



Policy on Freedom of Information

New College Durham is committed to safeguarding & promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

Procedure Title	Freedom of Information Policy
Document Owner	Academic Registrar

Directorates and Departments affected by this Procedure	All staff
Procedure Effective From	December 2021
Next Review Date	December 2026

We will consider any request for this procedure to be made available in an alternative format.

We review our policies and procedures regularly to update them and to ensure that they are accessible and fair to all. All policies and procedures are subject to impact assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or human rights.

We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility or fairness of the policy.

To make suggestions, seek further information or if any employee has difficulty understanding this policy please contact records@newdur.ac.uk

Equality Impact Assessed: November 2021
Accessibility Checked: November 2021

1. Introduction

The Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR) impose a number of obligations on the College, and provide the public with a general entitlement to information held by the College, subject to certain exemptions. This policy will outline the College's approach to processing and responding to requests for information that fall under these pieces of legislation.

2. Scope

This Policy is relevant to all College staff including staff working for outsourced service providers.

This Policy applies to all the information the College holds in any format, including all the information created, received and maintained by staff in the course of their work.

3. Responsibilities

The College has responsibility to make its information available in accordance with the Law. Responsibility for ensuring compliance with this Policy lies with the Corporation.

The Principal & Chief Executive is deemed to be the 'Qualified Person' appointed under FOI s36 and is responsible for ruling on public interest tests and determining whether the exemption regarding prejudice to the effective conduct of public affairs (FOI s36) can be applied. The Principal & Chief Executive is also responsible for adjudicating the outcome of internal reviews (see section 5 of this policy). If the Principal & Chief Executive chooses to delegate this responsibility for individual cases the reasons for this should be clearly documented. If the matters involved in the internal review or public interest test directly concerns the Principal & Chief Executive the adjudication may be made by the Chair of the Corporation.

The Academic Registrar has responsibilities for co-ordinating the Freedom of Information function. These include:

- a. Providing advice to the Principal & Chief Executive on whether an exemption (qualified or absolute) is applicable.
- b. Informing the Head of Corporate Governance when a qualified exemption is applicable and a public interest test might be applied to the request.
- c. Ensuring that where the public interest test is applied it is done so according to the guidance from the Information Commissioner.
- d. Convening a panel for an internal review where necessary (see section 5 of this policy for further detail).

- e. Providing annual statistics to the Corporation on how FOI requests have been dealt with.

The Information Co-ordinator has day-to-day responsibilities for co-ordinating the Freedom of Information function. These include:

- a. Maintaining associated guidelines and promoting compliance with the provisions of these guidelines.
- b. Logging and co-ordinating responses to requests that are not covered by a department's documented procedures, those which have been referred by another department and those where the request is addressed to the College's FOI or Records email address.

The Head of Corporate Governance is responsible for ensuring that a public interest test is carried out where identified by the Academic Registrar (see section 3d. above). See section 5 of this policy for further guidance.

The Administration Manager is responsible for informing the Academic Registrar where a complaint has been received about the College's response to an FOI request.

All staff, whether or not they create, receive or maintain information, have responsibilities under the Act. They must ensure that any request for information they receive is handled in accordance with this Policy and the College Freedom of Information Guidelines. In general, staff are responsible for:

- Familiarising themselves with this Policy and any associated guidelines;
- Providing advice and assistance to persons making requests for information;
- Providing information to the Academic Registry where requested;
- Dealing with all requests within 20 working days of receipt;
- Where applicable, maintaining the integrity of the Publication Scheme;
- Ensuring that ad-hoc information sought from other educational institutions on behalf of the College is done with the knowledge of their Director or Vice Principal;
- Contacting the Academic Registry immediately when a request is received that is not covered by existing documented procedures, so that the request can be logged and the request co-ordinated by the team.

Compliance with this Policy is compulsory for all staff employed by the College. A member of staff who fails to comply with the Policy may be subjected to action under the College's disciplinary policy or competence procedure. It is the responsibility of Heads of Departments/School and their Directors/Vice Principals to ensure that their staff are made aware of the existence of this Policy and its content.

4. Relationship with existing policies and legislation

This Policy has been formulated within the context of the following College documents:

- Data Protection Policy
- Records Management Policy
- Information Security Policy

This policy will facilitate compliance with the following legislation:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Data Protection Act 2018
- General Data Protection Regulation

5. Procedure and Guidance

a. **Public Interest Test**

In the event of the need to determine whether a disclosure of information is in the public interest, the Head of Corporate Governance will convene a meeting of an Adjudication Panel. The panel must include the Principal & Chief Executive, who will make the final adjudication, the Head of Corporate Governance, who will take the official minutes of the meeting, the Academic Registrar and the Director or Vice Principal of any department holding any information relevant to the request. Only the Principal or clearly assigned delegate is able to make the adjudication.

b. **Internal Review**

In the event that a complaint is made about the College's response to an FOI request the Academic Registrar will convene an internal review. The Principal & Chief Executive will adjudicate on the outcome of the review.

The following guidance is available on the College website:

c. **Publication Scheme**

This details the types of information the college routinely provides to the public and how the public may access the information. It includes things like the college structure and organisation, its services and procedures, practices, and guidelines.

d. **FOI Guidelines for Staff**

Detail of whether fees will be charged for the provision of information and the nature of any charges can be read in the guidance on **Fees and Charges for the Provision of Information**. In accordance with FOI s16(1), if fees for a

submitted request would exceed the maximum, the College will work with the requester to attempt to refine or resubmit the request to bring it below the appropriate limit.

If information requested is exempt from disclosure under the Freedom of Information Act 2000 the College will provide an explanation.

It may be that a request concerns the supply of personal information; such a request should be dealt with under the College Data Protection Policy.

6. Evaluation and review

The performance of this Policy will be reported on annually and it will be formally reviewed every five years by the appropriate Corporation committee.

In addition, the effectiveness of this Policy will be monitored as necessary on an on-going basis to ensure it is compliant with relevant legislation.