Freedom of Information Policy

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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 polices listed in section 10.

Any queries about this policy should be directed to the University’s Head of Information Compliance 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 Practice\(^1\) 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 Policy\(^3\)) 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, 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.

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:

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2. [https://ico.org.uk/](https://ico.org.uk/)
3. [https://portal.uea.ac.uk/documents/6207125/6857482/Information+classification+policy+v5.0.pdf](https://portal.uea.ac.uk/documents/6207125/6857482/Information+classification+policy+v5.0.pdf)
• 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 in regard to its obligations under FOIA/EIR
• 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 Head of Information Compliance reports to both the Director of ITCS and the Chief Resources Officer.

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, this policy, and the internal FOIA/EIR Operations Manual. The Operations Manual and accompanying flowchart and templates represent a documented, agreed, and systematically reviewed process for administering requests.

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.

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 will 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 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 a full explanation for the application of the exemption or exception, including a description of any public interest test.

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 manner in which we handled 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 individual senior to, and other than, the staff member who drafted the initial response, in most instances a member of the University’s Executive Team. The information Compliance team will provide support to the individual carrying out the internal review. A person other than the staff member who drafted the original response will provide support.

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.

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 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.

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 6.2).
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 Head of Information Compliance 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 Strategy and Services Committee (ISSC).