

Freedom of Information Policy 2021

1. Policy Statement

- 1.0 The Freedom of Information Act (2000) requires publicly funded organisations to adopt and maintain a Publication Scheme. This requirement applies to Huddersfield New College. This Policy also incorporates the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR).
- 1.1 The college has a publication scheme which follows guidance for the model publication scheme, issued by the Information Commissioner's Office. The document is a "living document" and is thus subject to change.
- 1.2 The Purpose of the Scheme is to let everyone know what information will be automatically, or routinely, published and/or made available by the College.
- 1.3 The College will make every effort to follow the spirit, as well as the legal requirements of the Freedom of Information Act.
- 1.4 The College will:
 - Look to provide as much information as possible on a routine basis
 - Not normally publish information on a regular basis if it is impractical or resource-intensive to prepare such material for routine release
- 1.5 Huddersfield New College promotes transparency and openness in relation to the information it holds.
- 1.6 This policy summarises the approach taken by the College to comply with its legal and regulatory obligations and to contribute to the effective overall management of Huddersfield New College. The College will seek to meet its obligations in law and in spirit and achieve an appropriate balance between the College's resources, confidentiality, other people's rights to privacy and the purpose for which the information is held.

2. Scope of Policy

The Freedom of Information policy applies to the following groups of people:

- Job applicants and potential applicants
- Current and former employees
- Current and former students
- Contract workers/suppliers
- Agency workers
- Trainee workers and students on work experience or placements
- Volunteers
- Governors
- Members of the public

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3. Publication Scheme Structure and Classes

3.1. The structure of the publication scheme follows the seven classes on information specified in the Model Publication scheme for Further Education, as provided by the Information Commissioner. These classes are:

- Who we are and what we do; organisational information, locations and contacts, constitutional and legal governance
- What we spend and how we spend it; financial information relating to projected and actual income and expenditure, tendering, procurement and contracts
- What our priorities are and how we are doing; strategy and performance information, plans, assessments, inspections and reviews
- How we make decisions; policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations
- Our policies and procedures; current written protocols for delivering our functions and responsibilities
- Lists and registers; information held in registers required by law and other lists and registers relating to the functions of the authority
- The services we offer; advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered

3.2. The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under The Freedom of Information Act, or is otherwise properly considered to be protected from disclosure
- Information in draft form
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons

3.3. The description of information listed within each class may also refer to any exemptions, i.e. information that might fall within the broad definition that will not be routinely published. The information held under each class may, over time, be varied.

4. Public Interest and Rights to Information

4.1 In preparing this policy, the College has had regard to the public interest. It has taken notice of the sort of information that people normally ask us for and what they are interested in. We have also had regard overall to the public interest of disclosure of information in the interests of open and accountable educational establishments as well as having regard to information which is already published and the rights that the Freedom of Information Act 2000 brought to everyone when the public access provisions came in under the legislation in January 2005.

4.2 The scheme and this new legislation do not limit in any way other rights that people have previously had to information. The College has been and remains committed to openness and transparency.

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5. Personal Information

- 5.1 A great deal of the information that we hold is personal and private to individuals. The Freedom of Information Act 2000 does not deal with this information. The relevant legislation pertaining to personal and private information is the Data Protection Act 2018 (DPA 2018), and UK General Data Protection Regulation (UK GDPR).
- 5.2 The Freedom of Information Act 2000 does not allow the making public of private and confidential information regarding an individual's personal records. The individual concerned does have access, however, to that information under the Data Protection Act.
- 5.3 Therefore, your private affairs and business with the College as an individual are not the subject of this policy.

6. Responsibility for the Policy and implementation

- 6.1 Details for each class of information included in the publication scheme are provided. This includes classes of information, associated descriptions of information, where the information may be obtained, and any fee that may be applicable.
- 6.2 The description of information listed within each class may also refer to any exemptions, i.e. information that might fall within the broad definition that will not be routinely published. The information held under each class may, over time, be varied.

7. Overview of the Operation of the FOIA in the College

- 7.1 The College has designated a member of the Senior Leadership Team to be responsible for this Policy at the College. At date of revision, this is the Data Protection and Freedom of Information Officer.
- 7.2 The College has a duty to provide advice, assistance and guidance as far as it would be reasonable to expect the College to do so. Members of the public who need assistance in formulating these requests may also contact the Data Protection and Freedom of Information Officer.
- 7.3 Appropriate assistance might include:
 - Advising the person that another person or agency might be able to assist them
 - Providing an outline of the different kinds of information held by the College which might meet the terms of the request
 - Providing a general response to the request, setting out options for further information which could be provided on requestThis is not an exhaustive list and we will be flexible in offering advice and assistance that is most appropriate to the circumstances of the applicant.

