

Freedom of Information Act 2000

September, 2022



Edge Hill
University

Contents

| | |
|---|---|
| Summary | 3 |
| Policy Statement | 3 |
| Obligations under the Act | 3 |
| Right of access | 3 |
| Exemptions | 3 |
| The 'Public Interest' Test | 4 |
| Charging | 4 |
| Publication Scheme | 4 |
| Implementing the FOIA at Edge Hill University | 4 |
| Communication | 5 |
| Enforcement | 5 |
| Complaints | 5 |
| Annexes | 6 |
| Exemptions | 6 |
| Change History Record | 8 |
| Endmatter | 8 |

Summary

The Freedom of Information Act (the Act), was passed on 30th November 2000 and came into force on 1st January 2005. The Act provides the public, general right to access all types of recorded information held by public authorities. The Act is supported by a number of exemptions which provides the University the right to withhold certain information, however in all instances the University will ensure the Public Interest be considered prior to refusal

Policy Statement

Edge Hill University (EHU) fully supports the underlying principle of the Act – to provide a right of access to information held by public authorities – and is fully committed to meeting its obligations under the legislation with full transparency.

To a practicable extent, EHU will endeavour to make information considered in the interest to the boarded public available through our Publication Scheme.

Where a request is received for access to information that is not included in the publication scheme, the requests will be processed and responded to 'promptly' and in accordance with the requirements of the legislation.

Obligations under the Act

Right of access

The Act places a number of obligations on the University, subject to any exemptions, as follows:

- Any person who, makes a request must be informed whether the University holds the information they have requested and whether there will be a cost involved.
- The final response to the request must be given in 20 working days (unless there are exemptions such as waiting for a payment fee, waiting for clarification from the requester etc.)
- The information must be supplied in an accessible format acceptable to the applicant and there is a duty to provide advice and assistance should anyone need it.

Exemptions

The Act sets out a number of exemptions to the right of access to information; this limits circumstances in which information can be held. All exemptions likely to apply are set out in Appendix A.

Whilst the Act contains a number of exemptions to the right of access to information, some are not relevant to the University i.e. s.36 Conduct of Public Affairs. Any information included in the Publication Scheme is exempt from access (under s.21, as it is accessible by other means).

The 'Public Interest' Test

A number of exemptions under the Act are qualified in that they will only apply where the public interest in maintaining the information outweighs the public interest in disclosing it. The University is being asked to assess whether maintaining the secrecy of the information serves a greater public good than permitting that information to be broadcast. In practice, the public interest test involves considering the circumstances of each particular case and the exemption that covers the information but generally, the balance will lie in favour of disclosure. The Act does not define what the 'public interest' is, although it seems clear that the term is not necessarily synonymous with 'things the public are interested in'.

Charging

The University has the right to charge applicants for supplying the requested information but is under no obligation to provide information if the cost of doing so would be in excess of an 'appropriate limit'. The appropriate limit is specified as £450 in the Act. This represents the estimated costs of one person spending 18 hours in determining whether the University holds the information, locating, retrieving and extracting the information. The University is required by law to calculate the time spent responding to requests at no more than £25 per person per hour, regardless of who does the work. If the University reasonably believes that either the cost of disbursements, plus the time taken to search for the information (£25 per hour) will be more than £450 or it will take more than 2 ½ days to respond to the request, the University is entitled either to refuse the request altogether or to charge for all the time taken to respond.

Publication Scheme

Section 19 places a duty on public authorities to adopt and maintain a publication scheme outlining types of information the University publishes, the form which it is published and any charges.

The University Publication Scheme is available and accessible on the web; hard copy versions are also available via the link <https://www.edgehill.ac.uk/foi>

Implementing the FOIA at Edge Hill University

The formalisation of current practice and procedures for effective administration has been agreed and all requests to the University under the Act should be forwarded to and co-ordinated by the University's Data Protection Officer in the Strategic Planning & Policy Unit who has developed procedures for requesting information, guidance on how to find information using the publication scheme and logging enquiries and their outcomes.

