

Freedom of Information Act and Environmental Information Regulations Policy

1 Introduction

The Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations 2004 (EIR) are laws passed to do two things:

- ensure public authorities proactively publish certain information with reference to how they operate.
- allow members of the public to exercise their right to request information from public authorities.

The legislation is there to promote openness and transparency around the decisions and actions taken by public authorities, and to increase public trust. There are also a set of exemptions which place several obligations on public authorities, and this includes Universities.

The Staff Code of Conduct directs all staff to comply with all University policies. Breach of this code may be addressed via the University's [Disciplinary Policy and Procedure](#).

Please note under [FOIA](#) (section 77) any individual who alters, defaces, blocks, erases, destroys, or conceals any record held by the University with the intention of preventing the disclosure of of all, or any part, of the requested information is guilty of an offence and liable to a conviction and/or fine.

2 Scope

- 2.1 This policy applies to all recorded information held by the University of Northampton and to all University staff working with that information in compliance with the provisions of the FOIA and guidance from the Information Commissioner's Office (ICO)
- 2.2 The policy provides a framework for compliance and is supported by appropriate procedures and guidance documents to provide advice and maintain good practice. This policy applies to all members of staff including temporary or casual or agency staff, and contractors and suppliers working for, or on behalf of, the University.

3 The University's responsibilities under the Freedom of Information Act

- 3.1 The University has a responsibility to ensure the implementation of the provisions of the Act.
- 3.2 Data Protection and Information Governance team will process and respond to all non-routine requests for information received with guidance and advice on Freedom of Information and Environmental Information Regulation issues.
- 3.3 Every member of staff must recognise that all recorded information (recorded information includes but is not limited to printed documents, computer files, letters, emails, drafts, photographs, and sound or video and CCTV recordings), may be provided to the public and that in every case, the law requires there to be full and unconditional disclosure unless one of the statutory exemptions / exceptions applies.

3.4 All staff are responsible for ensuring the records they manage are accurate and complete, and that all requests are handled efficiently and promptly in accordance with the Freedom of Information and Environmental Information Regulation statutory guidelines which is within 20 working days.

4 Responding to requests for information

4.1 Individuals have the right to:

- Request information from the University which is not publicly available through the University's website/publication scheme.
- Be told whether the requested information exists.
- Receive the information.

The above rights are not absolute, exemptions may apply(see point 6 below).

5 Publication scheme

5.1 Public authorities are required to adopt and maintain a publication scheme. Such schemes must set out the types of information the authority publishes, the form in which it is published and details of any charges.

5.2 The University's Publication Scheme and access to many of the documents contained within the scheme are available on the University's website ([Information Covered by the Publication Scheme | UON \(northampton.ac.uk\)](#)).

5.3 The University's Publication Scheme and documents contained within the scheme are also available upon request from Data Protection and Information Governance team.

6 Exemptions under the Freedom of Information Act

- 6.1 There are a number of exemptions under the FOIA where the University is not required to provide the information requested. The Act also limits the circumstances in which information can be withheld
- 6.2 In cases where the University considers a request is subject to an exemption, consideration will be given as to whether or not the information can be disclosed. This would consider the public interest, the rights of data subjects, legal and contractual obligations and issues of information access and security
- 6.3 Information will only be withheld in accordance with the exemptions specified by legislation, and the reasons for applying the exemption will be provided to the requester. A full list of the exemptions can be found on the [ICO's website](#).

7 Data Protection and Freedom of Information

- 7.1 Personal data which falls within the scope of the Data Protection Act 2018 is not covered by the Freedom of Information Act 2000 and therefore is not publicly accessible.

8 Environmental Information Regulations

- 8.1 Any requests for environmental information held by public authorities must be responded to in accordance with the Environmental Information Regulations 2004 (EIR), rather than the FOIA.
- 8.2 EIR requests do not need to be made in writing; however, a written record will be made of any verbal requests that are received.
- 8.3 The University will respond to a request within 20 working days and will treat these requests in line with the guidance provided by the ICO. EIR exceptions can be found on the [ICO website](#).

9 Associated documents

[Data Protection Policy](#)

[Records Management Policy](#)

[Information Security Policy](#)

[Disciplinary policy and Procedure](#)

[Acceptable Use Policy](#)

10 Ownership, approval and review

This policy is owned by the Data Protection Officer. The Data Protection Officer is responsible for ensuring that the policy is reviewed at least every three years, and in response to all relevant changes in law, regulation and good practice. The policy is approved by the University Leadership Team on the recommendation of the Information Security, Governance and Risk Group and following consultation through the Trade Union Liaison Group.

11 Equality Impact Assessment

An Equality Impact Assessment is included at Appendix 1

12 Version control

Version 2.0

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Final Approved: Approved by University Leadership

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