

FREEDOM OF INFORMATION POLICY

June 2023

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Summary

What is this document about?

This policy sets out the University's commitment to sharing information about the University in compliance with the requirements of the Freedom of Information Act 2000. This policy sets out the type of data available, the procedures for accessing that information either directly or on request, any charges that might be applicable and the responsibilities of everyone who handles information within the University.

Who is this for?

This policy will be of interest to anyone wishing to find and / or access information relating to the University. It will be of importance to University staff who manage the types of data covered by the legislation and who may therefore be required to supply it on request.

How does the University check this is followed?

The University website contains details of how to access information held by the University as well as a copy of the University's Publication Scheme, as well as a copy of this policy. The University believes this information and the policy is read and understood as it regularly receives and responds to requests for information from members of the University community and members of the general public.

Who can you contact if you have any queries about this document?

All enquirers may contact the Information Disclosure Team at the University on freedom-of-information@port.ac.uk

Executive summary

This Freedom of Information policy sets out the University's commitment to complying with the Freedom of Information Act 2000. This policy notes the actions the University will take to fulfil its legislative obligations and applies to most instances where data relating to the University as an organisation is requested from the University. The policy will be of interest to anyone seeking information from the University, and to staff of the University involved in responding to such requests.

Freedom of Information policy

1 Introduction

- 1.1 The Freedom of Information Act 2000 (FOIA) is legislation that promotes transparency in the work of public authorities in England, Wales and Northern Ireland. All education establishments are defined as public authorities and the FOIA gives anyone the right to see, and request, the information we hold. As a centre for knowledge, research, education and training, the University holds a great deal of information that falls within the definition of data that can be requested.
- 1.2 The FOIA provides for two ways in which that information can be accessed – either by its inclusion in a Publication Scheme or by requesting the data directly from the public authority.
- 1.3 The purpose of this policy is to explain the types of information that are and are not covered by the legislation, where to find information about the University and how to make a request.

2 Information available under this policy

- 2.1 The FOIA allows access to information that is recorded by the University at the time a request is received. The information that will be made available will usually relate to the University, but it may also include information relating to any of the University's subsidiary companies, and any information belonging to a third party that is held by the University at the time of the request. However, the University will consult the third party concerned prior to disclosing their data if requested.

3 Information not available under this policy

- 3.1 The FOI legislation only provides access to recorded information relating to the University. Therefore, data 'known' verbally, but not recorded in any other way, is not held by the University and therefore not accessible under the legislation.
- 3.2 Any request for the personal data about the individual who makes the request will be handled as a Subject Access Request under the Data Protection Act 2018. Further information on how to access this information is available on the [Data Protection](#) pages of the University website.
- 3.3 A request for personal data relating to someone who is not the requester may be responded to under the FOIA but only in the following circumstances:
 - Where the member of staff is sufficiently senior that there may be a public interest in disclosing their personal data. However, the data disclosed will only be in relation to their work as a member of staff at the University, and will not refer in any way to their personal life
 - Where the member of staff has given their consent to the disclosure of their data

- Where it is possible to release data in an anonymised way which will not directly identify the individuals to whom the data relates
- 3.4 Any requests for environmental information will be handled under the Environmental Information Regulations 2004 but are dealt with by the same team in the University, the Information Disclosure team, so a response will still be provided if sent to that team.

4 How to access information

- 4.1 It is possible to obtain information from the University in two ways – through the University’s publication scheme (and those of its’ subsidiary companies) or by making a request to the Information Disclosure team.
- 4.2 Publication Schemes
Each public authority is required to publish certain information proactively, in the form of a publication scheme. The Information Commissioner’s Office (ICO) has approved a scheme template that was used by the University to create its [Publication Scheme](#).
- 4.3 The publication scheme consists of 7 classes of information, as follows:
- Who we are and what we do
 - What we spend and how we spend it
 - What our priorities are and how we are doing
 - How we make decisions
 - Our policies and procedures
 - Lists and registers
 - The services we offer
- 4.4 The publication scheme contains relevant information under each of the above classes of information (including compliance statistics for responding to requests), a link to information held elsewhere on the University’s website, or contact details for the member of University staff responsible for the work concerned.
- 4.5 The University has a number of subsidiary companies, all of which have publication schemes that can be found at the link provided in paragraph 4.2 above.
- 4.6 The Publication Schemes state, as required, whether information is available to the public free of charge or on payment of a fee. Most information in these publication schemes is free, although any charges set out in the Publication Scheme are separate from any charges referred to in section 6 – Charges and Fees, below.
- 4.7 If the information required is not in the Publication Scheme, a request can be made to the Information Disclosure team (contact details at the end of this policy).

Requesting information from the University

- 4.8 If the information being sought is not included in the Publication Scheme, the information can be requested from the University directly. Most requests are sent by email but the University will accept requests via the post or other recognised methods of communication (see the end of this policy for contact details).
- 4.9 Any request should include your name and contact details, and as much detail about the information requested as possible, so that we can ensure we are providing the most appropriate, and therefore helpful, information.
- 4.10 There are some exemptions from disclosing the requested information included in the legislation (see sections 12, 14, 21 – 44 of the FOIA), although those that are most used in the University’s context are that the information:

- i) relates to other people (see section 3.1 above),
- ii) has health and safety implications
- iii) is published elsewhere
- iv) is part of an ongoing investigation
- v) might prejudice any law enforcement action if we disclose it, or
- vi) is not in the University's commercial interest to release the information at the time of request.

