

## University of Northampton Policy

### Summary Sheet:

<b>Policy Title:</b>	
University Freedom of Information Policy	
<b>Purpose of Policy and to whom it applies (please specify cohorts):</b>	
This policy is to ensure that the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004 are adhered to by the University.	
<b>Owner and Department:</b>	
University Records Manager SAS	
<b>Principal contact:</b>	
Phil Oakman	
<b>Dissemination and implementation plan:</b>	
Via University internet, Intranets and advertised during FoI training courses	
<b>Date of initial committee approval (state committee name):</b>	
<b>Date of Senate approval:</b>	
<b>Date for implementation and cohorts to which it applies:</b>	April 2015 to date
<b>Proposed date of annual update:</b>	April 2022
<b>Date of last annual update:</b>	March 2021
<b>Proposed date of full review:</b>	March 2023
<b>Date of last full review:</b>	Reviewed and amended by FoI Officer 08/03/2021
<b>Version number and date:</b>	Version 7 Finalised minor amendments 08/03/2021

## Policy Document:

### 1. Introduction and background

- 1.1 The University of Northampton is committed to supporting, and abiding by, the principles of openness, transparency and accountability set down in the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- 1.2 This policy and associated procedure establish a framework which supports and defines this commitment.
- 1.3 The University provides firm policy and guidance on retention periods for University Records, including personal records, and staff must consult the University Records Retention Schedule (RRS) when deciding on how long to keep information particularly personally identifiable data.
- 1.4 Breach of this policy may be addressed via the University's disciplinary and code of conduct policies.

### 2. Purpose and scope

- 2.1 This Policy demonstrates the University's commitment to complying with its obligations as defined in the Freedom of Information Act 2000 (FoI) and Environmental Information Regulations 2004 (EIR)
- 2.2 This policy covers all information held by the University of Northampton, and is applicable to all University of Northampton staff, students and contractors who process information on behalf of the University.

### 3.0 Definitions

- 3.1 **Information held by the University:** For the purposes of the Act, information is held by the University if:
  - (i) it is held by the authority, otherwise than on behalf of another person, or
  - (ii) it is held by another person on behalf of the authority.This will include circumstances where, for example, actual ownership belongs to a Researcher but the University controls the information, or has use of it for its own purposes or holds it in its own right.
- 3.2 **Publication Scheme:** Under the terms of the Freedom of Information Act 2000, the University is legally required to adopt a Publication Scheme. This scheme sets out the types of information

that the University is committed to making routinely available to the public. The University is required to provide easy access to such information, usually via internet links to the information.

- 3.3 **Retention Period:** These are the periods of time, varying from a few months to permanency, during which a record must be maintained by the University. This is usually determined by statute, legal, regulatory or business compliance, or where these do not apply, by a best assessment of risks involved in destruction against the costs of retention.
- 3.4 **Retention Schedule:** A retention schedule is a list of records for which pre-determined destruction dates have been established. In the case of the University of Northampton, the retention schedule is combined with a file plan/classification scheme into a single document. This is used as the basis for how long the University should be keeping all data including personal information.
- 3.5 **Classification Scheme:** Classification is the systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods, and procedural rules represented in a classification system. The Scheme is the logical numbering system that allows the matching of Functions and Activities to specific alpha-numeric combinations.

#### 4.0 Key principles

- 4.1 Records of the University will be retained in line with the Policy recommendations laid down in the University's agreed Retention Schedule.
- 4.2 A significant amount of information about the University is routinely made available to the public as a matter of course through the University's Publication Scheme, and on the Web site. Other information not included in the Publication Scheme is readily available on request and such a request must be dealt with in a timely manner; and, in cases where information is covered by an exemption, consideration should still be made as to whether or not the information should be released.
- 4.3 Even when information is potentially held by a receiving Faculty or Department, all responses to Freedom of Information requests should be made by the Records Management Office (RMO). The RMO, as the area with expertise in the area of information compliance will collate, co-ordinate and review all information before it is sent to ensure a consistent approach and ensure correct interpretation of the legislation.

## **5.0 Key responsibilities**

- 5.1 All University staff must have some familiarity with the requirements of the General Data Protection Regulation (GDPR) the Data Protection Act (DPA), the Freedom of Information Act (FoI), and the Environmental Information Regulations (EIRs). All University staff should be familiar with the University policies for complying with these pieces of legislation.
- 5.2 The University Records Manager will identify relevant Faculty's and Departments that hold the requested information and individuals best placed to provide it. The University Records Manager is also responsible for chasing up and gathering the data from any relevant areas, for monitoring progress and for sending off the response.
- 5.3 The University Records Manager has the role as the University Freedom of Information Officer. The Records Manager may delegate the handling of FoI requests to one of their team but is ultimately responsible for answers supplied
- 5.4 The University of Northampton's Director of SAS is responsible for reporting to and advising the Directorate and University committees on FoIA and EIRs compliance policy, procedure and performance. They have general oversight of and responsibility for the University of Northampton Publication Scheme.
- 5.5 The Director of SAS will, in the event of a complaint made regarding the handling of a Freedom of Information request, appoint a senior member of staff to review the complaint as per the Freedom of Information Complaint's Procedure
- 5.6 Deans and Directors of areas have responsibility and accountability for their area's response (or failure to respond) to information requests from the Records Manager.
- 5.7 The Vice Chancellor will perform the function of 'qualified person' as defined by Section 36 of the Freedom of Information Act 2000 and this task cannot and must not be delegated.

