

DOCUMENT DETAILS

Document Name:	Nottingham College Freedom of Information Policy
Document reference	GDPR/COP/200330
Version	Version 1.2
Issue Date:	April 2020
Review Date:	April 2021
Document Author	Jo Welham
Document Owner	Jo Clifford
Applicability	All staff, volunteers and Governors of Nottingham College, all other parties under contract
Summary	The purpose of this document is to set out the procedure for processing Freedom of Information Requests

DOCUMENT CONTROL

Version history			
Version	Date	Reason for release/version update	Issued by
1.0	2 May 2018	First draft	Michael Davies
1.1	19 March 2019	Policy reached review date	Jo Welham
1.2	6 March 2020	Policy reached review date	Jo Welham

DOCUMENT APPROVAL

Approving person/body	Job Role (where applicable)	Date Approved
Governing Body		04/04/2019
Governing Body		30/03/2020

COMMUNICATION

Date sent to OLT	08/04/2020
Date sent to Internal Comms	14/04/2020
Publication required on External Website?	YES

EQUALITY IMPACT ASSESSMENT FORM

EIA form completed	YES
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1. INTRODUCTION

- 1.1 The Freedom of Information Act 2000 (the Act) gives the public a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right, and places a number of obligations on public authorities.
- 1.2 Every public authority must:
 - 1.2.1 Proactively publish information in a Publication Scheme
 - 1.2.2 Respond to written requests for information within 20 working days
- 1.3 The Act promotes greater openness and accountability across the public sector, and is enforced by the Information Commissioner.

2. OBJECTIVE

- 2.1 This policy sets out the College's position in response to its responsibilities as a public authority under the Freedom of Information Act 2000.
- 2.2 This policy applies to all recorded information held by the College that relates to the business of the College. This includes information in paper files, electronic documents, emails, databases and audio or video material.

3. INFORMATION AND HOW TO REQUEST IT

- 3.1 Adopting a publication scheme is a requirement of the Freedom of Information Act 2000. Nottingham College has adopted the model publication scheme developed for the further education sector, and is therefore committed to publishing the information it describes.
- 3.2 Nottingham College's publication scheme is available on the College website. The classes of information we publish are shown, together with the manner in which information is available. We also indicate whether charges apply.
- 3.3 The publication scheme relates to 'published' information. This is material that has already been prepared in a format ready for distribution.
- 3.4 To request information through the College publication scheme please email the Freedom of Information mailbox : freedomofinformation@nottinghamcollege.ac.uk , or write to: Publications Scheme Enquiry, c/o Jo Welham, Nottingham College, Beeston Centre, High Road, Beeston, Nottingham NG9 4AH.

- 3.5 Individuals have the right under the Act to request any information held by the College (subject to exemptions) which it has not already made available through its publication scheme.
- 3.6 Requests must be made in writing and, in general, the College has 20 working days to respond. There may be a charge for the release of some information.
- 3.7 Requests can be made to anyone in the College, and do not have to mention the Freedom of Information Act. As such all staff will be made aware of the process for dealing with requests, which is to refer the request immediately upon receipt, to the Data Protection Officer. The request will be logged. The Data Protection Officer will coordinate the collation of the requested information and the response on behalf of the College. The College will respond to all requests, informing the applicant whether or not the information is held, and supplying any information that is held, subject to any exemptions.
- 3.8 It is helpful (but not essential) if applicants indicate that the request is being made under the Freedom of Information Act 2000, and are submitted to the freedom of information mailbox: freedomofinformation@nottinghamcollege.ac.uk
- 3.9 If any part of a request submitted under the Freedom of Information Act includes personal information, consideration will be given to Data Protection legislation.

4. FEES AND APPROPRIATE LIMITS

- 4.1 Section 9 of the Act requires that a public authority intending to charge a fee for providing information in response to a request must issue a fees notice to the applicant.
- 4.2 If a fee is to be charged, the College will only provide the requested information on receipt of the fee. The 20 day response period is placed 'on hold' from the date of issue of the fees notice, until the fee is received. If no fee is received within 3 months of the fees notice, the request will be closed.
- 4.3 Section 12 of the Act allows the College to refuse a request for information if it estimates that meeting the request would exceed the appropriate limit cost as set out in the Act regulations.
- 4.4 The cost limit is currently set at £450 and equates to 18 hours at £25 per hour (irrespective of who is involved). If the College estimates that this cost will be exceeded, it will first seek to narrow down with the applicant what has been requested, in order to meet the applicant's needs within the limit. If the applicant refuses, then either a fees notice will be issued, or the request will be refused.
- 4.5 Limited disbursement costs, for example photocopying or postage, may be reclaimed if the cost of complying exceeds £25.

