

## FREEDOM OF INFORMATION POLICY

### 1. Introduction and purpose

- 1.1. The University is legally required to comply with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).
- 1.2. The University is committed to supporting and implementing the FOIA and the EIR and this document provides the policy statement and framework through which this compliance is achieved.
- 1.3. The FOIA gives the public a general right to ask public authorities whether they hold certain information and, if they do, the right to be given that information, subject to certain conditions and exemptions.
- 1.4. The EIR regulates public access to all environmental information held by public authorities.
- 1.5. Requests for information can be made by anyone, anywhere and for any reason. The FOIA applies to both historic and new information held by the University and applies to all information recorded in any format.
- 1.6. The purpose of the FOIA (and EIR) is to create a culture of openness across the public sector.
- 1.7. The University endorses and adheres to the principle of public access to official information.

### 2. Scope

- 2.1. This policy applies to all information that is created, received or maintained by staff and students at the University and by external partners on behalf of the University
- 2.2. This Policy applies to all records of information regardless of format, i.e. both hard copy and electronic records, formal and informal.
- 2.3. FOIA does not deal with the collection and use of personal data, which is governed by UK data protection legislation. Subject access requests should be dealt with under the Data Protection Act 2018 (DPA 2018) and not FOIA (see Data Protection Policy)
- 2.4. It is not envisaged that the University will receive many, if any, requests under the EIR. However, this Policy equally applies to any such requests and references to the FOIA should also be read to include EIR where relevant.

### 3. Requirements

- 3.1. The University is required under the FOIA to:
  - 3.1.1. maintain a Publication Scheme (see Paragraph 5), which identifies a range of information documents that are routinely and proactively published in the public domain;
  - 3.1.2. provide access to University information which is not otherwise published on receipt of a written request, stating the name and address of the requestor and describing the information required;
  - 3.1.3. provide Datasets in a re-usable form and under licensing conditions that permit re-

use;

- 3.1.4. inform the requestor in writing whether the University holds the information requested and, where applicable, to communicate that information to the requestor within 20 working days, subject to any exemption or fees;
  - 3.1.5. where information is exempt from disclosure, send the requestor a notice which specifies and explains the reason why;
  - 3.1.6. if a fee is chargeable, send the requestor a fees notice, stating the amount required; and
  - 3.1.7. provide advice and assistance, as far as is reasonably possible, to anyone seeking information from the University.
- 3.2. The University will ensure that robust systems for the management of University records and information are in place, including maintaining a records disposal schedule setting out retention and disposal periods for records (see Records Management Policy).
  - 3.3. The University will provide guidance on its web pages to staff, students and members of the public on relevant aspects of the FOIA.

#### 4. Roles and Responsibilities

- 4.1. The Legal and Information Compliance team is responsible for ensuring that the University has sufficient policies, guidance and training available in order for the University to comply with the FOIA.
- 4.2. It is the responsibility of all members of the University to comply with this Policy and the FOIA/EIR legislation, and to consult with the Legal and Information Compliance team when requested. This includes staff, students and those who are contracted to the University for a particular service or research project.
- 4.3. Senior Management are responsible for ensuring that staff within their areas are (i) made aware of the existence and contents of this Policy; and (ii) comply with requests for information received from the Legal and Information Compliance team to allow the team to respond to FOI requests within the statutory timeframe.
- 4.4. The Legal and Information Compliance team will advise staff on any exemptions that may apply to requests for information (see Paragraph 8).

#### 5. Publication Scheme

- 5.1. The Publication Scheme is available online at:  
[www.keele.ac.uk/sas/academicservices/legalgovernance/governance/publicationscheme/](http://www.keele.ac.uk/sas/academicservices/legalgovernance/governance/publicationscheme/) and includes:
  - 5.1.1. *Who we are and what we do* – including our organisational structure, locations and contacts, constitutional and legal governance.
  - 5.1.2. *What we spend and how we spend it* – including financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
  - 5.1.3. *What our priorities are and how we are doing* – including strategy and performance information, plans, assessments, inspections and reviews.
  - 5.1.4. *How we make decisions* – including Policy proposals and decisions, decision making processes, internal criteria and procedures, consultations.
  - 5.1.5. *Lists and registers* – information held in registers required by law and other lists and registers relating to the functions of the University.
  - 5.1.6. *The services we offer* – Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.
- 5.2. The Publication Scheme shall be reviewed regularly by the Legal and Information

and Compliance team in accordance with this policy to ensure that:

- 5.2.1. when new information is produced by the University, details are incorporated into the scheme;
- 5.2.2. when information becomes obsolete or suspended that the information is removed or replaced; and
- 5.2.3. contact details of key staff or teams are accurate and data is accessible.

