

FREEDOM OF INFORMATION

CODE OF PRACTICE

Version 1.0

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SECTION 1: Introduction

1. Code of Practice

- 1.1 The Freedom of Information Act places a number of obligations on the University which will require significant changes to many well-established practices and procedures. This Code of Practice sets out the University's policy and practice with respect to freedom of information and for responding to requests for information. It also provides guidance on how the demands of the Freedom of Information Act 2000 can be met.
- 1.2 It is a requirement that all members of staff comply with this Code of Practice.

SECTION 2: Overview of the Freedom of Information Act 2000

1. Introduction

- 1.1 The Freedom of Information Act was passed on 30 November 2000 and is fully in force from 1 January 2005. The Act gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. In the context of the Act, universities are considered to be public authorities.

2. Obligations under the Act

2.1 Publication Scheme

- 2.1.1 Public authorities are required to adopt and maintain a publication scheme. Such schemes must set out the types of information the authority publishes, the form in which it is published and details of any charges. In addition to documents currently published such as annual reports and accounts, the scheme may include the following: minutes of regular meetings, reports commissioned by the University, reports on work undertaken, programmes of future work, office policies and procedures.
- 2.1.2 The University's Publication Scheme and access to many of the documents contained within the scheme are accessible on the University's Freedom of Information website.
- 2.1.3 The University's Publication Scheme and documents contained within the scheme are also available upon request from the Data Protection & Freedom Of Information Officer (see Section 4, sub-section 2.1).

2.2 Right of Access

- 2.2.1 Under the provisions of the Act individuals have the right to be told whether particular information exists and the right to receive the information. Upon receipt of a request for information a public authority has 20 working days in which to respond. A charge, set in accordance with the Fees Regulations defined by the Secretary of State, may be made for providing the information.
- 2.2.2 Whilst the Act contains a number of exemptions to the right of access to information, the majority are not relevant to the higher education sector. However, it should be noted that information included in the publication scheme is exempt from access (on the grounds that it is available under the scheme). A comprehensive publication scheme will therefore tend to limit the number of requests for information from individuals.

2.3 Codes of Practice

- 2.3.1 Public authorities are also required to introduce Codes of Practice for responding to requests for information and for records management. Whilst these Codes of Practice do not have statutory force, the Act does require the Information Commissioner to promote observance of the Codes.

2.3.2 The Code of Practice for responding to requests for information is incorporated within this Code of Practice for Freedom of Information. There is a separate University Code of Practice for Records Management.

3. Information Commissioner

3.1 The Act establishes the office of the Information Commissioner with responsibility for the implementation and observance of the Act.

3.2 The specific duties of the Information Commissioner include:

- a) Promotion of good practice and observance of the Act;
- b) Approval of publication schemes;
- c) Provision of advice and information to the public as to their rights under the Act;
- d) Enforcement of compliance with the Act.

3.3 Note that the Information Commissioner also has responsibility for implementation and compliance with the Data Protection Act 1998.

4. Enforcement

4.1 The Freedom of Information Act provides legal remedies against public authorities that do not comply with the legislation which can lead to fines and could ultimately be treated as contempt of court. It is therefore extremely important to follow this Code of Practice – failure to do so may result in disciplinary action being taken by the University.

5. Data Protection and Freedom of Information

5.1 Personal data which falls within the scope of the Data Protection Act 1998 is not covered by the Freedom of Information 2000 and therefore not publicly accessible.

SECTION 3: University Policy on Freedom of Information

1. Freedom of Information Policy Statement

- 1.1 The University fully supports the underlying principle of the Freedom of Information Act 2000 - to provide a right of access to information held by public authorities - and is fully committed to meeting its obligations under the legislation.
- 1.2 To the extent that it is practicable, the University will endeavour to make information considered of interest to the broader public available through the medium of its Publication Scheme.
- 1.3 Where a request is received for access to information not contained within the publication scheme, such requests will be processed in a timely manner and in accordance with the requirements of the legislation and this Code of Practice.
- 1.4 The University will promote and sponsor effective records management practices to ensure that information can be readily located and retrieved in a timely manner.

