



DERBY COLLEGE GROUP POLICY

Freedom of Information Policy

Policy Number:	COR 004
Executive Owner:	Deputy CEO
Owning Strategy / Department:	Corporate Strategy / Curriculum, Corporate and Student Services
Approval Board / Committee / Group:	Corporation
User Group:	All staff
Relevant To:	All staff
Implementation Date:	May 2018
Approval Date:	May 2020
Next review Date:	June 2021

Date:	May 2020
Ref:	RM/FOI/Policy
Originator:	Clerk to the Corporation
Area:	Curriculum, Corporate and Student Services

Once printed, this is an uncontrolled document. Refer to Policy Portal for latest version.

POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS

Policy Accountability and Implementation

Policy Title: Freedom of Information Policy
 Policy Author / Reviewers: Clerk to the Corporation
 Policy Implementation: Clerk to the Corporation
 Policy Monitoring and Compliance: Clerk to the Corporation
 Policy Review Timeline: Annual

Synopsis:

To raise awareness of the Freedom of Information Act and ensure all College staff adhere to the correct procedure when Freedom of Information Requests are made

Policy Classification and Publication

Classification

- Essential Authority (EA)

Publication

- Intranet – Policy portal
- Student VLE (Moodle)
- Website

Empowering/related legislative and/or authoritative references:

Freedom of Information Act 2000

Impact Assessment reference: NA

Periodic Policy Review / Change History

Note: Please make it clear if change/review relates to procedures, guidelines and associated documents only or it is a rational for a new or substantive policy review

Version	Reviewed / Modified by:	Change History	Advisory committee / groups or specialists	Review / Meeting Date/s
1	Clerk to the Corporation	New Policy	GDPR Steering Group	May 2018
2	Clerk to the Corporation (RM)	Policy review – minor changes to terminology, updating related document links, cross reference to the Data Protection Act 2018 (page 6) and defining the difference between FOI and Subject Access requests.	Corporation	May 2019
3	Clerk to the Corporation (RM)	Reviewed, no changes		May 2020

1. POLICY STATEMENT

As a public authority, DCG has a legal obligation under the *Freedom of Information Act 2000* (Act) to provide information they hold to anyone who requests it, subject to certain exemptions.

This document provides the policy framework to ensure anyone wishing to make a request understands how to do so and that any requests are handled in accordance with applicable data protection laws.

2. DEFINITIONS

A Freedom of Information Request is a request for any recorded information held by a public authority in England, Wales or Northern Ireland. It includes printed documents, computer files, letters, e-mails photographs and sound or video recordings.

The Freedom of Information Act 2000 (Act) gives anyone the right to ask any public sector organisation for all the recorded information they have on any subject.

Anyone can make a request for information – there are no restrictions on age, nationality or where someone lives.

Any request should be responded to, by DCG, within 20 working days.

3. PRINCIPLES

This policy will be published on the DCG website and all employees will have a duty to comply with any Freedom of Information requests and the deadlines outlined by the Freedom of Information Officer.

Third parties who hold information on behalf of the Group must be made aware of the Group's Freedom of Information Act obligations and that information may be need to be disclosed.

4. SCOPE AND LIMITATIONS

Some sensitive information might not be available to members of the public, for example where an absolute exemption or other qualified exemption applies, together with a public interest reason for not releasing the data. The Freedom of Information Officer will advise on this.

It does not relate to Environmental Information, which is covered by the Environmental Information Regulations 2004. These are also dealt with by the Freedom of Information Officer.

It does not cover personal data requests, which are covered by the Data Protection Act 2018 and outlined in the Data Protection Policy.

5. RESPONSIBILITIES

The Executive Owner of this Policy is the Deputy Chief Executive.

The Freedom of Information Officer is responsible for providing guidance relating to Freedom of Information and promoting compliance with this Policy to ensure the easy, appropriate and timely response to all Freedom of Information requests, indicating whether the College holds the information of the description specified in the request.

Everyone has a responsibility for what information they record and how they record it.

6. IMPLEMENTATION ARRANGEMENTS

The Policy has been impact assessed. Notification of the policy and procedure will be available on the DCG intranet and on the Group website for the wider audience.

7. MONITORING AND REVIEW

The Freedom of Information Policy will be reviewed regularly in line with legislative guidance.

This policy should not be read in isolation and should be cross referenced with the Data Protection Policy.