4.11 The University has 20 working days in which to respond to an information request, subject to the caveat set out in section 6.7 below relating to deadlines following payment of any fees. The request will be acknowledged within two working days of receipt, and a date given by which a fuller response will be provided. It may be necessary to ask for clarification of a request if it is not immediately clear what information has been requested or if further detail will mean it is possible to provide refined detail. For example, the University might ask for further information on receipt of a request for student numbers, to determine whether this is for all courses or only specific courses, for undergraduate or post graduate study, or for certain years.

4.12 A response will be provided by the deadline given in section 4.12 above. This response will either provide all of the information requested, the parts of the information requested that can be provided or a refusal to provide any of the information requested. Where it is not possible to provide only some or none of the requested information, the University will explain the reasons for this and the next steps in the request procedure, if the requester is unhappy with the response.

5 Request for a review of a decision

5.1 If a requester is unhappy with the decision to withhold all or part of the information requested, the requester may request a review of the decision, to be carried out by a senior member of staff. Such a request for a review should be made to the Vice-Chancellor of the University within 40 working days of the issue of the response.

5.2 The review must be carried out within 20 working days of the date of receipt and the requester will be informed of this date in the acknowledgement of their request for a review. The reviewer will consider the original request and response and the reason for the request for a review. The requester will be provided with a response within the given deadline. If the decision is to overturn part or all of the initial response, the requester will receive the previously withheld information with the response to the review. If, however, the decision of the review is to uphold the initial response to the request, the requester will be provided with information on how to make a complaint to the regulatory body for the Freedom of Information legislation, the Information Commissioner's Office (the [ICO](#)).

6 Charges and fees

6.1 The University may levy a fee for providing the information requested although the amount that can be charged for providing information is regulated by the Freedom of Information and Data Protection (Appropriate Limit & Fees) Regulations 2004. For all public authorities, except Central Government and Parliament, the appropriate limit is £450 under which no charge except for disbursements can be levied (see section 6.5 below). Within this figure of £450, the only costs that can be taken into account are those incurred in:

- i) determining whether the public authority holds the information;
- ii) locating and retrieving the information; and
- iii) extracting the information from other documents if necessary.

No charge will be made for the time it may take to determine how much of the information must be released, including allowing for exemptions.

- 6.2 To **estimate** whether the cost of providing the information would exceed the appropriate limit, the Regulations stipulate that the calculation must be completed estimating the costs at a rate of £25 per person per hour (see section 4(4) of the Regulations). If the estimate shows that the information can be provided for less than the appropriate limit, no charge will be made for providing the information, other than for disbursements, if appropriate.
- 6.3 If the estimate shows that the information can only be provided for more than £450, the University has three choices:
 - i) to provide the information, after charging a fee,
 - ii) to refuse to provide the information, or
 - iii) to provide the information, free of charge.
- 6.4 Once the appropriate limit has been reached, and the University decides to charge for providing the information, it is possible to charge a rate that more closely relates to the actual cost to the University. The University will charge for finding and providing the information at an appropriate rate determined at the time of the request. Once the University has agreed to provide the requested information beyond the appropriate limit, it will do so until the cost equals three and a half day's work. Beyond this point it becomes too expensive to provide the information and the University will claim the exemption at section 12(1) of the FOIA allowing it not to have to provide the information requested.
- 6.5 The University will charge for disbursements at the actual cost to the University and this cost will be added to the cost charged for providing the information as determined in paragraph 6.4 above. However, in estimates where the estimated cost is below the appropriate limit and no charge can therefore be levied for providing the information (see paragraph 6.2 above), disbursements will only be charged if the figure is above £10.
- 6.6 Before the University can charge a fee for providing the requested information, it will issue a fees notice to the person making the request, setting out the estimated cost including disbursements. The information requested will not be provided unless and until the fee charged is paid. The requestor has three months in which to pay the fee. If the requestor declined to pay the fee or the fee is not received within the three months, the information will not be provided.
- 6.7 The University has 20 working days from the day after a request is received to provide the information requested. However, the time involved from issuing a fees notice until the fee has been received, will not be included in this calculation. Anyone paying a fee for the requested information will be informed of the latest date by which they should receive a response, once their payment has been accepted.
- 6.8 The figure charged in the fees notice will be an estimate based on the work it is believed will be needed to find and provide the information requested. If the information is found in less time than anticipated and / or the disbursements are less than estimated, the University will refund the difference. If, however, the University under-estimated the work necessary or the level of disbursements, the University will bear the extra cost.

7 Training

- 7.1 It is the responsibility of the University to ensure that staff are aware of the FOI legislation, and it has therefore produced the Information Governance eLearning training module accessible via the University's eLearning site (Moodle). This training package also covers topics relating to data protection, records management and information security matters. The training module is core training and therefore must be taken by all members of staff and refreshed at least every two years.
- 7.2 Staff in the Information Disclosure team are also happy to provide bespoke training for groups / departments – please contact the Information Disclosure team on any of the contact details provided at the end of this policy should you wish to discuss further training requirements.

8 Contact details

- 8.1 Members of the Information Disclosure team can be contacted on the generic email address of freedom-of-information@port.ac.uk or on any of the following telephone numbers: 023 9284 3110 / 3103 / 3642.

9 Related information

- 9.1 Readers of this policy may also find the following sources of information helpful:
 - [Data Protection policy](#)
 - [Information Governance policy](#)
 - [Freedom of Information webpages](#)
 - [Information Commissioner's Office \(ICO\)](#)

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