2. Relationship with other policies

- 2.1 Due to the inter-relationship with data protection legislation and the dependency on good record-keeping practices, this Code of Practice should be read in conjunction with the following:
 - a) Code of Practice for Data Protection;
 - b) Code of Practice for Records Management.

SECTION 4: Organisation and Responsibilities

1. Organisation

- 1.1 Information that falls within the scope of the Freedom of Information Act 2000 is held in all areas and at all levels of the University. Whilst there is clearly a corporate responsibility for compliance with the freedom of information legislation, given the complexity of the organisation this responsibility is devolved to Heads of Department¹ with respect to the proper management of information and compliance within their areas.

2. Responsibilities

2.1 The Data Protection and Freedom of Information Officer

- 2.1.1 In the interests of compliance with the Act, the University's Data Protection Officer will assume responsibilities with respect to Freedom of Information as detailed below. The role will be titled Data Protection and Freedom of Information Officer and is referred to as DP & FOI Officer throughout this Code of Practice.
- a) To advise staff of their responsibilities with respect to freedom of information;
 - b) To provide guidance and training to the University in the requirements of the legislation;
 - c) To advise the University in all matters pertaining to freedom of information;
 - d) To co-ordinate and supervise the creation, maintenance and development of the University's Publication Scheme;
 - e) To obtain approval from the Information Commissioner for the Publication Scheme and subsequent amendments;
 - f) To ensure that arrangements are made for dealing with requests for access;
 - g) To establish, maintain and manage a scheme of charging for access requests in accordance with the Fees Regulations as set out by the Secretary of State;
 - h) To establish, maintain and manage procedures for the processing of complaints relating to freedom of information;
 - i) To ensure that difficulties in matters related to freedom of information are promptly resolved;
 - j) To ensure that this Code of Practice is drawn to the attention of staff and is available for consultation.
- 2.1.2 Contact details are available on the University's Freedom of Information website or at the University's Central Reception Desk in the Fielding Johnson Building.

¹ In this document references to Department and Heads of Department include Office and Heads of Office, unless otherwise specified.

2.2 Heads of Department

- 2.2.1 To assist the DP & FOI Officer in the carrying out of his or her duties, the University requires that Heads of Department assume responsibility for those activities within their departments falling within the scope of the Act.
- 2.2.2 Heads of Department may, if they choose, appoint Data Protection and Freedom of Information Coordinators (DP & FOI Co-ordinators) for their departments to assist them in their duties.
- 2.2.3 Heads of Department are responsible for ensuring that University policy and this Code of Practice are implemented across their department.
- 2.2.4 In particular they must ensure that:
- a) the University's DP & FOI Officer has up to date information about departmental arrangements for dealing with Freedom of Information matters, including the contact details for the Freedom of Information Coordinator;
 - b) departmental information contained within the University's Publication Scheme is regularly reviewed and updated as necessary;
 - c) all information held within the department is properly documented and retrievable within a period of 20 working days;
 - d) where a request for access to information has been made, the relevant data is gathered, under the direction of the DP & FOI Officer, to satisfy the request;
 - e) the departmental DP & FOI Co-ordinator has the full cooperation of departmental staff in carrying out their duties with regard to freedom of information;
 - f) staff (including casual staff) are made aware of their responsibilities and obligations with respect to information held within the department;
 - g) information held by staff for the purpose of work or study is surrendered or, if appropriate, destroyed when the staff member or student leaves the University, or as soon as is practicable thereafter.

2.3 Data Protection & Freedom of Information Coordinators

- 2.3.1 Departmental Data Protection Co-ordinators will assume additional responsibilities with respect to freedom of information. The role will be titled Data Protection and Freedom of Information Co-ordinator and is referred to as DP & FOI Co-ordinator throughout this Code of Practice. They will assist Heads of Department in undertaking the above responsibilities. In particular, they will have responsibility for the following:
- a) Organising the retrieval of information from within a department in response to an access request and, in conjunction with the DP & FOI

Officer, addressing any issues that may arise with respect to the application of exemptions and the need for editing of responses.

- b) Organising the review and update of departmental information contained within the University's Publication Scheme.

2.3.2 In cases where a Department is too small to warrant the nomination of a Coordinator, this role will be fulfilled by the Head of Department.

