



## **Freedom of Information**

### **Code of Practice**

This Code of Practice accompanies the University's Freedom of Information Policy and specifies conditions that all staff should be aware of when processing requests for information under the conditions of either 6.2 or 6.3 of the Policy (given below). The guidelines given in this Code should be considered as obligatory when processing requests received under either the Freedom of Information Act or the Environmental Information Regulations, and may be considered as "good practice" guidance for processing any other requests for information.

*Extract from the University's Freedom of Information Policy*

- 6.2 Requests for information made in writing (including emails) and giving a name and correspondence address will be considered as Freedom of Information requests and processed according to the provisions of the Freedom of Information Act, unless either 6.3 or 6.4 apply.
- 6.3 Requests for information relating to either the environment or health and safety received in any format (including verbally) will be processed according to the provisions of the Environmental Information Regulations.
- 6.4 Written requests for information about an individual made by, or with the authority of, that individual will be processed according to the provisions of the Data Protection Act.

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## 1. “Advice and Assistance”

- 1.1 The University must provide reasonable advice and assistance to any person who intends to make, or has already made, a request for information in order to help them obtain the information being sought.
- 1.2 Providing “advice and assistance” may include (but is not limited to):-
  - informing requestors what sort of information might be available to them;
  - directing requestors to information that is already accessible;
  - making requestors aware of the Freedom of Information Act;
  - telling requestors what similar information would be obtainable if the requested information is not available.
- 1.3 A person requesting information is not obliged to specify their reasons for making the request, and care must be taken not to imply otherwise.

## 2. Responding to the information request

- 2.1 Any person making a request for information is entitled:-
  - a) to be informed whether or not the University holds that information, and if so
  - b) to have that information communicated to them, unless a specific exemption can be applied.

For Freedom of Information requests as defined by 6.2 of the Freedom of Information Policy this must be done in writing. In most circumstances, making the requested information available will preclude the need to state whether or not it is held by the University.

- 2.2 If it is necessary to clarify the request in order to locate the required information, the requestor should be contacted as soon as possible and a record kept of such correspondence.
- 2.3 Responses (as 2.1) must be made within 20 working days following the University’s receipt of the request. Due regard should also be given to any more immediate timescale requested by the applicant.
- 2.4 If the information cannot be provided promptly, it may be appropriate to send an acknowledgement to the requestor stating the date their request was received by the University, the estimated date for disclosure, and contact details for interim queries.
- 2.5 Care must be taken to ensure that any information provided by the University can be clearly understood by the requestor, which may include explaining acronyms or internal processes as appropriate.

- 2.6 If the requestor asks for information to be provided as a summary or in a specific format, this must be complied with where “reasonably practical” (taking into account the time, cost and equipment involved) or where required by the accessibility provisions of the University’s Equal Opportunities Policy.
- 2.7 When responding to information requests, contact details must be provided in case the recipient wishes to clarify the information provided, obtain further information, or make a complaint.

### 3. Information to be made available

- 3.1 All information held by the University, regardless of format, must be made available upon request unless there is a justified reason for restricting access and a specified exemption can be applied. With this in mind, the presumption should be in favour of disclosure.
- 3.2 Out of the 23 exemptions allowed by the Freedom of Information Act, the ones most applicable to our context protect:
- personal information;
  - the commercial interests of the University;
  - concerns for the health and safety of individuals;
  - information provided in confidence;
  - information intended for future publication;
  - information already readily accessible to the applicant by other means.
- 3.3 If you feel that an exemption should be applied then the request should be referred to Legal Services, unless you routinely handle similar information requests.
- 3.4 If information is withheld due to an exemption, full details of the applicable exemption must be provided to the requestor, together with a copy of our Complaints and Appeals procedure. *(Available as Guidance Sheet 6 from the Legal Services intranet.)*
- 3.5 If the requested information is withheld due to an exemption, s.2.1 above still requires the University to confirm whether or not that information is held, subject to very limited exceptions.
- 3.6 If the requested information is not held, care must be taken to specify that the information “is not held by the University”. The applicant should be advised of any other available information which may meet their requirements, and a copy of the University’s Complaints and Appeals Procedure must be included with the response. *(Available as Guidance Sheet 6 from the Legal Services intranet.)*
- 3.7 The Freedom of Information Act and the Environmental Information Regulations provide a right of access to information and not necessarily to documents, although this will usually be the most practical way of disclosing information.

## 4. Referring requests to Legal Services

- 4.1 As the majority of written requests for information received by the University count as requests under the Freedom of Information Act, staff need to exercise their professional judgement as to whether or not requests should be referred to Legal Services. As a general guide, requests should be referred if:-
- the information requested is not information that you already routinely provide in the course of your work;
  - any of the requested information may be withheld due to an exemption;
  - you have concerns or uncertainties with disclosing the requested information;
  - providing the information would be particularly costly or excessively time consuming (more than 18 hours work).
- 4.2 If a request mentions either the Freedom of Information Act or the Environmental Information Regulations but you are comfortable with providing the information and are able to respond promptly, you should inform Legal Services so that we can log and track the request. You do not necessarily need to forward it to us.

## 5. Complaints and appeals

- 5.1 The University is required to have a specific complaints and appeals process relating to information requests. This process is available as *Guidance Sheet 6* from the Legal Services intranet and is formatted for public distribution.
- 5.2 All complaints arising from requests for information, including letters or emails “expressing dissatisfaction”, must be referred immediately to Legal Services.

## 6. Further information and guidance

- 6.1 Further guidance on complying with the University’s Freedom of Information Policy and this Code of Practice is available from the University Secretary’s Department and is readily accessible from the Legal Services intranet site.