

Freedom of Information Policy

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Contents

Introduction	2
1. Policy principles	3
2. Scope	3
3. Responsibility.....	3
4. Administration of requests for information under FOIA/EIR.....	4
5. Compliance obligations.....	6
6. Proactive publication of information	7
7. Training.....	7
8. Other relevant policies	7
9. Review process	8

Introduction

The University, as a public authority, is subject to the provisions of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2005 (EIR) and must fulfil its legal obligations in relation to the publication and provision of recorded information.

The University recognises the importance and value of fulfilling its obligations and is committed to ensuring that information held by the University is processed in line with the legislation and University standards and policies.

The purpose of this policy is to set out, for the benefit of UEA staff, students, and other interested parties, guidance on the publication of information mandated by FOIA/EIR and the handling of requests for information.

The policy is supported by specific guidance and training materials that are made available to all staff. It should be read in conjunction with other related policies listed in section 8.

Any queries about this policy should be directed to the University's Data Protection Officer at foi@uea.ac.uk.

1. Policy principles

This policy is based on the principle that the University will ensure compliance with the provisions of FOIA/EIR and the FOI Code of Practice.

Specifically, the University will:

- Respond to requests for information within required timescales
- Encourage transparency in the production and provision of information relating to the University
- Encourage proactive publication of information relating to the University
- Equip staff with an understanding of FOIA/EIR and its requirements
- Monitor and audit its compliance with FOIA/EIR
- Adopt the Cabinet Office Code of Practice¹ and guidance produced by the Information Commissioner's Office (ICO)²

2. Scope

This policy applies to all staff employed by UEA inclusive of any staff within any organisation legally owned by or governed by the University.

3. Responsibility

3.1 All staff

Compliance with FOIA/EIR is the corporate responsibility of the University. This means all staff and other parties who may access or use UEA recorded information have an individual and collective responsibility in line with the law and this policy.

All staff must promptly alert the Information Compliance team or the relevant departmental FOIA/EIR Contact (see 3.1.3) to any request for information that falls outside normal business activity.

Any staff or other individuals who have responsibility for recorded information held by UEA (Data Owners as defined by the Information Classification and Data Management Policy³) must be aware of their specific responsibilities, as described in this and other policies, listed in section 10.

The following members of staff have specific areas of responsibility:

3.1.1 The Executive Team

The University's Senior Management Team consists of the Vice Chancellor, five Pro-Vice Chancellors, the Deputy Vice Chancellor, the Chief Operating Officer, and the Chief Resource Officer (Senior Information Risk Officer -SIRO) and has responsibility for ensuring the University meets its legal obligations on behalf of Council. It also has responsibility for management of the FOIA/EIR internal review process.

¹[ps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf)

² <https://ico.org.uk/>

³<https://portal.uea.ac.uk/documents/6207125/6857482/Information+classification+policy+v5.0.pdf/>

3.1.2 Information Compliance Team

At UEA, the professional service with overall responsibility for ensuring the University's compliance with FOIA/EIR is the Information Compliance team. The team will:

- Be responsible for the management and administration of all requests made under FOIA/EIR
- Be responsible for the UEA Publication Scheme
- Provide advice and guidance to the University regarding its obligations under FOIA/EIR
- Provide responses to requestors.
- Update disclosure log
- Act as a contact point for the ICO, and for individuals who request information from UEA
- Be responsible for the development and maintenance of policy and procedures in this area

The Information Compliance team sits within the Information Technology and Computing Services (ITCS) department. The Data Protection Officer reports to both the Director of ITCS and the Chief Resources Officer (SIRO).

3.1.3 Freedom of Information Contacts

The University has a network of FOIA/EIR Contacts, who work with the Information Compliance team. They will:

- Make themselves known to their colleagues as the departmental Contact, and, where appropriate, act as an initial point of reference for colleagues with FOIA/EIR queries or concerns
- Ensure the Information Compliance team is informed, in a timely manner, of all requests for information under FOIA/EIR within their area
- Work with the Information Compliance team on the proactive publication of information
- Disseminate, as appropriate, any FOIA/EIR guidance produced or shared by the Information Compliance team

4. Administration of requests for information under FOIA/EIR

The University will maintain a central service for the administration and management of FOIA/EIR requests. This service will be supported by FOI/EIR Contacts in regards the location and retrieval of requested information.

The Information Compliance Team is exclusively responsible for the administration of requests & responses on behalf of the University. All actions undertaken by the team will be in accordance with the FOI Code of Practice, ICO guidance and this policy. The Information Access Co-ordinator responds to requests where an exemption is applied. Where necessary an Information Compliance Specialist may provide an initial response. However, the person who provides an initial response or advises on an initial response cannot undertake an internal review.

4.1 Providing assistance.

We will assist all potential requesters in formulating a valid request and obtaining clarification of a request where required. We will also advise on legislation and University processes and structures to help people understand & use the FOIA/EIR process. If a requestor is unable, for any reason, to submit a written request a case officer may help them to formulate the request.

Where any request exceeds the statutory 'appropriate limit' (effectively an 18-hour time limit) and therefore is subject to rejection pursuant to s.12(1) of the FOIA, we may reject the request but in all

cases provide assistance to a requester in formulating a request that would be within the appropriate limit.

4.2 Timescale for responses

We will respond within statutory timeframes, endeavouring to provide a response as soon as possible. We will only extend timeframes where this is allowed by the legislation, and where no other option exists.