2.4 Individual Members of Staff

2.4.1 Every member of staff must comply with the University's policy statement, Code of Practice and any guidelines issued by the University in relation to Freedom of Information.

2.4.2 Members of staff must refer to the DP & FOI Officer any request for access to information that makes specific reference to the data protection or freedom of information legislation, or is for access to information that is not normally made available to an individual or to the public. Members of staff are specifically forbidden to respond to such requests personally.

2.4.3 Members of staff must make provision for access to all information which they hold in connection with their work and duties, and in such a manner that the University is able to respond to requests for access within 20 working days.

2.4.4 Members of staff must also make provision for requests for information addressed to them to be processed promptly in their absence

2.5 Others

2.5.1 Departments may sometimes hire temporary staff or have dealings with external consultants (for example, computer engineers, external examiners etc). Heads of Department must ensure that such individuals are made aware of their responsibilities and obligations under the Freedom of Information Act 2000 and are informed of this Code of Practice and of the identity of their departmental DP & FOI Co-ordinator.

SECTION 5: Processing of requests for access to information

1. Introduction

- 1.1 The Freedom of Information Act is intended to allow anyone in the community to obtain information they require from publicly-funded bodies. Hence, the University is covered by the legislation, which places three basic requirements on the institution:
- a) that it routinely puts in the public domain as much information about the University as is reasonably possible;
 - b) that it ensures that, where an individual requires information that is held by the University but has not been published, the enquirer is provided with the relevant information;
 - c) that there is in place a properly structured approach to managing records to ensure that essential records of the University's activities are maintained in appropriate detail (and hence relevant information is readily available to the public).
- 1.2 This section is specifically designed to help staff deal with requests for information that are received under the terms of the Act.

2. The University's Publication Scheme

- 2.1 The University already places a considerable amount of information in the public domain, including the minutes from bodies such as Senate and Council, policy documents, statistics relating to student numbers, and the University's accounts. These are usually published on the University's Freedom of Information web site at <http://foi.le.ac.uk/> though some materials are published on paper and then made generally available.
- 2.2 Information that the University places in the public domain is generally listed in the Publication Scheme, which describes both the types of information available and where it can be located. The University Publication Scheme is available in paper form from the DP & FOI Officer.

3. The right to request access to information

- 3.1 The right to request information under the Act extends to anyone who wishes to make an enquiry – they might be an employee or student of the University, an employee of some other organisation or any other member of the public. There is no limitation on who may make an enquiry – the law gives the right to minors and adults alike, and foreign nationals (even those based abroad) are equally entitled to request information.
- 3.2 It is not allowed to ask enquirers why they require the information they seek. Enquirers need not quote (or even be aware of) their rights under the Act to make a request for information. The only requirement the law places on an enquirer is that they must make their enquiry in writing (this includes faxes and emails, as well as letters) for it to have the authority of a request made

under the terms of the Freedom of Information Act. Verbal enquiries (e.g. those made over the telephone) do not have the force of law but must, nevertheless, be responded to in accordance with the instructions given below.

- 3.3 When an individual makes a written request for information, except in a handful of cases where exemptions apply, the University must provide them with that information within 20 working days from the receipt of the request. This is a very short response time so, if there is any doubt as to whether an enquiry may be a freedom of information or data protection enquiry, or it is not possible to respond from the records available, staff must contact either their departmental DP & FOI Co-ordinator or the DP & FOI Officer immediately.
- 3.4 Note that the Act only gives a right of access to information held by the University. It does not require the University to generate reports and analyses upon request.

4. Vexatious requests

- 4.1 The law allows the University to refuse multiple information requests made as part of a campaign. If multiple enquiries of a similar nature are received staff should not refuse to co-operate but must always inform their DP & FOI Co-ordinator who will be able to take a view on whether a campaign is being instigated and, if so, inform the DP & FOI Officer.

5. Data Protection and Freedom of Information

- 5.1 Under the provisions of the Data Protection Act 1998 individuals may also request access to their personal data held by the University. To avoid any confusion the procedure for dealing with requests under the terms of the data protection legislation is the same as under the Freedom of Information Act and as set out below.