Communication

Edge Hill University will provide mandatory Freedom of Information training for all staff as appropriate to their role. Further information and advice can be obtained from the University's Data Protection/Freedom of Information Officer, either by emailing dataprotection@edgehill.ac.uk, foi@edgehill.ac.uk or by contacting the Information Governance Office, Strategic Planning & Policy Unit, Main Building, Ext. 7791.

Enforcement

If the requestor is not happy with the outcome of their complaint, under s50 of the Act, they can complain to the Information Commissioner for a decision on whether their request for information to the University has been dealt with in accordance with the Act.

The Act establishes the office of the Information Commissioner with responsibility for the implementation and observance of the Act. The Commissioner has responsibility for approval of publication schemes, the promotion of good information handling and the encouragement of codes of practice for data controllers.

Complaints

Where a request for information under the Act is denied, or the requestor is not happy with the response to their request, and would like to make a complaint or comment, they can appeal by writing to the Director of Strategic Planning; SPPU, Main Building, Edge Hill University L39 4QP.

Annexes

Exemptions

Some exemptions set out in the Act are subject to the Public Interest Test, these exemptions are known as qualified exemptions. Other exemptions are not subject to the test; are known as absolute exemptions. Examples of exemptions that are likely to be used by the University are:

Section 12. Cost of compliance exceeds appropriate limit

Section 14. This means we are not obliged to comply with requests that are vexatious or repeated requests.

Section 21. Information accessible by other means. Information that has already been available by the University or others does not have to be given in response to a request.

Section 22. Information that is intended for future publication. With this exemption, directing to a publication or a website, which holds the information, is suitable.

Section 23. Information supplied by various security authorities. Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection.

Section 24. Information required for the purpose of safeguarding national security

Section 26. Information prejudice to defence. The information is exempt if the disclosure under this Act would be likely to prejudice the defence of the British Islands or of any colony, or the capability, effectiveness or security of any relevant forces.

Section 27. Information prejudicial to UK international relations and interests.

Section 30. Information held for the purpose of any investigation which we have a duty to conduct with a view to it being ascertained if a person should be charged with an offence whether a person charged with an offence is guilty of it; any investigation may lead to a decision by us to institute criminal proceedings; and any criminal proceedings which the University has power to conduct principally defence tribunals).

Section 31. Various provisions about law enforcement including the administration of justice (which apply to the University Courts), but also the protection of charities against misconduct or mismanagement, protecting the property of charities from loss or misapplication, security health safety and welfare of persons at work.

Section 32. Court Records

Section 33. Function in relation to the audit of the accounts of other public authorities or other audit functions.

Section 36. Prejudice to effective conduct of public affairs.

If releasing information would inhibit the free & frank provision of advice or exchange of views for deliberation in the opinion of a *qualified person* then this information may be exempt. (Under the Act, the qualified person is likely to be the Vice Chancellor, or someone nominated by him and so this will only apply to high-level decision-making.)

Section 37. Communications with her Majesty, other members of the Royal Family and The Royal Household, or matters relating to honours and dignities conferred by the Crown.

Section 38. Healthy and safety. Information liable to endanger the physical or mental health of any individual or endanger the safety of an individual. If it could endanger a member of the public, student or staff, this information should be withheld.

Section 39. Environmental information

Section 40. Personal information – regulated by Data Protection Act principles and procedures

Section 43. Commercial Interests

Change History Record

| Version | Description of Change | Approval | Date |
|---------|-----------------------------------|----------|---------|
| 1.0 | Initial Draft | - | |
| 1.1 | Minor comments and corrections | - | |
| 2.1 | Updated legislation | - | |
| 2.2 | GDPR Compliance update – Datasets | - | 12/2019 |
| 2.3 | Accessibility Update | - | 09/2020 |
| 3.1 | UK GDPR and Brexit | ISG | 09/2022 |

Endmatter

| | |
|------------------|-------------------------------|
| Title | Freedom of Information Policy |
| Policy Owner | Data Protection Officer |
| Approved by | ISG |
| Date of Approval | September 2022 |
| Date for Review | September 2024 |