

CODE OF PRACTICE FOR MANAGING FREEDOM OF INFORMATION REQUESTS

Policy Statement

1. The University of Suffolk is committed to the principles of and guidance given by the Freedom of Information (FoIA) Act, 2000. As such, the Institution:

- has adopted a publication scheme format approved by the Information Commissioner and makes information available in accordance with the scheme;
- provides clear advice to enquirers on how a request for information can be made;
- manages a process to respond to requests for information, including partial responses or refusals to provide information for reasons of exemption;
- references other University policies and procedures dealing with requests, in particular, the Data Protection and Data Security Policy. The University acknowledges that the Data Protection Act 1998 takes precedent over the FoIA.

2. This Code of Practice sets out what the University of Suffolk does to meet its freedom of information obligations under the FoIA. Information requests received within the normal course of business, for example prospectus enquiries, are treated in that manner and do not fall within the FoIA.

3. Enquiries about partner colleges in the University of Suffolk Learning Network that are not related to the provision of University of Suffolk courses will normally be forwarded to those colleges.

4. A Publication Scheme provides details of the types of information the Institution has selected to make publically and routinely available together with details of how it can be obtained. A charge may be made for information if it is not routinely available.

5. An information request process is clearly laid out on the University of Suffolk webpage designed for that purpose. However, the University will accept requests in other forms and will provide reasonable assistance to individual enquirers if required.

6. The University has 20 working days to respond to any request. Some responses to requests may be partial or refused if it is judged that the information requested is exempt from disclosure. In such cases, the enquirer will be given a clear explanation of that judgement. Where any information is not disclosed, the enquirer has the right of complaint under the FoIA Complaints Procedure.

7. For monitoring purposes, records are kept centrally of all FoIA information requests and how they have been dealt with.

8. It is the responsibility of the Academic Registrar, on behalf of the University of Suffolk, to ensure that the Code of Practice is compliant, understood by staff and used correctly. Whilst the Academic Registrar has ultimate responsibility for dealing with FoIA requests, in many cases, where specific and local information is requested, operational responsibility will rest with staff in Faculties and professional service teams.

Related University of Suffolk Policies and Procedures

Data Protection and Data Security Policy

9. Data protection provisions always take precedence over those of freedom of information. Please refer to the Data Protection and Data Security Policy and related guidance for details on how personal information is obtained, processed, stored and disclosed in accordance with the Data Protection Act.

Publication Scheme

10. The Publication Scheme is a classified list of the information the Institution makes routinely available to the public. The Scheme has been created in line with the model publication scheme produced and approved by the Government's Information Commissioner. As such, the information is classified into seven main groups. For each document, a website hyperlink or explanation of how it may be obtained is also given.

11. The seven groups of information are:

- 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
- The services we offer

12. The Publication Scheme and those documents referenced within it are reviewed at least annually.

Making a Request

13. Most enquirers will make a request via the link on the University of Suffolk website. This points them to the FoIA Policy Statement, Publication Scheme and Information Request Form. Other requests may come through FOI@uos.ac.uk, or direct to any individual employee in person or by email, phone or letter. However, before a request is formally responded to, it must be made in writing. Requests may not explicitly state that they are being made under FoIA. However, it is important that they are recognised and dealt with as such.

14. Whilst the FoIA provides the right to request information, it does not give the right to request an actual document.

Responding to Requests

General

15. Not all requests for information fall within the FoIA; information requests received within the normal course of business, for example prospectus enquiries, routine press / media enquiries are treated in that manner. Information that is listed within the Publications Scheme is routinely available to the public and therefore does not fall within the FoIA.

16. Any requests that are not routine are regarded as being within the FoIA and the following process should be followed.

Initial Response

17. The initial FoIA request may be in person, by phone, letter or email. It could come to any member of University staff and does not have to explicitly use the words “FoIA” or refer to the Act.