6. Responding to requests for information

Note that all requests for information considered to fall within the scope of the Freedom of Information Act 2000 or the Data Protection Act 1999 must be referred to the DP & FOI Officer immediately.

6.1 General

- 6.1.1 To assist staff in responding to requests for information, a DP & FOI Co-ordinator has been appointed in each department whose role is to provide advice and guidance on any matters relating to requests or freedom of information generally, and who will take responsibility for co-ordinating responses to requests referred to the DP & FOI Officer.
- 6.1.2 To assist enquirers, the University has designed a standard Information Request Pack that is widely available around the University. A copy is appended to this guide. The pack covers both Data Protection Subject Access

requests and Freedom of Information requests. However, enquirers do not have to use the form in this pack to make a request: so long as their enquiry is in writing, the University must respond accordingly.

6.2 Processing a request for information

6.2.1 Any request for information that meets one of the following sets of conditions **must** be referred to the DP & FOI Officer immediately:

- a) The request is in written form and refers to either the data protection and freedom of information legislation;
- b) The request is in written form and the request is for information not normally made available to the individual or the public either directly or via the University's Publication Scheme.

6.2.2 If there is any uncertainty whether a request falls into any of the above categories staff must consult with their DP & FOI Co-ordinator, or in his or her absence, the DP & FOI Officer.

6.2.3 All other requests not referred to the DP & FOI Officer under 6.2.1 above **must** be processed as follows:

- a) If a request is received for information which is normally made available to an individual or to the public but which is not held in the University's Publication Scheme, staff should proceed and provide the information. Note that if the request has been made in writing the University must legally provide the information within 20 working days. If there is any uncertainty whether the information requested is normally made available staff must consult with their DP & FOI Co-ordinator, or in his or her absence, the DP & FOI Officer.
- b) Irrespective of the form in which the request is received, if it is for information held within the University's Publication Scheme, staff must provide the individual with details of how they can access the information either directly via the web site or by contacting the DP & FOI Officer. If there is uncertainty whether the information is held within the University's Publication Scheme staff must consult with their DP & FOI Co-ordinator, or in his or her absence, the DP & FOI Officer.
- c) Where a verbal request is received for information that is not normally made available to an individual or to the public staff must provide them with a copy of the Information Request Pack and ask them to complete it.

6.2.4 If a request is received on a University Information Request form, this must be forwarded to the DP & FOI Officer immediately.

6.2.5 If a request is received where it is not clear what information is being requested, or where a response cannot be made and/or it is not known where or if the information can be found, or where the request appears to cover potentially problematic or exempt information (for example, information that might contain the personal details of an employee or student), then staff must

contact either their departmental DP & FOI Co-ordinator or the DP & FOI Officer immediately.

- 6.2.6 The University has the right to ask an enquirer for more details to clarify their request in cases where it may not be immediately clear what information they require. If staff decide to deal with an enquiry they must be sure that they are clear what information they have been asked to provide: if not, they must ask their DP & FOI Co-ordinator or the DP & FOI Officer to approach the enquirer for clarification.
- 6.2.7 Please note that all staff must make provision for requests for information addressed to them to be processed promptly during their absence.
- 6.2.8 Staff must also make provision for access to all information which they hold in connection with their work and duties, and in such a manner that the University is able to respond to requests for access within 20 working days.
- 6.2.9 Staff whose role normally involves distributing information on request (e.g. sending out University prospectuses) should continue to deal with these requests as normal (but should note that the law now requires that they respond within 20 working days).

6.3 Processing of requests referred to the DP & FOI Officer

- 6.3.1 Upon receipt of a request for information, the DP & FOI Officer will liaise with relevant DP & FOI Co-ordinators in departments to locate the required information and determine the cost, where applicable, of providing such information.
- 6.3.2 Where a cost is to be charged, the person requesting the information will be informed of this cost. No further action will be taken until payment has been received.
- 6.3.3 Upon receipt of the payment, where this is applicable, the required information will be collated by the DP & FOI Co-ordinators and forwarded to the DP & FOI Officer for review. In reviewing the information the DP & FOI Officer will give consideration to the provisions of the Freedom of Information Act 2000, with particular regard to any applicable exemptions, and also to any other relevant legislation. The information will be amended accordingly and sent to the person requesting the information.
- 6.3.4 The University and its staff will endeavour to ensure that all requests for information are responded to within the statutory period of 20 working days. Note that where a cost is to be charged for providing the information, the countdown of the 20 working day period is suspended for the period from when the person making the request is informed of the cost to when a payment is received.