## 6. Requests for Information

- 6.1. Information not available via the Publication Scheme will generally be accessible through written requests for information which may be submitted in any format to any member of staff. Oral requests are not acceptable.
- 6.2. Requests for information do not need to make direct reference to the FOIA, but they must describe clearly the information being sought.
- 6.3. Applicants who submit a request have the right to be informed whether the information is held, a right to receive the information (subject to exemptions) and the right to appeal non disclosures and to request internal reviews.
- 6.4. Applicants who submit a request do not need to give a reason for their request nor proof of identity. A valid name and correspondence address is required with all requests. (This can be either electronic or postal).
- 6.5. All requests for information that form part of daily business activities (examples of this would be requests for prospectuses or official copy certificates) will be dealt with by the relevant local staff. Any request for information that falls outside of daily business activities should be forwarded immediately to the Information Compliance team ([foi@keele.ac.uk](mailto:foi@keele.ac.uk)) for processing.
- 6.6. Valid requests shall be dealt with within 20 working days of receipt, unless there is a requirement for the applicant to provide further clarification or the payment of fees, in which circumstances the 20 working days will re-start once the further clarification or fee has been received.
- 6.7. The Legal and Information Compliance team will perform an initial screening of the request to determine if possible:
  - 6.7.1. Whether the University holds the information and where that information may be held; and
  - 6.7.2. Whether there are any obvious exemptions applicable (e.g. data already published, personal data and so on).

## 7. Exemptions

- 7.1. Some information is exempt from disclosure under the FOIA and so does not need to be provided. Where information is exempt from disclosure, the University will:
  - 7.1.1. where the exemption allows, state whether the information is held;
  - 7.1.2. give details of the reasons why the information has been withheld;
  - 7.1.3. explain which sections of the FOIA details the exemption used to withhold the information; and
  - 7.1.4. inform the applicant of their right to appeal the decision, see section 9.
- 7.2. There are 25 exemptions under the FOIA. Many of the exemptions may only be applied if the public interest in withholding the information is greater than the public interest in releasing it; these are referred to as **qualified exemptions**. Some

exemptions are automatic, such as personal information and these are referred to as **absolute exemptions**. See Appendix A for the full list of exemptions under the FOIA Part II Section 21 to 44.

7.3. The University can refuse an entire request under the following circumstances:

7.3.1. it would cost too much or take too much staff time to deal with the request;

7.3.2. the request is vexatious; or

7.3.3. the request repeats a previous request from the same person.

7.4. The Legal and Information Compliance team will apply an exemption or grounds for refusal if they believe it to be justifiable. A member of staff may propose that a particular exemption or grounds for refusal applies to a particular request and will assist the Information Compliance team in defining the justification of such an exemption or grounds for refusal.

7.5. If the Legal and Information Compliance team concludes that the exemption does not apply then, if necessary, the final decision can be referred to the Information Asset Owner of the relevant Directorate/Faculty where the information is held by.

## 8. Charges and Fees

8.1. Unless otherwise specified, information made available through the Publication Scheme will be free of charge.

8.2. In cases where it is appropriate to provide information in hard copy format, the University may charge to cover the photocopying costs only if the documents in question exceed 50 sheets of A4 paper. This is charged at 10p per sheet plus postage and packaging.

8.3. If the costs of obtaining information exceed reasonable limits (as set out by the Fees Regulations, currently £450 or 18 hours of staff time), the University will alert the applicant and attempt to refine the request so as to reduce the potential retrieval cost. Where this is not possible, the University may pass on the cost to the applicant. In this instance, the University will issue an official invoice based on its estimate of costs and will undertake retrieval after payment of the costs. In extreme circumstances, the University may still exercise the right of exemption of the information through disproportionate effort.