18. The action by any member of University staff:

- Check the enquirer is aware of information held on the University of Suffolk website and knows about the Publication Scheme and how to use it. Offer advice and assistance with this process.
- If the request is outside the normal course of business or not in the Publication Scheme, the enquirer should be advised to complete an Information Request Form. Offer advice and assistance with this process, for example help with completing the form.
- Advise the enquirer to send the completed and dated Information Request Form to the FoIA Coordinator.

Dealing with formal FoIA requests

19. On receipt of the formal request, the University has 20 working days to respond (this excludes weekends and bank holidays but no other days when the University might be closed, e.g. over the Christmas break). All request forms are acknowledged and logged centrally by the FoIA Coordinator on a 'disclosure log'. (This lists the type of request, response time, action / level of complexity, what was disclosed and who dealt with it.)

Action by FoIA Coordinator, with Faculty and Professional Services Teams:

20. Determine nature of the request:

- Does it meet the requirements of the FoIA?
- Is it routine data held in a publication scheme?
- Is it non-routine and does the University hold it anywhere?
- Does it fall within an exemption category? (In most cases, personal data is exempt.)
- Is it vexatious? e.g. in an abusive manner, undue pressurising or causing unnecessary distress to staff. Or repeated targeting of a member of staff – this is one reason why a central logging procedure is vital.
- Is it linked to other, similar requests? e.g. requests that appear to be part of an organised campaign. These might be aggregated into one general response.
- Should a fee be charged?

21. Determine any reason why information might be refused or withheld or if other, third parties need to be consulted before making that decision, e.g. in the case of a joint venture.

22. Even if the Institution holds the information, the request may be refused if it will cost more than £450 to be retrieved or if it will take more than 18 hours of effort.

23. Information may be refused on grounds of exemption – see Section 6 - Exemptions.

24. FoIA Coordinator sends appropriate refusal to enquirer within 20 days and deals directly with any follow-up issues. The enquirer is made aware of the complaints process.

25. If the information request is straightforward and can be provided direct from the relevant Faculty or professional services team, or partially provided then the group determines how this will be done.

26. Information may require additional preparation and the University may risk exceeding the 20 days. A fee may be charged if the cost of materials or preparation time warrants it.

27. Agree action to notify enquirer of delay and advise on the timescales and, if applicable, issue a fees notice. If a fee is imposed, the 20 day timescale is put on hold until the payment is received and banked.

Exemptions

28. There may be situations where it would be inappropriate to disclose information that is requested and the University has the right to avoid either confirming or denying it holds the information or explicitly refuse the release of information; this is called an exemption. Appendix 2 lists the 24 types of exemption that may apply, and these have been categorised in order of likely applicability to a university.

29. There are two types of exemption; they are either absolute or qualified. An *absolute* exemption normally means that the information is personal and/or has been provided to the University in confidence. Such information is covered by the Data Protection Act. A *qualified* exemption is one where the decision has been subject to a public interest test. This means that the University has considered the circumstances of the case and it is in the public interest not to disclose the information, e.g. information that is intended for future publication like a press release or a contract that contains confidential commercial interests. These are broad examples; each request should be examined individually.

30. When responding to a request, it must be clearly stated why the exemption applies and what considerations have been taken into account before reaching the decision.

31. Agree action by appropriate Faculty or professional services team, including consultation with third parties if necessary.

Complaints

32. The complaints procedure may be used by anyone who considers that the University of Suffolk is not complying with its obligations under the FoIA or who wishes to complain about the handling of or outcome of their request.

33. Complaints from current students should be made via the Student Complaints Procedure.

34. Complaints by anyone else should be made in writing to the FoIA Coordinator or, if the complaint is about the FoIA Coordinator, to the Vice-Chancellor of the University of Suffolk.

35. In the event of these channels failing to produce a satisfactory outcome, The Information Commissioner may also be contacted.

Record Keeping

36. Criminal Offence Warning - Following a FoIA request, records must not be altered, destroyed or concealed with the intent to prevent the disclosure of that information.