6.4 Records

6.4.1 The DP & FOI Officer will maintain a record of all requests for information considered to be formal requests for information under the provisions of the Freedom of Information Act 2000.

6.4.2 The record will include:

- date of initial request;
- details of the information requested;
- cost of provision;
- date of request for payment (where applicable);
- date of receipt of payment (where applicable);
- a copy of the collated information;
- details of any decisions taken with respect to the information;
- a copy of the information provided;
- the date of response.

7. Summary

7.1 Staff should be aware of the implications of the Freedom of Information Act, and make sure that all requests for information are processed immediately. In particular, staff should remember that:

- individuals may now ask for access to most of the information held by the University, whether held at departmental or central level;
- any request in writing is legitimate, whether or not it uses the standard University request form and to whomever it is addressed;
- where there is any doubt, any potential/apparent information request must be referred to their DP & FOI Co-ordinator or the DP & FOI Officer – the University may have as little as twenty working days to respond.

SECTION 6: Legal Guidance

Exemptions, the Public Interest Test, Tendering and Contracts

1. Introduction

- 1.1 The Freedom of Information Act 2000 creates a broad right of access to information held by the University. However, there are certain exemptions from disclosure under the provisions of the Act. These exemptions are classified as Absolute Exemptions and Qualified Exemptions.
- 1.2 The Act will also require the University, if requested, to disclose information received in response to Invitations To Tender, both successful and unsuccessful, and also contracts. It is likely that the information sought will have been provided as “commercially in confidence”. However, it should be noted that the confidentiality may only apply for a limited period.
- 1.3 During the negotiation phase, potential suppliers will need to be made aware of the requirements of the Act. It is therefore essential that a suitable form of words be incorporated into all Invitation To Tender documents and final contracts.

2. Exemptions and the Public Interest Test

- 2.1 Within the Act the exemptions from disclosure are either absolute or qualified as defined below:

2.2 Absolute Exemptions

- 2.2.1 Where these exemptions apply the right of access (right to know) is completely negated. In some instances there is no legal right of access at all, for instance, information supplied by bodies dealing with security matters, or information covered by parliamentary privilege. In other cases the information may be available to the applicant by other means, for example, if the applicant is making a request for access to data about him/herself there is an absolute exemption of access to the data under the Act, as the data is available to the applicant under the provisions of the Data Protection Act 1998.
- 2.2.2 Absolute exemptions are not subject to the Public Interest Test (see 2.4).
- 2.2.3 The complete list of absolute exemptions is:
 - information accessible by other means;
 - information supplied by, or relating to, bodies dealing with security matters;
 - court records;
 - parliamentary privilege [N/A];
 - prejudice to effective conduct of public affairs (data held by Houses of Parliament) [N/A];
 - some personal information;
 - information provided in confidence;

- information whose disclosure is prohibited by law.

[N/A] not applicable to the University

2.3 Qualified Exemptions

2.3.1 Where these exemptions apply the University must consider whether there is a greater public interest in confirming or denying the existence of the requested information and providing the information to the applicant, or in maintaining the exemption - this is known as the “Public Interest Test” (see 2.4).

2.3.2 The complete list of qualified exemptions is:

- information intended for future publication;
- national security;
- defence;
- international relations;
- relations within the UK (i.e. between the devolved governments of the UK)*;
- the economy*;
- investigations and proceedings conducted by public authorities [N/A];
- law enforcement;
- audit functions*;
- formulation of government policy [N/A];
- prejudice to effective conduct of public affairs (except data held by Houses of Parliament) [N/A];
- communications with her Majesty;
- health and safety;
- environmental information (accessed through Environmental Information Regulations);
- some personal information;
- legal professional privilege;
- commercial interests.