## 9. Requests for Review

9.1. If an applicant is dissatisfied with the outcome of a request, or the manner in which it was handled, applicants have the right to request an Internal Review within 40 working days from the date the initial response was issued. Receipt of the request for Internal Review shall be acknowledged and, wherever possible, be undertaken by someone other than the person who processed the original request. An Internal Review response will usually be provided within 20 working days; if the review will take longer to conduct, the applicant will be informed of this with an expected timeframe for response.

9.2. If the applicant remains dissatisfied with the outcome of the Internal Review, they may seek an independent review from the Information Commissioner's Office (ICO), which is the independent body responsible for overseeing compliance with the FOIA. The ICO can be contacted online at [www.ico.org.uk/make-a-complaint/](http://www.ico.org.uk/make-a-complaint/) or via

the following address: Information Commissioner's Office, Wycliffe House, Wilmslow, Cheshire SK9 5AF.

## 10. Related Policies and Procedures

10.1. This Policy supplements and should be read in conjunction with the University's other policies and procedures in force from time to time, including without limitation the University's:

10.1.1. Information Governance Framework;

10.1.2. Information Security Policy;

10.1.3. Data Protection Policy;

10.1.4. Records Management Policy & Records Retention Schedule; and

10.1.5. Data Classification and Handling Policy.

10.2. Associated procedures and guidelines can be accessed at:

<https://keele.ac.uk/sharepoint.com/sites/lgc-intranet/SitePages/request-for-information.aspx>

## 11. Review, Approval and Publication

### 11.1. Review

This Policy will be reviewed and agreed by the University Executive Committee before final approval.

### 11.2. Final Approval

The Policy will require final approval from Council.

### 11.3. Publication

This Policy will be published on the website under the Policy Zone. The University's Information Governance web pages will maintain prominent links to this Policy as appropriate on both external and internal facing pages.

## 12. Document Control Information

<b>Document Name</b>	Freedom of Information Policy
<b>Owner</b>	Clare Stevenson, Director of Legal, Governance & Compliance and Secretary to Council
<b>Version Number</b>	1.2
<b>Equality Analysis Decision and Date</b>	Not applicable
<b>Approval Date</b>	24 October 2023
<b>Approved By</b>	Director, Legal, Governance and Compliance
<b>Date of Commencement</b>	19 September 2019
<b>Date of Last Review</b>	19 September 2019
<b>Date for Next Review</b>	November 2026
<b>Admin update</b>	Sep 2019 to change Head to Director of LGC. September 2023 to change: team name; reference to EU GDPR; review procedure.

<b>Related University Policy Documents</b>	Information Governance Framework Information Security Policy Records Management Policy & Retention Schedule Data Protection Policy Data Classification and Handling Policy
For Office Use - Keywords	Freedom of Information, FOI, EIR, publication scheme, governance, transparency.

# APPENDIX A – FOIA Exemptions

(Possible exemptions applicable to the University are highlighted in **bold**)

**Section 21 – information already reasonably available**

**Section 22 – information intended for future publication**

**Section 22A – research information**

Sections 23 to 25 – security bodies & national security

Sections 26 to 29 – likely to prejudice – defence; armed forces; international relations; relations between devolved administrations; the economy; financial interest of UK, Scottish, Welsh or NI Administrations.

Sections 30 – investigations

**Section 31 – prejudice to law enforcement**

Section 32 – Court records

Section 33 – prejudice to audit functions

Section 34 – parliamentary privilege

Section 35 – government policy

**Section 36 – prejudice to the effective conduct of public affairs (requires the Vice-Chancellor’s opinion as the institution’s ‘qualified person’).**

Section 37 – communications with the royal family and the granting of honours

**Section 38 – endangering health and safety**

**Section 39 – environmental information (refer to EIA instead)**

**Section 40(1) – personal information of the requester (use Subject Access Request under GDPR instead)**

**Section 40(2) – data protection (see GDPR/DPA18)**

**Section 41 – information provided to the University in confidence**

**Section 42 – legal professional privilege**

**Section 43 – trade secrets and prejudice to commercial interests**

Section 44 – prohibitions on disclosure

Further details of exemptions can be found on the ICO website at:

[ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/)