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- 7.4 It should be noted that where information is being requested which appears to be part of an organised campaign, the College is not required to comply with a number of related requests by virtue of the Act and Regulations where the cumulative cost of compliance would exceed the appropriate limit, i.e. the cost threshold prescribed in the Regulations. In those circumstances the College will consider whether the information could be disclosed in another more effective manner, for example, via the College's website. The College is not obliged to respond to vexatious or repeated requests.

8. Individual Responsibilities

- 8.1 Every employee, student and other group identified in section 2 is required to assist the College to meet its commitment to this policy.
- 8.2 Employees, Governors and students can be held personally liable as well as, or instead of, the College for any breach of this policy. They would be subject to the College's disciplinary procedures for staff, governors and students respectively.

9. Requests for information sent to the Freedom of Information Officer:

- 9.1 Requests for information under the Freedom of Information Act:
- Must be in writing (including via email)
 - Must include name and address of applicant
 - Must describe information requested
- 9.2 Requests for information not available on the College website will attract a charge for actual disbursements incurred such as:
- Photocopying
 - Postage and packaging
 - The costs directly incurred as a result of viewing information A minimum charge of £10 to cover these costs will usually apply
- 9.3 We aim to respond in relation to specific requests for information within 20 working days.
- 9.4 Each request will be treated on its own merits and a time estimate will be given by which we expect to respond. In certain circumstances it may not be possible to deal with an application in full within the 20 working days.

10. Requests for information sent to the Freedom of Information Officer:

- 10.1 The Freedom of Information Act creates a general right of access to information held by public bodies, but also sets out 23 exemptions where that right is either not allowed or is qualified. The exemptions relate to issues such as national security, law enforcement, commercial interests, and

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- data protection. In particular, information is exempt from the Act if it is accessible to the applicant by other means, such as from the Funding Councils.
- 10.2 A definitive list of exemptions can be reviewed by perusing the act on HMSO web site or by obtaining a copy of the act from Her Majesty's Stationery Office.
- 10.3 For guidance, the main exemptions in relation to supplying requested information under the Freedom of Information Act are in two categories; absolute exemptions and exemptions subject to a public interest test.
- 10.4 Absolute Exemptions:
- Information accessible to applicants by other means; this will most commonly be information that is included in the Publication Scheme or is normally provided by other organisations.
 - Personal Information; personal information will be dealt with as a Subject Access Request under the provisions of the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR)
 - Information provided in confidence; this applies if releasing the information would amount to a breach of confidence at the time the request is made
 - Prohibitions on disclosure; this applies to information the disclosure of which is prohibited by legislation or the disclosure would be a contempt of Court
- 10.5 Exemptions subject to a public interest test:
- Information intended for future publication; this applies where the College plans to publish the information in the future, and it is reasonable at the time of the request, not to disclose it until then
 - Investigations and proceedings conducted by public authorities; this covers information relevant to criminal investigations and proceedings, and information obtained for criminal or civil proceedings
 - Law enforcement; this applies to a wide range of investigations and conduct, for example, information which will prejudice the prevention or detection of crime
 - Health and Safety; this exemption applies to information which would, or would be likely to endanger the physical or mental health or safety of any individual
 - Environmental Information; this section operates as a gateway to revised environmental Information Regulations which will be introduced to implement the provisions of the Aarhus Convention
 - Personal Information (concerning a third party); requests for personal information about someone else will be dealt with under the Freedom of Information Act 2000, but the principles of the Data Protection Act 1998 will be used to determine whether it should be disclosed
 - Legal professional privilege; this applies where a claim to legal professional privilege could be maintained in legal proceedings
 - Commercial Interests; this exemption applies to trade secrets and information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person. This would include the College

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11. Requests for information sent to the Freedom of Information Officer

- 11.1 Huddersfield New College has a complaints procedure. This may be used by any person who considers that the College is not complying with this policy.
- 11.2 The opportunity to complain to the College does not limit any rights people have to complain to the Freedom of Information Commissioner (again, either about Freedom of Information Act 2000 or Data Protection Act) at the following address:

Information Commissioner
 Wycliffe House
 Water Lane
 Wilmslow, Cheshire SK9 5AF
 Tel: 0303 123 1113

12. Review, publication and communication

The Senior Leadership Team own this policy and it is reviewed biennially. Once approved by SLT, staff will be notified of the new policy via the staff news bulletin and the policy will be published on the internal information platform (Moodle) and the external website.

Version	Date	Author(s)	Comments	Approval Route/ Date	Date of Next Review
1	January 2005	SLT	New policy	SLT 2005	
2	April 2015	Julie Pryce	Updated job titles and references to other policy documents. Fundamental revision to include legal requirements of the FoI Act 2000	SLT 2015	April 2018
3	May 2018	Julie Pryce	Revision to include new General Data Protection Regulations	SLT May 2018 (AWS)	May 2021
4	May 2021	Julie Thomas	Revision to include updates to legislation and internal processes/procedures. Also moved to biennial review	SLT – 15 th June 2021	May 2023