## **6.0 Links to related UN Policies/Guidance/Regulations**

- 6.1 [General Data Protection Regulation \(GDPR\) Policy](#)
- 6.2 [Records Management Policy](#)
- 6.3 [University Retention Schedule](#)
- 6.4 [Disposal of Records Process](#)

## **7.0 Links to related external documents (e.g. QAA)**

7.1 [Freedom of Information Act 2000](#)

7.2 [Information Commissioner's guide to Freedom of Information](#)

## **8.0 Appendices**

8.1 Appendix A Freedom of Information Procedures and Responsibilities

## **Appendix A**

### **Freedom of Information Responsibilities**

[Freedom of Information Workflow](#)

#### **Introduction**

The Freedom of Information Act 2000 & Environmental Information Regulations 2004 promotes greater openness and accountability by public authorities of which the University of Northampton is one. People can potentially access almost all information held by the University including correspondence, reports and minutes, statistical data, emails, notes (margin notes, note pads, post-its), computer records, etc.

Members of University staff may receive requests for information about the University or for information held by The University, and these may occasionally be requests for information outside the usual day to day working practices. Some of these requests must be understood and answered in accordance with the law. Sometimes the law or University policy, will require that a request be declined, or should be only conditionally or partially met and this is one of the main reasons for a consistent, centralised approach.

#### **How to Recognise a Freedom of Information Request**

If you routinely give out certain information to the public, staff and students, continue to give out this information as before.

However, if you receive a request for information which;

- mentions Freedom of Information **OR**
- is **NOT** information you already routinely provide in the course of your work (especially if this will involve reference to other departments), **OR**
- you are unsure of or is unusual,

contact the Records Management Office for advice and follow any instructions received on how to handle the request.

Requests for Information do not have to mention the Act and can be made by anyone. The only criteria required for requests is that they:

- Must be in writing in any media format (A request made under the Environmental Information Regulations does not need to be presented in writing at all, but must be for 'environmental information' as defined by the Regulations).
- Must give an applicant's name and return address (this can be an email address)

Must clearly describe the information that is requested

Follow the Freedom of Information workflow linked below to guide you through the next steps.

[Freedom of Information Workflow](#)

## **Responsibilities for Members of Staff**

All University staff must have some familiarity with the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA), the Freedom of Information Act 2000 (FoI), and the Environmental Information Regulations 2004 (EIRs).

All University staff should know policies and practices for complying with the legislation. Staff are entitled to initial training in these areas as part of staff development training and can request training updates about the DPA, FoI and the EIRs. Staff who have not had the benefit of such training should contact their Manager and formally request it (some of the training in understanding basic compliance understand is mandatory).

Every member of staff must be alert to identifying incoming requests for information that ought to be handled as FoI or EIR requests. For example, a telephone request that asks to be treated as a FoI request should be asked for in writing. The University of Northampton's aim is to be as open and transparent as is possible and all requests should be met in a positive and constructive manner.

Any member of staff who has identified the request as a one made within the scope of FoI or EIR should Follow the Freedom of Information workflow linked below to guide you through the next steps.

### [Freedom of Information Workflow](#)

(In the case of an oral EIR request, they should give a written account by email to the Records Management Office). They should also provide, if possible, guidance on where the information might be held. The University only has 20 working days in which to reply to requests.

## **Responsibilities for the Records Management Office (RMO)**

The RMO will identify relevant Faculties and Departments that hold the requested information and individuals best placed to provide it. RMO is also responsible for gathering the data from any relevant areas and for monitoring progress of the response. The RMO will communicate the request to those identified as likely to be best placed to provide the information, review the implications with them, agree a timescale within which they will provide the required information, and discuss any *ad hoc* arrangements necessary to achieve full and satisfactory compliance. Any questions about claiming exemptions to withhold information will be part of this process.

The RMO will monitor progress in assembling the information, then receive, collate and, if required, agree proposed responses with an appropriate Faculty or Department representative. The RMO has responsibility for correspondence with the requester and will open and maintain a case file as the University's official record. RMO will send out the agreed official University response.