[N/A] not applicable to the University,

**Unlikely to affect the University*

2.4 Public Interest Test

2.4.1 Guidance from the Information Commissioner’s Office states that a matter “in the public interest” is one that serves the interest of the public. When applying the test, the University is simply deciding whether in any particular case, it serves the interest of the public to withhold or disclose the information i.e. it is a balancing exercise. There is a presumption that information should be disclosed unless the harm or unfairness likely to arise from the disclosure would outweigh the public interest in making the information available. It should be noted that there is a distinction between what is in the public interest and what is merely of interest to the public.

2.4.2 Factors to be considered when applying the public interest test include:

- would disclosure assist the administration of justice or enforcement of law?
- would disclosure inform the public of any danger to public health or safety?
- would disclosure contribute to a debate of importance?
- would disclosure compromise a person's privacy rights?

2.4.3 Factors that should NOT be taken into consideration include:

- the possible embarrassment caused to the University or its officers;
- the seniority of staff involved;
- the risk that information may be misinterpreted.

2.4.4 The Information Commissioner has emphasized that he is likely to scrutinise carefully any claimed exemption under a qualified exemption, i.e. where the University has applied the public interest test and subsequently refused to release the requested information. Practically, if the University is seeking to rely on a qualified exemption it must genuinely and reasonably perform the public interest test, and equally importantly, maintain a record (an audit) of that process.

3. Application of Exemptions and Public Interest Test

3.1 The application of the exemptions and in some circumstances the public interest test in order to decide, in a fair and informed way, how much information may legally be disclosed (if any), is likely to be a complex process, requiring detailed knowledge of the Freedom of Information Act, possibly the Data Protection Act and other legislation. Consequently, members of staff should never attempt to process requests for information made under the Freedom of Information Act, such requests should always be referred to the University's DP & FOI Officer.

4. Tendering and Contracts

4.1 Representatives of the University must be cautious regarding contractual obligations entered into with respect to information provided by suppliers or potential suppliers. A supplier may seek to protect its position to ensure that information it provides to the University cannot be disclosed in response to a request for access. However, the University **MUST** comply with the Freedom of Information Act 2000 and cannot contract out of the obligations imposed upon it by the Act. The University may inadvertently do this if it contractually agrees that it will apply a particular exemption to certain information. Neither can the University guarantee that it will definitely apply specific exemptions under the Act in respect of certain classes of information as the Act requires the University to manage specific requests for information on a case by case basis.

4.2 To avoid potential problems it is in the best interests of both the University and the supplier to discuss the Act's provisions in the early stages of the

tendering or contractual negotiations. This will provide the best protection for both parties when agreeing contractual clauses.

- 4.3 It is possible that agreement could be reached with suppliers regarding certain parts of their tendering documents being treated either “in confidence” or as “commercially sensitive”. It is not appropriate to publish guidance for agreeing such arrangements within this Code of Practice. Members of the University having responsibility for negotiating contracts and agreements with third parties should contact the University’s Purchasing Officer (ext. 2452) who can provide templates and more detailed guidance on the implications of the Act with respect to negotiations and contractual arrangements.

SECTION 7: Costs & Fees

1. Introduction

Public authorities have, for at least two years, been promised by the Department of Constitutional Affairs (DCA), definitive guidance regarding the structure of charges and fees available to them when meeting requests for information, made under the Freedom of Information Act.

This guidance has still not been released by the DCA, although it is understood that it is to be laid before Parliament sometime during November 2004. However, the point has now been reached where it is necessary for this Code of Practice to “go to press”. Consequently, the information given below relating to charging and fees, whilst not complete, represents all that is currently known.

An updated version of this code, detailing the agreed Cost and Fees schedule, will be published via the University’s Publication Scheme, <http://foi.le.ac.uk/>, as soon as is practically possible.

2. Costs and Fees

The Government stance on charging has consistently been that the majority of the costs in meeting FOI requests will be met by public authorities, rather than the individual making the request.

The general guideline that has been released to non-central government bodies (including Universities) is that there is to be no charge for the time taken to locate, sort, edit, and compile material up to a cost limit of £450. This is based on an average staff cost of £25 per hour, and equates to 18.0 hours of staff time i.e. approximately 2.5 staff days. It is anticipated that the majority of requests for information will be satisfied within the 2.5 day limit and will therefore not be chargeable.

