

Freedom of Information Policy

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FREEDOM OF INFORMATION POLICY

Introduction

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) provide the public with a general right of access to much of the information that is held by the University, and specifies various obligations to support such access. The University fully supports the objectives of freedom of information, believing it to promote openness and accountability, consequently enhancing public understanding and trust in how it operates.

1. Scope

- 1.1 This Policy applies to all employees of the University.
- 1.2 This Policy applies to all recorded information held by the University, regardless of age, format or medium.

2. Objectives

This Policy aims to ensure that:

- 2.1 The University complies with its obligations under FOIA and the EIR.
- 2.2 University staff are aware of the institution's legal obligations and how to meet their requirements.
- 2.3 The University adopts an open approach to the disclosure and sharing of information, unless there is a legislative justification for restricting access.

3. Guidance

- 3.1 Further guidance on the practices and procedures necessary to comply with this Policy and the University's legislative obligations is available from the Legal and Governance Services intranet pages.

4. Responsibilities

- 4.1 The University has a corporate obligation to comply with both the FOIA and EIR. Overall responsibility for this Policy lies with the University Secretary.
- 4.2 The Information Governance Team (IG Team) has responsibility for:
 - a) processing FOIA/EIR information requests;

- b) liaising with Schools/Departments in order to ensure responses are provided within legislative time limits;
- c) raising awareness of the University's FOIA/EIR obligations;
- d) maintaining the University Publication Scheme;
- e) encouraging good record keeping to facilitate timely responses;
- f) providing advice on issues relating to FOIA;
- g) applying exemptions or charges to information requests where appropriate; and
- h) managing appeals and complaints arising from information requests.

4.3 All employees of the University are responsible for assisting the IG Team where requested in complying with this Policy to ensure that the University does not breach its legal obligations.

5. Publication Scheme

- 5.1 The University will maintain a Publication Scheme, specifying the types of information that are routinely made available to the public, how this information can be obtained, and whether or not there will be any charge incurred.
- 5.2 The Publication Scheme will be based on the Model Publication Scheme approved by the Information Commissioners Office (ICO) and the guidance provided by the ICO for Higher Education Institutions.
- 5.2 Once published, the University will keep its Publication Scheme up-to-date and continue to make information available in accordance with that Scheme.

6. Handling Individual Requests for Information

- 6.1 Any individual receiving a request for information held by the University is required to immediately forward the request to the IG Team on foi@tees.ac.uk. This applies whether or not the requestor refers to the FOIA or EIR.
- 6.2 Individuals should not reply directly to the requestor other than to say that the request has been forwarded to the IG Team for processing.
- 6.3 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 by the IG Team according to the provisions of the FOIA, unless either 6.4 or 6.5 below apply.
- 6.4 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 EIR.
- 6.5 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 General Data Protection Regulation and the Data Protection Act 2018.
- 6.6 Where a request for information is received under the provisions of either FOIA or EIR, the requested information must be disclosed unless there is a justified reason for restricting access, and a specified exemption can be applied.
- 6.7 There may be instances where a request for information is more appropriately and quickly dealt with as a "business as usual" request and responded to directly by the relevant department. If in doubt as to whether or not to respond directly to a request, please forward to the IG Team for further advice.

7. Collating information

- 7.1 The IG Team will co-ordinate obtaining information in order to respond to the FOI request. This may require contacting a number of individuals from different Schools/Departments of the University. In all cases, the IG Team will provide a response date by which data should be collated.
- 7.2 The University attempts to respond to all FOIA within the statutorily prescribed 20 working days. All employees are therefore required to deal with data collation requests promptly to enable the IG Team to respond within this period.
- 7.3 Where employees are unable to respond by the given response date (which will be earlier than the deadline for responding to allow the IG Team to formulate a response based on the information provided) they should notify the IG Team and agree a revision to the deadline bearing in mind that all responses are required to be provided within 20 working days.
- 7.4 Where employees are unable to respond within 20 working days this needs to be communicated as early as possible to the IG Team and reasons given for the delay so that this can be communicated to the requestor.

8. Appeals and Complaints

- 8.1 The requestor will be given details about how to complain about information which has been provided or appeal against a decision to withhold information at the same time as they are provided with the University's response.
- 8.2 Employees are required to provide full and timely assistance where further information is requested to enable the IG Team to respond to the complaint.

9. Policy Enforcement

- 9.1 Compliance with this policy is the responsibility of all employees of the University who may receive requests for information.
- 9.2 Breach of this Policy may lead to disciplinary action.
- 9.3 Any questions about the interpretation or operation of this policy should be referred to the IG Team.

10. Relationship with existing Policies, Standards and Legislation

This Policy has been formulated with reference to the following University policies and national legislation:

- Records Management Policy
- Information Security Policy
- Data Protection Policy
- General Data Protection Regulation
- Data Protection Act 2018
- FOIA, including the §45 Code of Practice
- ICO Model Publication Scheme and Guidance for HEIs
- Environmental Information Regulations 2004, including the §16 Code of Practice

- European Directive 2003/4/EC (Public Access to Environmental Information)