



FREEDOM OF INFORMATION POLICY

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Originator	Martin Sullivan
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A Introduction

A.1 The College is a 'public authority' and as such is subject to the Freedom of Information Act 2000. That Act provides public access to information held by public authorities by:

- a) obliging public authorities to publish certain information about their activities; and
- b) entitling members of the public to request information from public authorities.

A.2 It is the College's policy to make as much information public as possible and the College follows the model publication scheme for public authorities by the Information Commissioner (see D022).

B Principles

B.1 The main principle behind freedom of information legislation is that people have the right to know about the activities of a public authority, unless there is a good reason for them not to. This means that:

- a) information should be kept privately only when there is a good reason and it is permitted under the Act;
- b) an applicant (requester) does not need to give a reason for wanting the information (on the contrary, any refusal must be justified);
- c) all requests for information must be treated equally regardless of who is making the request.

C Information covered by the Act

C.1 The Act covers all recorded information held by the College. It is not limited to official documents and covers, for example, emails, notes, CCTV recordings etc.

C.2 The College will handle requests for environmental information under the Environmental Information Regulations 2004 and the Infrastructure for Spatial Information in the European Community Regulations 2009 (requiring public authorities to make 'spatial data sets') where applicable.

C.3 The Act does not affect copyright and intellectual property rights and the College will include a copyright notice with information disclosed, where applicable.

C.4 When an individual makes a request for their own personal data, then the College will treat this as a subject access request under the Data Protection Act rather than a Freedom of Information request. The College Information Officer is responsible for deciding on cases where a request for information includes someone else's personal data, balancing the case for transparency and openness against the data subject's right to privacy.

D Dealing with requests

D.1 Requests for information should be made in writing, by letter or email, to the College Information Officer. Requests should include an address for correspondence and a clear description of the information required. Requests do not have to specifically mention the Freedom of Information Act.

D.2 All members of staff are responsible for recognising that any request for information that they receive may need to be dealt with as a Freedom of Information request and for passing that on to the Information Officer.

D.3 In dealing with requests for information, the College will at all times follow the guidance produced by the Information Officer. The College will respond within 20 days and will charge for photocopying, printing and postage, where appropriate. If the requested information is extensive and the cost of answering the request exceeds £450, the College will contact the applicant to determine whether they are willing to pay the full cost. In estimating the cost of meeting the request, the College will follow the Freedom of Information (Appropriate Limit & Fees) Regulations 2004.

E Refusing a request

E.1 The College may refuse a request if the Information Officer deems that:

- a) the cost of meeting the request is too great;
- b) the request is vexatious (as defined in section 14 of the Act);
- c) the request repeats a previous request from the same person; or
- d) the information requested is covered by an exemption to the Act.

E.2 In deciding whether a request is vexatious, the Information Officer may consider the context and history of the request, including the identity of the requester and previous contact with them.

E.3 Exemptions under the Act exist to protect information that should not be disclosed because, for example, disclosing it would be harmful to another person or would be against the public interest. Most exemptions are not 'absolute' but are 'qualified' and the Information Officer will consider the public interest argument in deciding whether or not to refuse a request on these grounds. Exemptions include information that:

- a) is already reasonably accessible;
- b) is intended for future publication;
- c) relates to national security or prejudicial to law enforcement;
- d) could endanger anyone's physical or mental health or safety;
- e) is personal data of third parties, where disclosure would breach the Data Protection Act;
- f) is confidential – this can only apply if the information has been received from someone else and if complying with the request would be a breach of confidence that is actionable. This exemption cannot apply to information generated within College;
- g) subject to legal professional privilege;
- h) prejudicial to commercial interests.

E.4 When refusing a request, the College will issue a refusal notice explaining the grounds for the refusal, giving details of any appeals procedure if applicable, and explaining the requester's right to complain to the ICO. A full list of exemptions is attached at D021.

F Publication of data

F.1 As well as responding to requests for information, the College proactively makes as much information as possible available on its website. The full details of the Model Publication Scheme are attached at D022.

F.2 Any individual who has concerns about the publication scheme or good reason for wishing details to remain confidential should contact the College Information Officer.

G College Information Officer

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