For the few requests where this is not the case, i.e. compilation of the response exceeds 2.5 staff days, the University may adopt one of the following:

- i. to refuse to respond.
- ii. to meet the request without charge.
- iii. to charge a realistic fee.

It is likely that each case will need to be considered individually.

3. Disbursements

The Department of Constitutional Affairs has indicated that public authorities are allowed to make a charge to cover disbursements i.e. photocopying, postage etc. The Freedom of Information Implementation Group has agreed that the University will make a charge to cover disbursements; specific details

of the charges are available from either, the University's Data Protection & Freedom of Information Officer, or the University's Publication Scheme, <http://foi.le.ac.uk/>.

SECTION 8: Complaints Procedure

1. Introduction

- 1.1 The University is committed to full compliance with the Freedom of Information Act 2000 and to the proper processing of any complaints it may receive in relation to the University meeting its obligations under the legislation.
- 1.2 The Complaints Procedure set out below is in accordance with the requirements of the Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions under Part 1 of the Freedom of Information Act 2000.

2. Scope

- 2.1 The Complaints Procedure may be used by:
 - a) any person who perceives that the University is not complying with its Publication Scheme;
 - b) any person who considers that their request for access to information has not been properly handled, or who are otherwise dissatisfied with the outcome of the consideration of their request.

3. Notices

- 3.1 Details of the Complaints Procedure will be contained within the University's Publication Scheme and posted on the University's Publication Scheme website.
- 3.2 When communicating any decision made in relation to a request for information, the person making the request will be informed of their right to complain and provided with details of the Complaints Procedure.

4. Procedure

- 4.1 The legislation has been drafted to require complaints to be referred firstly to the public authority concerned where it is to be dealt with under a formal complaints procedure. It is only after these procedures have been exhausted that a complainant should refer the matter to the Information Commissioner.
- 4.2 The University's procedure is intended, in the first instance, to address complaints quickly in an informal manner, but with a secondary formal complaints mechanism available where immediate resolution is not possible.

4.3 Informal Complaints

- 4.3.1 Complainants will be asked in the first instance to contact the DP & FOI Officer to discuss the matter informally. It is hoped that most complaints can be resolved quickly without the need for a formal complaint. If the matter

cannot be resolved informally the complainant will be advised of the formal complaints procedure.

- 4.3.2 Whilst not recommended, complainants may, if they choose, lodge a formal complaint without having first discussed the matter with the DP & FOI Officer.

4.4 Formal Complaints

- 4.4.1 Formal complaints must be made in writing (including emails) and addressed to the:

DP & FOI Officer
Management Information Services
Fielding Johnson Building
University of Leicester
University Road
Leicester
LE1 7RH

freedomofinformation@leicester.ac.uk

- 4.4.2 Notwithstanding the above, any written communication (including emails) expressing dissatisfaction with the University's response to a valid request for information will be treated as a formal complaint, as will any written communication from a person who perceives the University is not complying with its Publication Scheme. This will apply, even where there is no stated desire for review of a decision or the handling of a request. All such communications must be referred to the DP & FOI Officer immediately.
- 4.4.3 Where a complaint concerns a request for information under the general right of access, the review of the complaint will not be handled by any person who was party to the original decision. Where the DP & FOI Officer was party to the original decision, the complaint will be referred to the Registrar & Secretary. In cases where the Registrar & Secretary was party to the original decision the complaint will be referred to a Pro-Vice-Chancellor.
- 4.4.4 An initial response to a complaint will be made within 5 working days of its receipt. A full review of the complaint and any decision will be made within 30 working days from receipt. Where it is not possible to respond within this period, the complainant will be informed of the revised timescale and the reason for the delay.
- 4.4.5 Complaints will be reviewed in the context of the University's obligations under the Freedom of Information Act 2000 and decisions taken pursuant to the Act, including decisions taken about where the public interest lies in respect of certain exempt information.
- 4.4.6 Where it is considered appropriate, the person reviewing the complaint may reverse or otherwise amend decisions taken previously.

