

## SOUTH DEVON COLLEGE

### FRREDOM OF INFORMATION POLICY

#### Document control

Version	Date	Author(s)	Notes on Revisions
1.0	Feb 2011	Liz Wiltshire-Meads	New policy
1.1	June 2012	Dan Hallam	Updated to reflect staff responsibilities
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1.3	September 2018	Dan Hallam	No amends
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#### What is the FOI Act?

The Freedom of Information Act 2000 provides public access to information held by public authorities.

It does this in two ways: public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request.

For a request to be valid under the Freedom of Information Act, it must be in writing. This could be a letter or email. Requests can also be made via the web or on social networking sites.

### **What are the timescales for responding to a request for information?**

Please notify the Vice Principal People & Resources of all FOI requests received, so that these can be placed on our internal register.

Our main obligation under the Act is to respond to requests promptly. Under the Act, most public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day. For education settings, the standard time limit is 20 school days, or 60 working days if this is shorter.

Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays.

The time allowed for complying with a request starts when the College receives it. Once the request has been responded, please also notify the Vice Principal People & Resources.

### **What should we do when we receive a request?**

Most requests for information will reflect the normal business of the College and will be easily satisfied by providing documents or web-links already prepared for such purposes (for example, leaflets and prospectuses). In dealing with these, there is no need to add to the administrative burden and should be dealt with there and then by the Department.

If the request falls outside the normal remit please refer the request to the Vice Principal People & Resources.

First, read the request carefully and make sure you know what is being asked for. You must not simply give the requester information you think may be helpful; you must consider all the information that falls within the scope of the request, so identify this first.

Always consider contacting the applicant to check that you have understood their request correctly.

You should read a request objectively. Do not get diverted by the tone of the language the requester has used, your previous experience of them (unless they explicitly refer you to this) or what you think they would be most interested in.

### **What if we are unsure what's being asked for?**

Requests are often ambiguous, with many potential interpretations, or no clear meaning at all. If you can't answer the request because you are not sure what is being requested, you must contact the requester as soon as possible for clarification.

You do not have to deal with the request until you have received whatever clarification you reasonably need. However, you must consider whether you can give the requester advice and assistance to enable them to clarify or rephrase their request. For example, you could explain what options may be available to them and ask whether any of these would adequately answer their request.

### **What happens if we don't have the information?**

The Act only covers recorded information we hold. When compiling a response to a request for information, you may have to draw from multiple sources of information you hold, but you don't have to make up an answer or find out information from elsewhere if you don't already have the relevant information in recorded form.

Before you decide that you don't hold any recorded information, you should make sure that you have carried out adequate and properly directed searches, and that you have convincing reasons for concluding that no recorded information is held. The applicant could complain to the ICO.

If you don't have the information the requester has asked for, you can comply with the request by telling them this, in writing.

### **It will take us a long time to find the information. Can we have extra time?**

The Act does not allow extra time for searching for information. However, if finding the information and drawing it together to answer the request would be an unreasonable burden please do contact Vice Principal and Resources.

### **In what format should we give the requester the information?**

There are a number of ways you could make information available, including by email, as a printed copy, on a disk, or by arranging for the requester to view the information.

Normally, you should send the information by whatever means is most reasonable. For example, if the requester has made their request by email, and the information is an electronic document in a standard form, then it would be reasonable for you to reply by email and attach the information.

However, requesters have the right to specify their preferred means of communication, in their initial request. So you should check the original request for any preferences before sending out the information.

Remember that disclosures under the Act are 'to the world', so anyone may see the information.

If the information that you are making available is a dataset, and the requester has expressed a preference for an electronic copy, then, so far as reasonably practicable, you must provide the dataset in a re-usable form.