemptions under the Act and Regulations are applied appropriately, and in accordance with the legislation (see [Exemptions](#)).
- A fair and efficient internal appeal system is administered (see [Appeal procedures](#)).

3. Status

This policy was approved by South Essex College's SLT on xxxx. It will be reviewed by the Head of Computing Services from time to time.

4. Responsibilities

South Essex College has a corporate responsibility to ensure that it conforms to and implements the Freedom of Information Act and the Environmental Information Regulations. South Essex College is accountable to the Information Commissioner for its compliance with the Act and Regulations. The senior officer with overall responsibility for this policy is the **Deputy Principal and CEO**, who has strategic responsibility within the College for Freedom of Information and Environmental Information, and related areas including Data Protection, records management and institutional archives.

The **Head of Computing Services (HoCS)**, reporting to the Deputy Principal and CEO, is responsible for the effective day-to-day management of compliance with the Freedom of Information Act and the Environmental Information Regulations. This includes the development of procedures, guidance and standards of good practice (see [Guidance available](#)); their promulgation to staff through training and outreach; the maintenance and periodic review of the Freedom of Information Publication Scheme (see [The Publication Scheme](#)); the co-ordination of responses to more difficult or complex

information requests; and the provision of advice and assistance on Freedom of Information and Environmental Information issues. The HoCS is also the College's Data Protection Officer, and has responsibility for ensuring that the College's records and institutional archives are managed in a way which supports business efficiency, and compliance with information rights legislation and the Records Management Code (see [Records management](#)).

Heads of academic and administrative departments are responsible for ensuring that procedures and systems within their departments conform to this policy and to the College's procedures, guidance and standards of good practice in the areas of Freedom of Information, Environmental Information and records management. They should also ensure that staff are provided with adequate opportunities for training in these areas. Department heads may be asked to nominate a member of staff to act as a point of contact with the HoCS on records management and information rights issues.

All staff must handle information and requests for information in a way which complies with this policy and the College's related procedures, guidance and standards of good practice (see [Guidance available](#)). Staff must also ensure that they provide the HoCS with all necessary advice and assistance when requested to do so for the purpose of responding to Freedom of Information or Environmental Information requests. Staff should note that the deliberate concealment, amendment or destruction of information which has been the subject of a Freedom of Information or Environmental Information request, in order to prevent its disclosure, is a criminal offence under the Act and Regulations for which individual staff as well as South Essex College can be held liable.

5. Relationship with existing policies and legislation

This policy has been developed and will be implemented within the context of other South Essex College policies and guidelines, national legislation and codes of practice, and sectorial/professional standards. For details of relevant internal and external documents, see the [Appendix](#).

6. Guidance available

Guidance on the procedures necessary to comply with this policy will be developed by the Information Compliance Manager and approved by the Deputy Secretary. The guidelines produced will cover the following areas, and other areas which may need to be added from time to time as the regulatory environment evolves:

- [Overview of the Freedom of Information Act and the Environmental Information Regulations.](#)
- [Procedures for submitting a Freedom of Information or Environmental Information request.](#)
- [Procedures for handling requests for information.](#)
- [Managing requests during staff absence.](#)
- [Appeal and complaints procedures.](#)
- [Publication of information and the Publication Scheme.](#)
- [Implications of the Act and Regulations for contracts.](#)
- [Implications of the Act and Regulations for the Students' Union.](#)
- [Managing records in accordance with Freedom of Information and Environmental Information.](#)
- [Freedom of Information and Data Protection guidance for committee servicing.](#)
- [Freedom of Information training resources](#)
- [Freedom of Information and Environmental Information FAQs.](#)

7. The Publication Scheme

South Essex College is required by the Freedom of Information Act to produce, maintain and make available a [Publication Scheme](#) covering the information which the College routinely publishes or intends to publish. The Publication Scheme is available on the College's website and in hard copy from the HoCS. It describes the classes of information which the College publishes, providing appropriate examples of individual documents, and details the formats in which publications are available and whether any charges apply.

South Essex College has adopted the model publication scheme approved for the HE sector by the Information Commissioner, but reserves the right to move to a bespoke Scheme (subject to the approval of the Information Commissioner) should that prove better suited to the College's needs. South Essex College is required by law to keep the Scheme up to date, which will be secured by the periodic review and updating of the Scheme by the Head of Computing Services or nominated deputy.

Publication of information via the Scheme incurs a number of benefits, such as a reduction in the amount of information which can be subject to Freedom of Information requests. To secure these benefits, and in the interests of openness, accountability and business efficiency, South Essex College affirms its commitment to the routine publication of as much non-sensitive information about the College's policies, procedures and activities as possible, following a "web first" publication policy.

8. Requests for information

Information which is not covered by the College's Publication Scheme can be requested by individuals within or outside the College under the Freedom of Information Act and the Environmental Information Regulations. The Act and Regulations provide the public with the right to be informed whether the information is held by South Essex College, and if so, to have the information communicated to them unless an exemption or limit applies. Requests must be answered within 20 working days, although this period can be extended in certain circumstances.

South Essex College is committed to processing requests for information in accordance with the requirements of the Act and Regulations. To this end, the College will ensure that requests under the Freedom of Information Act are processed in accordance with the code of practice (known as the Access Code) issued by the Secretary of State for Constitutional Affairs under section 45 of the Freedom of Information Act (see the [Appendix](#)). Similarly, requests under the Environmental Information Regulations will be handled according to the code of practice issued by the Department for Environment, Food and Rural Affairs (see the [Appendix](#)). Procedures and systems for dealing with information requests will be developed to promote conformity to these codes and the legislation, and will be coupled with appropriate training for staff handling requests.