4.3 Fees

The University acts in accordance with the Fees Regulations⁴. We will not impose a fee but will reject a request that is in excess of the appropriate limit and provide assistance as noted in 4.1.

4.4 Exemptions/Exceptions & Refusals

In circumstances where not all requested information can be disclosed, we will apply exemptions/exceptions as allowed by the legislation.

The application of any exemption or exception will be accompanied by an explanation for the application of the exemption or exception, including a summary of any public interest test, where required.

The Vice Chancellor is the qualified officer for the purposes of applying s36 Prejudice to the effective conduct of public affairs

When necessary and appropriate a Neither Confirm nor Deny response may be provided

4.5 Complaints and internal reviews

Consistent with our obligations under the Code of Practice (see section 5.1), UEA has a documented and regularly reviewed process in place for the administration of complaints regarding our handling of FOIA/EIR requests.

We will resolve any complaints informally wherever possible. However, where a complaint concerns the way in which we managed a request or disputes a point in law in relation to our response, we will initiate our formal internal review process.

Any formal internal review will be undertaken by an Information Compliance Specialist senior to and other than, the staff member who drafted the initial response, in most instances the SIRO approves the internal review. When the SIRO is not available another member of the University's Executive Team may approve the review.

We will provide a response, either informally or by way of our formal internal review process, to any complaint where appropriate.

4.6 Disclosure Log

We will maintain a Disclosure Log of all responses UEA has provided to requests received under FOIA/EIR, inclusive – where practicable – of all material released. The Disclosure Log will also include updated datasets provided in response to FOIA requests. This Log will be updated regularly and be subject to the University's Records Retention Schedule for this material. Case Records will generally be retained for the current year plus 3 then subject to confidential disposal. Where cases are

⁴ <https://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

identified as having historical or societal importance, they may be passed to the University Archivist for historical preservation.

5. Compliance obligations

The University will produce and maintain the written guidance, procedures, agreements, and policies required to be able to demonstrate compliance with FOIA/EIR.

5.1 s45 & s46 Code of Practice responsibilities

The University will undertake the following responsibilities in line with the Freedom of Information Code of Practice⁵:

- Enable the rights of access under the Act (and Regulations) and actively engage with requesters inclusive of the provision of advice and guidance in exercising their rights
- Ensure that a compliant internal review process is in place
- Respond to requests within the statutory time limit
- Handle requests that exceed the statutory appropriate limit and/or are vexatious in an appropriate manner
- Publish statistics on our compliance with the legislation
- Encourage proactive publication of university information and datasets within our Publication Scheme inclusive of statistics on the handling of requests
- Meet transparency and confidentiality obligations in relation to contracts and outsourced services, and consult with third parties as appropriate

5.2 Liaison with the ICO

Where appropriate, UEA will seek ICO input on policy and practice and incorporate their advice and guidance into responses.

UEA will actively respond to and cooperate with any ICO investigation pertaining to a request received by the University. This will include retention of request correspondence for a sufficient period to support any future investigation.

5.3 Liaison with external bodies

Consistent with our obligations under the Code of Practice (see section 5.1), the University will consult with third parties as appropriate and will ensure external bodies that we interact with are aware of our obligations under FOIA/EIR. Where appropriate, contracts with external bodies will meet Code of Practice standards and this will extend to non-contractual agreements.

5.4 Current awareness

The Information Compliance team will remain current with legal and policy developments in the field of FOIA/EIR and amend the University's own practices accordingly. In particular, ICO guidance, policy, and actions taken (e.g., Decision Notices and Information Tribunal decisions) will be closely monitored.

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

6. Proactive publication of information

6.1 FOIA Publication Scheme

Consistent with our obligations under the Code of Practice (see section 5.1) and s.19 of FOIA, the University will publish and maintain a publication scheme. This will follow the Model Publication Scheme for Higher Education, published by the ICO.

The Model Publication Scheme will be the minimum requirement for publications. The Information Compliance team will regularly review the information published and encourage proactive publication of appropriate information not listed within the Model Scheme, particularly in areas of interest to the public.

6.2 EIR proactive dissemination

The University will observe its obligation under the EIR to make environmental information available to the public via electronic means. The Information Compliance team will work with Departments and Faculties to facilitate the publication of such information.

As recommended by the ICO, the publication of environmental information will be integrated and subject to the same processes as our Publication Scheme (see 6.1).

The University will regularly review the environmental information published and ensure that it is accurate and current.

7. Training

The University will provide online and face-to-face training on FOIA/EIR, which will be made available to staff and research postgraduates, and other groups as appropriate and on request.

Web-based training will be the default option for most staff, but the Information Compliance team will deliver face-to-face training on a planned basis as requested.

7.1 Mandatory training requirements

Individuals with responsibility for request administration under this policy must ensure that they have an understanding of the current FOIA/EIR legislation and its impact on the University.

The Information Compliance team will provide FOIA/EIR Contacts with specialised training consistent with their enhanced responsibilities.

7.2 Monitoring training completion

Department heads and heads of Schools are responsible for ensuring their staff complete the training, as necessary. Where training has been deemed mandatory, completion records will be monitored by the Information Compliance team, who will share this information with appropriate members of staff as requested.

8. Other relevant policies

- The Conditions of Computer Use
- The General Information Security Policy
- The Information Classification and Data Management Policy
- The Records Management Policy

9. Review process

The Data Protection Officer will undertake a biennial review of this policy or revise as required to reflect significant external and internal changes. Policy approval will be sought from the Information Management Board (IMB).