

Freedom of Information Act Policy

HARROW, RICHMOND AND UXBRIDGE COLLEGES POLICY AND PROCEDURES



Policy No:	D02
Subject:	Freedom of Information Act Policy
Last approved:	July 2025
Effective date:	July 2025
Next Review date:	July 2026
Person responsible:	Data Protection Officer
Approved by:	Technical Infrastructure Board
For action by:	Data Protection Officer
For information to:	All Staff and Students

1. Background

- 1.1 The Freedom of Information Act 2000 ('FOIA') promotes greater openness and accountability across the public sector by requiring all public authorities to make information available to the general public through a publication scheme or in response to a written request for information.

2. Scope

- 2.1 FOIA is a law that gives people the general right to know whether a public authority holds certain information and to request copies of recorded information.
- 2.2 Public authorities are defined in FOIA and include Universities, Further Education Colleges and Sixth Form Colleges.
- 2.3 This policy should be read in conjunction with the separate Publication Scheme which shall determine the information to be made routinely available by HRUC.

3. Intent

- 3.1 HRUC will include in its Publication Scheme all information that has been recommended for Further Education Colleges by the DfES.

4. Legal duties of HRUC under FOIA

- 4.1 HRUC will respond to written requests for information from individuals.
- 4.2 Not all FOIA requests are automatically valid. Individuals must make a request in writing, stating their name and contact information (which can include an email address).
- 4.3 FOIA requests are subject to a wide range of exemptions contained in Part II of FOIA. Exemptions allow HRUC not only to refuse to provide copies of information, but also to refuse to confirm whether the information is held in the first place. It is likely that at least some of the information requested in any given FOI request will be exempt.
- 4.4 HRUC will make some information available for the public without a specific request being made. This information will be included in HRUC's Publication Scheme and will be available on HRUC's Website.

5. Publication Schemes

- 5.1 The HRUC Publication Scheme will give people access to some information without them having to make a specific request for it.
- 5.2 The Scheme describes the type of information that HRUC publishes or is going to publish.
- 5.3 It also describes how this information is available, for example on the website, in a leaflet or a published report.
- 5.4 The HRUC Publication Scheme is published on HRUC's website and individuals can ask for a copy by letter or by phone.
- 5.5 Information in the HRUC Publication Scheme will include for example Senior Management and College Management Team minutes, minutes of Governor's meetings, College policies and procedures, names of College Governors, Health and Safety Committee minutes and statistics, the Annual budget, the HRUC property strategy and site maps of HRUC Estate.

6. Requests for Information

- 6.1 Requests for information to HRUC must be in writing (which can include any written format, including email), give the name of the person asking for the information, provide an address for correspondence to be sent to and describe the information required.
- 6.2 An individual must use their real name when making a request. Requests made using an obvious pseudonym are not valid requests.
- 6.3 If there is any doubt as to the identity of the requestor, HRUC may ask for more information in order to verify their identity.

7. Individuals Rights under the Freedom of Information Act

- 7.1 People who ask for information from HRUC will be advised if the information already exists in the HRUC Publication Scheme.
- 7.2 If the information is not in the HRUC Publication Scheme, the Data Protection Officer will advise the person making the enquiry about its availability.

- 7.3 The person making the enquiry does not have to mention the Freedom of Information Act when asking for information and does not have to give a reason for wanting to see it.

8. Responding to requests for information

- 8.1 The Data Protection Officer will give advice to people asking for information under the Freedom of Information Policy.
- 8.2 HRUC will provide documentation free of charge for the first request under this policy provided the request is reasonable and not onerous in which case charges will apply.
- 8.3 HRUC will make a minimum charge of £15 per separate document where requests are multiple, numerous, repeated or demanding of College time and resources. The precise amount payable will depend on the amount of information or photocopying required and will be advised to the person requesting the information in advance.

9. Providing the information

- 9.1 HRUC will provide information to the person requesting it in the format asked for wherever possible.
- 9.2 The format provided may include a written copy or a copy in another format.
- 9.3 HRUC does not need to create new information in order to respond to a FOIA request. If, at the time the request is made, the information is not recorded or held, there is no obligation to make it up, or create it.

10. Timescales

- 10.1 HRUC will respond to a request for information within 20 working days of receiving it and will advise the person requesting it if it is not available within this time frame.
- 10.2 FOIA also contains provision for HRUC to claim a reasonable extension to this limit, up to an additional 20 working days, if HRUC needs more time to consider the public interest test (if applicable).
- 10.3 If there is a fee to be paid because of the amount of information required then HRUC will provide information within 20 working days of receiving the fee.

11. Exemptions

- 11.1 HRUC may legally withhold information in certain circumstances where one of the exemptions in Part II applies. For example, information which is personal data, the disclosure of which would be against the data protection principles; information which, if disclosed is likely to prejudice the commercial interests of HRUC or a third party; information which, if disclosed, may prejudice law enforcement investigations; or information which was provided in confidence.
- 11.2 There are two types of exemption that may result in HRUC withholding information. These are qualified and absolute.
- 11.3 Qualified exemption is when the information may still have to be released if it is in the public interest. This includes the audit functions” and “commercial interest” exemptions.

- 11.4 Absolute exemptions are not subject to the public interest test. This includes the “personal data” and “confidential information” exemptions.

12. Record Keeping

- 12.1 HRUC will manage records accurately and effectively in order to make access to information readily available.
- 12.2 A record is information that is held as part of a system, on paper, in an electronic format or on video or audio tape.
- 12.3 Staff should be aware that good College records are factual, consistent and accurate, relevant and useful, clear and concise as well as up to date and complete. They should not include unnecessary abbreviations, jargon or personal opinions.
- 12.4 It is a criminal offence for any member of College staff to alter, damage, erase, destroy or conceal any record held once someone has asked for that information to be released.
- 12.5 Staff should make themselves aware of this policy and the rights of individuals to information about public authorities.

13. Refusals, complaints and appeals

- 13.1 Refusals to provide information to those requesting it, will be communicated by HRUC Publications Officer.
- 13.2 If HRUC decides to withhold all or part of the information requested then they will send a letter explaining which exemption is being used and the reason why the information is being withheld from the person applying. The letter of refusal will advise the person applying of the procedure if they wish to appeal against the decision (known as an “internal review”).
- 13.3 If the person asking for the information is not satisfied with the reason for it being withheld they can submit a complaint to the Information Commissioner’s Office at www.ico.org.uk.