37. The need to quickly and easily locate and retrieve information is important in any organisation but it takes on added significance in the context of freedom of information.

38. All Faculty and professional services teams have a responsibility to ensure that their activities are adequately documented and kept in a record-keeping system that enables quick and efficient retrieval in line with the Data Protection and Data Security Policy.

Appendix 1 – Request for Information Form

Your details

Name

Address

.....

Telephone number

Email

Are you a current student at the University of Suffolk? **Yes / No**

Description of the information you require

Please provide a description of the information you would like the University of Suffolk to provide you with. If your request relates to specific document(s), please provide any details you have of the document (e.g. date of production, author, and department). If you are uncertain how to describe the information you require, please contact the office of the Freedom of Information Coordinator who will provide you with advice or direct you to others who can help. The University may contact you for clarification of your request for information if we are unable to do so from the original description provided.

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Notes

(i) Though there is no limit to the scope of the information you may request, please note that the University of Suffolk may have the right to refuse vexatious requests (under the terms of Section 14 of the Freedom of Information Act 2000), to obscure or suppress information that relates to other third parties (under the terms of Principles 1, 6 and 7 of the Data Protection Act 1998) and to not disclose information that is covered by relevant exemptions allowed by the Freedom of Information Act 2000.

(ii) If your request is refused or is only answered partially, an explanation for the decision will be provided. You will be entitled to appeal to the Freedom of Information Coordinator, and contact details will be provided. You will also be provided with details of how to make an external appeal to the Office of the Information Commissioner.

(iii) In cases where the University of Suffolk holds only some of the information requested, we will respond as fully as we can. Should we need to redirect an enquiry to some other public body you will be informed of this.

(iv) The University may decide to charge a fee to cover the costs of our search and direct costs (e.g. copying); and, until the fee is received, the information you have requested will not be released to you.

Office use only

Log no:

Date request received:

Search Fee: £..... Date fee set:.....Date fee received:.....

Date completed:

Confirmed (Signature).....

Please return the completed form to:

Freedom of Information Coordinator
University of Suffolk, Waterfront Building, Neptune Quay, Ipswich IP4 1QJ.
Tel: 01473 338679 / 338000
Email: FOI@uos.ac.uk

Appendix 2 – Exemptions and Guidance on Likely Applicability for Universities

(From Mills & Reeve “Basic Principles of the Freedom of Information Act 2000”)

FOIA Exemption

Applicability of Exemptions for Universities: Highly likely

Section 21	Information accessible to applicant by other means.	(Absolute)
Section 32	Court records.	(Absolute)
Section 40	Personal information.	(Absolute)
Section 41	Information provided in confidence.	(Absolute)
Section 22	Information intended for future publication.	(Qualified)
Section 36	Prejudice to effective conduct of public affairs.	(Qualified)
Section 42	Legal professional privilege.	(Qualified)
Section 43	Commercial interests.	(Qualified)

Applicability of Exemptions for Universities: Possibly

Section 44	Prohibitions on disclosure.	(Absolute)
Section 30	Investigations & proceedings conducted by public Authorities.	(Qualified)
Section 31	Law enforcement.	(Qualified)

Applicability of Exemptions for Universities: Unlikely

Section 23	Information supplied by, or relating to, bodies dealing with security matters.	(Absolute)
Section 34	Parliamentary privilege.	(Absolute)
Section 24	National security.	(Qualified)
Section 25	Supplementary provisions regarding certificate issued by Minister under ss. 23 and 24.	(Qualified)
Section 26	Defence.	(Qualified)
Section 27	International Relations.	(Qualified)
Section 28	Relations within the United Kingdom.	(Qualified)
Section 29	The economy.	(Qualified)
Section 33	Audit functions.	(Qualified)
Section 35	Formulation of government policy, etc.	(Qualified)
Section 37	Communication with Her Majesty, etc. and honours.	(Qualified)
Section 38	Health and safety.	(Qualified)
Section 39	Environmental information.	(Qualified)