8. GUIDELINES

There are no related guidelines included for this policy

9. PROCEDURES

The procedure relation to this policy is detailed under Appendix A: Freedom of Information Policy

10. TEMPLATES/FORMS

There are no related templates for this policy however, the Freedom of Information Request Form is attached below as Appendix B.

11. RELATED DOCUMENTS

[DCG Privacy Notice](#)

Data Protection Policy, Procedure and Guidelines

Records Management and Archiving Policy, Procedure and Guidelines

IT Security Policy

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/>

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

[Derby College Group Publication Scheme](#)

APPENDIX A: Freedom of Information Procedure

How to make a Freedom of Information (FOI) request

FOI requests can be made by letter or online, by completing the form at the end of this policy.

When making the request, it must include:

- requestors name
- an address where the requestor can be contacted
- a detailed description of the recorded information the requestor wants

A Freedom of Information Request does not give people access to their own personal data (information about themselves). If a member of the public wants to see information that the Group hold about them, they can make a **Subject Access Request** instead. Such a request would include anything the Group hold on paper/digitally within any system/storage arrangement within the Group. It would also extend to include all emails including those in draft but not sent and those deleted by employees but still stored on Group systems.

DCG intend to provide the information requested within 20 working days. If more time is needed, they will contact the requestor and tell them when they can expect the information.

How to receive the information

The information can be asked for in a number of different formats:

- paper or electronic copies of any original documents
- audio format
- large print

Depending on the nature of the request, all the information can be asked for, or just a summary.

If the request is turned down

Some sensitive information might not be available to members of the public, for example where an absolute exemption or other qualified exemption applies, together with a public interest reason for not releasing the data, or if the information breaches the personal data of third parties. If this is the case, the Freedom of Information Officer will tell you why they have withheld some or all of the information requested within the 20 working days' time period set out above.

The Act provides details of costs that may be reasonably incurred when dealing with a FOI request. If DCG believe that dealing with your request will cost them more than the amount set out in the Act, they can turn down your request.

They may have to turn down the request or ask for it to be more specific so they can provide the information the requestor looking for.

Subject to the above, if DCG do not provide the information requested, the requestor should contact the Group and ask them to review the decision. If the requestor is not satisfied with the outcome of the response, they can complain to the Information Commissioner's Office (**ICO**).

Publication Scheme

A publication scheme is a document which describes the information a public authority publishes, or intends to publish.

In this context, 'publish' means to make information available, routinely. These descriptions are called 'classes of information'. The scheme is not a list of the actual publication, because this will change as new material is published or existing material revised. It is, however, the Group's commitment to make available the information described.

A publication scheme must set out the classes, or categories, of information published. It must also make clear how the information described can be accessed

DCG has adopted the model publication scheme developed for the further education sector and is therefore committed to publishing the information it describes.

The model is designed for further education colleges and sixth form colleges across England, Wales and Northern Ireland.

The purpose of the model is to save institutions duplicating effort in producing individual schemes and to assist the public in accessing information from across the sector. However, to reflect the diversity in size and function of an institution, a number of optional classes of information are included.

As a result, models within the sector will vary slightly. Any option classes relevant to us have been included in our scheme. These classes are set out below:

1. Who we are and what we do
2. What we spend and how we spend it
3. What our priorities are and how we are doing
4. How we make decisions
5. Our policies and procedures
6. Lists and registers
7. The services we offer

You can access the guide on the above classes by clicking this link

<https://ico.org.uk/media/1131/definition-document-colleges-of-further-education.pdf>

Charges

DCG will not charge for most searches. Where the quantity of work required to complete the searches would be greater than 18 hours, they will either refuse to provide for the information or charge for the same. The hourly rate charged by them in this circumstance would be £25 per hour (or, if this is amended by the ICO, the amended amount).

If there are any questions regarding the policy please contact the Freedom of Information Officer on the details provided below.

To make a request for information under the Act or if you have a complaint regarding a request for information or any published information please contact:

Cheryl Tacchi
The Data Protection and Risk Assurance Co-ordinator (Freedom of Information Officer)
Derby College
The Roundhouse
Pride Park
Derby
DE24 8JE

Or online: <https://www.derby-college.ac.uk/freedom-of-information>

Section 4 – Derby College Group’s Response to Request (use extra sheets if necessary, but ensure attached to this request form)

Internal use only

Section 5 – Declaration

Response to Freedom of Information Request approved by:

Name of Derby College Group representative:	Date:
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Executive or Director authorisation (if required):

Name:	Date:
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