

# Freedom of Information Policy

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Author	Ruth Reavley, Clerk to the Corporation Governors
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The Freedom of Information Act (FOIA) provides a statutory right, with effect from 1 January 2005, for members of the public to have access to information held by public authorities including the College, subject to certain exemptions related to confidential matters.

## **1. Scope and Purpose of this Policy**

The aim of this policy is to set standards for processing data and responding to requests for information from the public. These standards comply with the requirements of the FOIA and the Environmental Information Regulations.

This policy applies to information about individuals as well as Abingdon and Witney College as an organisation. It covers requests made in writing, by phone and by email for access to data recorded in any medium by any persons including learners, customers and employees.

## **2. Policy Statement**

Abingdon and Witney College is committed to being open and honest in the conduct of its operations and to fully comply with the FOIA 2000 and the Environmental Information Regulations 2004. Therefore the College will:

- i) be open with the general public and the media and will place in the public domain as much information about its activities as is practicable and, subject to the exemptions permitted under the Act, will make all other information available on request.
- ii) Establish a records management system which meets the requirements of the Lord Chancellor's Code of Practice on the Management of Records
- iii) Deal with all requests for information in accordance with the Lord Chancellor's Code of Practice on the Discharge of Public Authorities Functions.

The College FOI Publication Scheme is available on the College website, which signposts the public to information about the College which is available in the public domain.

At times the College may not be able to supply all the information requested. Information will only withheld in accordance with the exemptions laid down in the Act as follows:

- i) Information accessible to the applicant by other means, e.g. via the College Publication Scheme or via the Data Protection Act
- ii) Information intended for future publication
- iii) Investigations and proceedings conducted by the College
- iv) Law enforcement
- v) Health and safety
- vi) Personal information

- vii) Information provided in confidence
- viii) Commercial interest
- ix) Prohibitions on disclosure

Where an exemption applies, the college may decide that either:

- i) The public interest in releasing the information outweighs the public interest in withholding it; or
- ii) The information can be released despite the exemption.

Where an exemption applies, but it is nevertheless in the public interest to disclose information, the College will do so “in a reasonable time”. Where a decision is made not to release information the College will always state the reason why information has been withheld. An explanation of how a member of the public can complain about that decision, both to the College and to the Information Commissioner, will be provided.

### **3. Implementation of the Policy**

All employees must abide by the rules and policies made by the college. Any unauthorised, inappropriate or reckless use of data or any other failure to follow the College Freedom of Information Policy could result in disciplinary proceedings, which in some cases could lead to dismissal.

The College has a duty to respond to requests under the Freedom of Information Act within 20 working days of receiving them. In some instances fees for the cost of providing the information (e.g. for photocopying) may be chargeable. If this is the case, the College will issue a fees notice to the applicant.

All FOIA requests for from the public about College matters should be referred to the Clerk to the Corporation Governors.

### **4. Sources of Information**

The text of the Act can be seen at

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

More advice, and information about enforcement of the FOIA is available from the Information Commissioner’s Office, whose website can be seen at: <http://ico.org.uk/>

Within the College, advice on the Act can be obtained from the Clerk to the Corporation Governors.

### **5. Related Legislation**

The Data Protection Act 1998, which came into force on 1 March 2000, relates to the holding and processing of personal information, and access to it by members of the

public. The College Data Protection Officer is the Vice Principal Funding, Planning and Systems Improvement

The Environmental Information Regulations 2004 cover the provision of environmental information to members of the public. Requests for environmental information will be answered using the procedures as apply for FOIA Requests.

## **6. Equal Opportunities Statement**

The College recognises That members of the public may need assistance, for instance with the translation of information into other languages, and the use of alternative formats to present information.

## **7. Location and Access to the Policy**

The Policy is publicly available on the [College website](#)

## **8. Related Policies and documents**

[College Data Protection Policy](#)

Freedom of Information Publication Scheme