5. CRIMINAL ACTIONS

5.1 It is a criminal offence under the Act for members of staff to alter, deface or remove any record (including emails) following receipt of an information request.

6. RECORDS

6.1 A record will be maintained, by the Data Protection Officer, of all requests received in order to maintain compliance and to respond to any complaints made internally or through the Information Commissioner's Office.

7. REFERENCES

7.1 The College policies and guidelines which should be reviewed in conjunction with this policy Include:

- 7.1.1 Data Protection Policy
- 7.1.2 Social Media Guidance
- 7.1.3 Information Security Policy
- 7.1.4 Information Retention and Disposal Policy
- 7.1.5 Disciplinary Policy
- 7.1.6 Safeguarding Policy

7.2 Relevant legislation includes:

- 7.2.1 The Regulation of Investigatory Powers Act 2000;
- 7.2.2 The Telecommunications (Lawful Business Practice), (Interception of Communications) Regulations 2000;
- 7.2.3 The Communications Act 2003;
- 7.2.4 Data Protection Act 2018/General Data Protection Regulation;
- 7.2.5 The Human Rights Act 1998;
- 7.2.6 The Defamation Act 1996 and the Equality Act 2010;
- 7.2.7 Malicious Communications Act 1988;
- 7.2.8 Computer Misuse Act 1990;
- 7.2.9 Freedom of Information Act 2000

8. COMPLAINTS

8.1 If Nottingham College does not supply the information requested, or the applicant is dissatisfied with the response received, or feels that a fee has been applied unfairly, they may ask for an internal review of decisions. The College has put a procedure in place for dealing with such requests. Details of the procedure can be found on the College website: www.nottinghamcollege.ac.uk .

8.2 If an applicant is dissatisfied with the outcome of the internal review with regard to a request for information under the Freedom of Information Act then contact should be made in writing to the Information Commissioner's Office (ICO) at the following address:

Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

9. Appendix 1 EQUALITY IMPACT ASSESSMENT INITIAL SCREENING TOOL

Document Name:	Freedom of Information Policy	Date:	6 March 2020
Lead Officer:	Jo Welham, DPO	Reviewing Officers:	

<input type="checkbox"/> Function	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Procedure	<input type="checkbox"/> Strategy
Describe the main aim, objectives and intended outcomes of the above: This policy facilitates the right of individuals to request information held by Nottingham College.			

You must assess **each** of the 9 areas separately and consider how your policy may affect each group.

1. Assessment of possible adverse impact against any minority group				
How could the policy have a significant negative impact on equality in relation to each area?		Yes	No	If yes, please state why and the evidence used in your assessment
1.	Age		X	
2.	Sex		X	
3.	Disability		X	
4.	Race or Ethnicity		X	
5.	Religion or Belief		X	
6.	Sexual Orientation		X	
7.	Pregnancy and maternity		X	
8.	Gender reassignment		X	
9.	Marriage and Civil Partnership		X	

You need to ask yourself:

- Will the policy create any problems or barriers to any community of group?
- Will any group be excluded because of the policy?
- Will the policy have a negative impact on community relations?

If the answer is yes to any of the above then a full Equality Impact Assessment will be required.

2. Positive impact				
How could the policy have a significant positive impact on equality by reducing inequalities that already exist?		Yes	No	If yes, please state why and the evidence used in your assessment
1.	Promote equal opportunities		X	
2.	Get rid of discrimination		X	
3.	Get rid of harassment		X	
4.	Promote good community relations	X		Public access to information held by the college enhances its transparency and creates greater trust between the college and the public.
5.	Promote positive attitudes towards disabled people		X	
6.	Encourage participation by disabled people		X	
7.	Consider more favourable treatment of disabled people		X	
8.	Promote and protect human rights		X	

3. Summary						
Positive		<i>Please rate the level of impact</i>			Negative	
HIGH <input type="checkbox"/>	MEDIUM <input type="checkbox"/>	LOW <input checked="" type="checkbox"/>	NIL <input type="checkbox"/>	LOW <input type="checkbox"/>	MEDIUM <input type="checkbox"/>	HIGH <input type="checkbox"/>
Date assessment completed:		Is a full Equality Impact Assessment required?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	