

NEWMAN UNIVERSITY

FREEDOM OF INFORMATION ACT

Guidelines for Staff

1 Background

The Freedom of Information Act gives people a general right to see recorded information held by public authorities including institutions of Higher Education. It is intended to help people get a better understanding of how public authorities carry out their duties, make decisions and spend public money.

The Information Governance Manager and Senior Executive Assistant to the University Secretary and Registrar administrate Freedom of Information requests and responses. The Information Governance Manager is responsible for Freedom of Information at the University.

2 How can a Request be Made?

All requests for information must be made in writing – by letter or email. The request must give the name of the person asking for the information and a correspondence address to where the information can be sent. It must describe the information wanted. A person making a request by phone should be asked to apply in writing but you must give them any help and advice you can. A person does not have to give a reason for wanting to see the information and you are not allowed to ask for a reason.

The request does not have to mention the Freedom of Information Act and staff should be aware that any requests for information may come under the Act. If you believe you may have received a request which is within the scope of a Freedom of Information request, please pass it onto FOI@newman.ac.uk and the FOI team will assist you in formulating the University's response.

3 Rights of Individuals

People who ask for information have two rights:

- To be told that the information exists, unless an exemption applies
- If the information does exist, the right to receive the information unless it is exempt.

4 Recording a Request

All requests for information dealt with under the Act must be referred to foi@newman.ac.uk where an appropriate response will be sent confirming the deadline for the University response – normally 20 working days at the receipt of the request. Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays; this may or may not be the same as the days you are open for business or staff are in work. The Senior Executive Assistant to the University Secretary & Registrar keeps a log of all requests.

5 Responding to a Request

The Information Commissioner's Office (ICO) has published the following flowchart for responding to a request [flowchart of request handling under foia.pdf \(ico.org.uk\)](https://ico.org.uk/for-the-public/foia/flowchart-of-request-handling-under-foia.pdf)

There are six basic responses to a request:

- i. *The information is included in our Publication Scheme or is easily accessible.* Information should be sent to enquirer within 20 working days. There is no charge. E.g. if a member of the public asks for information that is already available on the Newman University website, we can refer them to the relevant webpage. If the enquirer has requested information contained in a larger report or minutes, the specific information only need be supplied and copies of the original documents can be edited as appropriate e.g. to redact irrelevant information or exempt information.
- ii. *This information is easily available elsewhere.* For instance, if a member of the public asks for details of how the Student Loans Company (SLC) funds Higher Education, we can refer them to SLC as this information will be easily obtainable from them.
- iii. *The information is not available.* For instance, if a member of the public asks us how many of our students have blue eyes. We do not know as we do not collect this information and are not required to provide it.
- iv. *The information is held but it would take a significant amount of time and effort to provide it.* We need to assess how long the work would take and provide an estimate of the charge for the enquirer as indicated below. If they indicate that the charge is acceptable, then we have 20 working days from acceptance of the fee to provide the information. While it is likely that enquirers will be put off by a charge, it is important not to exaggerate the amount of work with that aim in mind.
- v. *Some basic information is held but the enquirer is requesting further analysis on the data or for the University to express opinions on the data held.* Only the basic information should be given in the raw format available. We are not required by the act to undertake further work of the kind requested.
- vi. *The information requested is exempt under the Act.* Exemptions are listed below. Enquirers should be told that we are not required to release it.

Advice and help should always be given to enquirers even if we are unable to supply the information.

6 Fees

If the cost involved in responding to a Freedom of Information request amounts to more than £10, the requester will be given a fees notice asking them to provide a fee to cover the costs of photocopying, postage or any other related costs. For amounts less than £10 the fee will be waived. Photocopying will be calculated at a maximum charge of 10p per sheet.

The 20 working day deadline for supplying the information will not commence until the fee has been received.

If the cost of complying with the request amounts to £450 or more, calculated at £25 per hour in staff time in relation to locating, retrieving and extracting the information, then the request will be forwarded to the University Secretary & Registrar, who will decide whether to:

- Refuse the request
- Charge for the cost of complying including calculations based on staff time involved with retrieving and collating the information
- Supply the information without the full charge being imposed
- Offer the requester some advice and assistance to identify whether the scope of the request can be narrowed in order that the information can be supplied at a lower cost

If the requester does not supply the requested fee by the end of three months from the date the requester was given notice, the University is not obliged to comply with the request.

Where more than one request is received from the same person or people acting together as part of a campaign, the University may consider combining the costs when determining whether they amount to £450. This will only be considered where the requests are of a similar nature and within a 60-day period.

7 Exemptions

Exemptions apply mainly where releasing the information would not be in the public interest or because it relates to personal data. In most cases the Data Protection Act takes priority over the FOIA.

Exemptions can be absolute or qualified.

Absolute exemptions particularly appropriate to the University would be:

- Information that is accessible to the applicant in other ways
- Information provided in confidence
- Information which cannot be released by law or might affect a court case

Qualified exemptions mean that the information may have to be released if it is considered in the 'public interest' to do so. Qualified exemptions include:

- Audit functions
- Health and safety
- Commercial interests
- Personal information where the information is about another person

Certain personal information is exempt under the Data Protection Act and this remains exempt under Freedom of Information Act. This includes:

- Confidential references provided by the institution (but not received)
- Management forecasts/planning (eg redundancy lists)

- Negotiations in dispute with individuals
- Examination scripts
- Correspondence with solicitors

8 Vexatious and Repeated Requests

The Freedom of Information Act gives members of the public access to official information but it also contains provisions to prevent the abuse of this right by vexatious and repeated requests. Defining a request as vexatious is difficult and can be challenged but the following indicates the general approach:

- Can the request fairly be seen as obsessive?
- Is the request harassing the authority or causing distress to staff?
- Would complying with the request impose a significant burden in terms of expense and distraction?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

If a request is vexatious, the University does not have to provide any information or confirm or deny whether it holds it. However, it will usually still need to issue a refusal notice (unless one has been issued previously and it would be unreasonable to issue another).

9 Refusal Notices and Complaints

All intentions to refuse information and to regard requests as 'vexatious and repeated requests' must be submitted to the Information Governance Manager. All complaints from enquirers relating to the Act should also be sent to the Information Governance Manager.

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