- 4.4.7 If a complaint is upheld, the complainant will be informed what action is to be taken.
- 4.4.8 Where the outcome of a complaint is that information should be disclosed which was previously withheld, the information in question will be disclosed as soon as practicable and the complainant informed of the intended date.
- 4.4.9 Where the outcome of a complaint is that the procedures within the University have not been properly followed by staff, the University will apologise to the complainant and take appropriate steps to prevent similar errors occurring in the future.
- 4.4.10 If a complaint is not upheld the complainant will be given reasons for the decision. The complainant will also be informed of their rights to complain to the Information Commissioner if they are still not satisfied with the outcome of the review of their complaint.

4.5 Complaint to the Information Commissioner

- 4.5.1 Under Section 50 of the Freedom of Information Act any person may apply to the Information Commissioner for a decision whether a request for information made to the University has been dealt with in accordance with the requirements of the Act. It should be noted that there is a requirement that there will be no undue delay in making the application and that the complainant will have exhausted the University's internal complaints procedure.
- 4.5.2 Where a person perceives that the University is not complying with its Publication Scheme, although they cannot apply for a decision under Section 50 of the Freedom of Information Act 2000, they may complain to the Information Commissioner who may investigate the matter at his discretion.
- 4.5.3 Complaints to the Information Commissioner should be addressed to the:

FOI Compliance Team (Complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

5. Records

- 5.1 The DP & FOI Officer will maintain a record of the following:
- details of all complaints received;
 - the time taken to initially respond to each complaint;
 - the time taken to respond fully to each complaint;
 - the outcome of each complaint.

6. Monitoring and Review of Complaints

- 6.1 In conjunction with the Registrar & Secretary, the DP & FOI Officer will monitor and review complaints, and, if necessary, amend procedures where such action is indicated by more than occasional reversal of decisions.

SECTION 9: Publication Scheme

1. Introduction

- 1.1 Adopting a publication scheme is a requirement of the Freedom of Information Act 2000. The Act promotes greater openness and accountability across the public sector by requiring all ‘public authorities’ to make information available proactively, through a publication scheme.
- 1.2 ‘Public authorities’ are defined in the Act and include universities, further education colleges and sixth form colleges.

2. What is a Publication Scheme?

- 2.1 A publication scheme is a document which describes the information a public authority publishes, or intends to publish. In this context, ‘publish’ means to make information available routinely. These descriptions are called ‘classes of information’. The scheme is not a list of the actual publications, because this will change as new material is published or existing material revised. It is, however, the public authority’s commitment to make available the information described.
- 2.2 A publication scheme must set out the classes, or categories, of information published. It must also make clear how the information described can be accessed and whether or not charges will be made.

3. The University’s Publication Scheme

- 3.1 The University has adopted the model publication scheme developed for the Higher Education sector and is therefore committed to publishing the information it describes.
- 3.2 This model is designed for universities across England, Wales and Northern Ireland. The purpose of the model is to save institutions duplicating effort in producing individual schemes and to assist the public in accessing information from across the sector. However, to reflect the diversity in size and function of institution, a number of optional classes of information are included. As a result, models within the sector will vary slightly. Any optional classes relevant to the University have been included in the scheme.
- 3.3 The scheme consists of nine main groups with each group subdivided into classes of information. The groups are:

- Governance
- Financial Resources
- Human Resources
- Physical Resources
- Student Administration
- Information Services
- Teaching and Learning
- Research and Development
- External Relations

3.4 Each group is subdivided into classes of information. These classes of information are fully described in the scheme. Next to each class is indicated the manner in which the information will be available. It is also indicated whether charges apply to material in each class.

3.5 Full details of the scheme are accessible via the University's Freedom of Information website at the following address:

<http://foi.le.ac.uk/>

3.6 A hard copy of the scheme can be obtained from the:

DP & FOI Officer
Management Information Services
Fielding Johnson Building
University of Leicester
University Road
Leicester LE1 7RH

Telephone: 0116 252 2494

Email: freedomofinformation@leicester.ac.uk

4. Accessing information covered by the publication scheme

4.1 Information covered by the scheme is available in hard-copy format (where appropriate) on request from the University's DP & FOI Officer at the above address.

4.2 A large proportion of the information is available direct from the University's Freedom of Information website at the above address.

4.3 It should be noted that a publication scheme relates to 'published' information. Therefore, material covered has already been prepared in a format ready for distribution.

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