The Records Management Office will maintain for a period of three years a record of Freedom of Information request activity. The RMO will also make

reports available to appropriate managers and committees on request and will report as appropriate any causes for concern that emerge from monitoring and analysis. The RMO is a consultative resource to all University of Northampton staff.

### **Responsibilities for Deans and Directors**

There may be appropriate procedures or delegations in place within each area. The RMO will contact members of staff that seem appropriate as being able to supply the required information but responsibility and accountability for an area's response (or failure to respond) to information requests remains with the Dean or Director.

Any issue of declining to meet a request or withhold information in responding to requests will be discussed between the relevant Dean or Director involved and the Records Manager. The Dean or Director must provide defined reasons, based on the exemptions allowed within the Act, for suggesting the withholding of information.

### **Preparation and release of information**

If the information can be released in response to the request, but only at excessive cost, the appropriate staff should inform the RMO that the costs involved in providing the information would exceed the 'Appropriate Limit' as set out in the legislation.

This limit is currently set at **£450**. So, if it is thought that a request might cost that much, the first task will be, in conjunction with the RMO, to calculate the estimated cost based on the following criteria:

- Establishing whether The University of Northampton has the information
- Locating it
- Informing the enquirer whether The University of Northampton has it
- Retrieving it
- Extracting it
- Copying or otherwise complying with the law in communicating it
- Postage and packing and like transmission costs

***For the purposes of calculation staff time can be costed at £25 per hour although this sum cannot be claimed from the requester.***

If presented with multiple requests relating to the same information arriving within a 60 day period, either from one person or from several who "appear" to be working in concert, the University may aggregate the costs.

The University does not currently make any charge for responses to FoI requests under this appropriate limit. If the estimated cost is over £450 the RMO will normally refuse the request on the University's behalf based on cost exceeding the appropriate limit (Section 12). The University may wish to give the requester other options and these options should be discussed with the RMO.

These include:

- decline to meet the request,

- waive the full cost of supplying the information and provide it despite the costs
- decline to meet the request but provides details of what it can provide within the limit.
- issue a Fees Notice to the requester giving them the opportunity of meeting the full costs of supplying the information. (In this case the RMO will issue a Fees Notice including staff time charged at a maximum of £25 per hour and the twenty day 'clock' stops until the fee is received)

### **Decisions against release on grounds other than costs above Appropriate Limit.**

Other grounds for not releasing requested information may be possible. (These are known as exceptions or exemptions depending on the legislation). For example, there is the prohibition against releasing some personal data without the consent of its subject. As a further example, the University would not be obliged, in some cases, to release information if it would be provably injurious to the University's commercial interests to do so. The University needs to supply strong evidence that this would be the likely outcome.

If a senior member of staff is in doubt about releasing material, then they and the Records Manager will need strong, defensible grounds for refusal. The Records Manager is obliged to advise the requester of the grounds for a refusal as part of the University's response citing which exemptions are being claimed, with information on the complaints procedure. Any refusal must be backed by one of the exemptions (exceptions) listed in the legislation.

In certain instances where a judgement to refuse is unclear and ambiguous, the Records Manager will need to consult with relevant Deans, Directors or other senior officers and possibly the University Solicitor. Any refusal based on an unclear interpretation of the exemptions must contain and record the endorsement of a Dean or Director. Any decision to refuse to release contrary to the advice of the Records Manager must record the justifications made by relevant Dean or Director for such a refusal. In the event that the Records Manager's advice is ignored and this leads to an investigation by the Information Commissioner's Office; all work to answer and otherwise meet such an investigation will be carried out by the Faculty or Department responsible.

### **Responsibility of the Academic Registrar**

The University of Northampton's Academic Registrar is responsible for reporting to and advising the Directorate and University committees on FoIA and EIRs compliance policy, procedure and performance. They have general oversight of and responsibility for the University of Northampton Publication Scheme. They are a consultative resource to Deans, Directors and senior management.

They are, in collaboration with the Freedom of Information Compliance Officer and the Records Manager (currently one and the same), responsible for the provision of adequate and secure technical facilities for the maintenance of the Publication Scheme and for the fulfilment of compliance procedures.

### **Responsibility of the Vice Chancellor and Directorate**

The Vice Chancellor will perform the function of 'qualified person' as defined by Section 36 of the Freedom of Information Act 2000 and this task cannot be delegated.

Senior management have responsibility for ensuring the training of all University staff to meet the responsibilities required by the Act, and to provide adequate resourcing to support the University's compliance with the legislation. Senior management are responsible for ensuring that all staff and corporate functions are operating within the scheme. Senior management is responsible for policy maintenance and development, and the monitoring of corporate performance.

Action taken against the University resulting in financial penalties or court cases which are due to staff withholding or otherwise refusing to provide information may result in disciplinary action against the relevant staff members.