9. Charges

The Freedom of Information Act and its secondary legislation impose a statutory limit (known as the "appropriate limit") on the amount that can be spent on locating and extracting the information required to answer a Freedom of Information request. This limit is currently set at £450, which the legislation deems to be equivalent to 18 hours of staff time. Where a public authority receives a request which is estimated to be over the "appropriate limit", it can refuse to comply with the request, comply without imposing a charge, or comply on condition that the applicant pays the full cost of processing the request. South Essex College's policy, in all cases, is to refuse to comply with requests that are likely to exceed the appropriate limit. Before doing so, the College must provide

the applicant, where possible, with reasonable advice and assistance to help narrow down the scope of the request to one that would be within the limit. Applicants whose requests are refused on the grounds of the "appropriate limit" will be provided with an explanation as to why the College believes that the limit would be exceeded.

No "appropriate limit" is set by the Environmental Information Regulations. However, South Essex College reserves the right to refuse to comply with EIR requests which are "manifestly unreasonable" or "too general", in accordance with the Regulations. As with Freedom of Information requests, the College has a duty to advise the applicant on how to re-focus the request to one that would be acceptable.

Where the cost of processing a Freedom of Information request is below the "appropriate limit", the College may only charge for postage and photocopying, printing and other forms of reprographics. Any charges imposed by South Essex College for these services will take into account the guidance on charges for Freedom of Information requests issued by the Ministry of Justice. Postage and reprographics charges for Environmental Information requests will match those for Freedom of Information requests.

The College has greater latitude to charge for information covered by the Publication Scheme. Details of charges are included in the [Scheme](#). The College will ensure that where charges are imposed for information covered by the Publication Scheme, all charges are consistent with the Scheme.

10. Appeal procedures

Public authorities are required by the Environmental Information Regulations to have internal appeal procedures, and are strongly recommended to have internal appeal procedures for Freedom of Information requests. South Essex College will establish and maintain a unified system of internal review which will be accessible to all applicants who are dissatisfied with the handling of their information request. Responsibility for approving appeal procedures rests with Information and Internal Communications Committee. South Essex College's [appeal procedures for Freedom of Information and Environmental Information requests](#) are published on the College's website, and will be drawn to the attention of applicants for information. The same procedures will be used for complaints relating to the College's Freedom of Information Publication Scheme.

11. Exemptions

Although South Essex College upholds the principle that information should be accessible wherever possible, there are times when we have to withhold information to protect our legitimate interests and those of other organisations and individuals. South Essex College will only refuse to disclose information in response to a request if a valid exemption applies under the Freedom of Information Act or the Environmental Information Regulations, or if the "appropriate limit" would be exceeded (see [Charges](#)). The College will apply exemptions in a way which takes into account the guidance on exemptions issued by the Information Commissioner and the Ministry of Justice. Where information is withheld under an exemption, applicants will be informed of the relevant exemption and why South Essex College believes it applies, and will be provided with details of the College's appeal procedures.

12. Contractors, suppliers etc

The Freedom of Information Act and the Environmental Information Regulations cover all information held by South Essex College, including information provided to the College by outside organisations such as contractors, tenderers, suppliers, other FE and HE

institutions and regulatory bodies. South Essex College will consult with outside organisations whenever information which they have supplied to South Essex College is the subject of a request. However, the ultimate legal responsibility for deciding whether or not information should be released under the Act or Regulations rests with the College.

13. Records management

Effective management of the College's records is essential for business efficiency and to ensure compliance with information rights legislation. The College will develop its record keeping policies, procedures and systems with the goal of conforming to the code of practice (known as the Records Management Code) issued by the Lord Chancellor under section 46 of the Freedom of Information Act (see the [Appendix](#)). In so doing, the College will take account of standards and good practice issued by bodies such as the JISC and the National Archives. Staff will be provided with appropriate training in records management responsibilities and procedures.

14. Further information

Questions relating to this policy and South Essex College's compliance with the Freedom of Information Act and the Environmental Information Regulations should be directed to the Information Compliance Manager at the following address:

Head of Computing Services
South Essex College
Luker Road
Southend-on-sea
Essex
SS1 1ND
United Kingdom
Telephone: +44 (0)1702 220 400
Email: FOI@southessex.ac.uk

15. Appendix: related policies, legislation and codes

i. South Essex College documents

- [Data Protection Policy](#)
- [Freedom of Information Publication Scheme](#)
- Information Strategy (forthcoming)
- [IT Policies](#)
- [Records Management Policy](#)

ii. Legislation

- [Data Protection Act 1998](#)
- [Environmental Information Regulations 2004](#)
- [Freedom of Information Act 2000](#)

iii. Codes of practice and professional/sectorial standards

[Access Code](#) ("Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000").

[Code of practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004.](#)

[Records Management Code](#) ("Code Of Practice on (1) The Management of Records by Public Authorities and (2) The Transfer and Review of Public Records under the Freedom of Information Act 2000").

National Archives, [Model Action Plan for Achieving Compliance with the Lord Chancellor's Code of Practice on the Management of Records: Model Action Plan for Higher and Further Education Organisations.](#)

JISC, [HE Business Classification Scheme and Record Retention Schedule](#) (includes model retention schedules and classification schemes for HE institutions).

[British Standards Institution](#), BS ISO 15489:2001 Information and Documentation: Records Management.

<i>SLT Member Responsible</i>	
<i>Author of Procedure</i>	
<i>Date agreed by SLT</i>	
<i>Date Effective From</i>	
<i>Date last amended</i>	
<i>Review Date</i>	