



# University of Northumbria at Newcastle

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## Freedom of Information Policy



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<b>AUTHOR</b>	<b>Duncan James – Records and Information Manager</b>

### Revision Histor

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0.1	First Draft	Duncan James	Richard Bott Phil	18/01/2006
0.2	Second Draft – re-wording	Duncan James		
1.0	Approved	Duncan James	SMT	24/01/2006

Approved By Richard Bott (At Senior Management Team)

Signed Richard Bott

Date 24/01/06

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## **1. Introduction**

- 1.1.** The Freedom of Information (FOI) Act 2000 (“the Act”) imposes an obligation upon the University to provide members of the public with access to information to which they are entitled.
- 1.2.** The University is committed to supporting the Act and this document provides the policy framework through which implementation is to be achieved.

## **2. Aims**

- 2.1.** The University shall maintain an accurate Publication Scheme through which members of the public can access information.
- 2.2.** Processes shall be in place to provide, where applicable, information not covered under the Publication Scheme. These processes shall ensure timely and appropriate responses as laid down by the Act.
- 2.3.** The public interest test shall be applied to any requests covered by qualified exemptions.
- 2.4.** Appropriate appeals and complaints procedures shall be made available to applicants.
- 2.5.** Staff shall be made aware of the University’s responsibilities under the Act, together with their own individual obligations to delivering compliance and the consequences of failure to comply.

## **3. Scope**

- 3.1.** This policy applies to ALL information created, received or maintained by staff within the University in the course of their duties.
- 3.2.** This policy applies to ALL information created, received or maintained by external parties on behalf of the University.
- 3.3.** This policy applies to information in all formats, i.e. in whatever media they exist, whether paper or electronic.

## 4. Roles and Responsibilities

### 4.1. The University Secretary

The University recognises its corporate responsibility under the Act to provide a general right of access to information held. The Senior Officer with overall responsibility for the FOI policy is the University Secretary.

### 4.2. The Records and Information Manager

Has day-to-day responsibility for co-ordinating the University's Freedom of Information functions. These responsibilities include, but are not limited to:

- Development and implementation of the Policy
- Producing "best practice" led guidance material for staff
- Delivering training to staff
- Processing, co-ordinating and responding to all requests for information

### 4.3. Senior Managers

It is the responsibility of all senior managers to ensure that staff within their areas is made aware of the existence and content of this policy.

### 4.4. All Staff

All staff, whether or not they physically create, receive or maintain information themselves, have an obligation to be aware of Freedom of Information legislation and the related University policies.

The University will ensure that every employee assists the University in complying with the obligations placed upon it under this Act.

In particular staff must:

- Ensure that the records for which they are responsible are complete and accurate
- Ensure that requests for information are handled in accordance with University Freedom of Information guidelines
- Immediately pass on Requests for Information (RFIs) to the Records and Information Manager.
- Ensure that any information they provided in reply to FOI requests is accurate and up to date.

Staff must also:

- Familiarise themselves with this Policy
- Provide advice and assistance to persons making requests for information, in accordance with University guidelines

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- Work with the Records and Information Manager to ensure that requests can be dealt with within 20 working days of receipt
- Contact the Records and Information Manager when assistance is required.
- Where applicable, forward details of publications and/or documents for inclusion in the University Publication Scheme

### 4.5. Failure to comply with this policy

- Failure to comply with this policy may result in disciplinary action as outlined in the Staff Management Procedures.

## 5. Relationships with other Policies

This policy has been formulated within the context of the following University publications:

- Data Protection Policy (Under Review)
- Record Management Policy (pending)

## 6. Publication

### **Scheme** The Publication

Scheme specifies:

- what information the University will make available to the public as a matter of course
- how this information will be made available (via the web, in paper or electronic format), and
- whether this information will be made available free of charge or on payment of a fee

- The Publication Scheme shall be reviewed annually by the Records and Information Manager in accordance with University policies to ensure that:

- when new information is produced by the University, details are incorporated into the scheme
- when information becomes obsolete or superseded then the information is removed or replaced
- contact details of key staff or teams are accurate and data is accessible.

## 7. Requests not covered by the Publication Scheme

**7.1.** Information not available via the publication scheme will generally be accessible through written RFIs only, which may be submitted in ANY format (i.e. fax, letter, email or note) to ANY member of staff. Oral requests are not acceptable.

**7.2.** Requests are not required to make direct reference to the Freedom of Information Act, but they must describe the information being sought in a clear and legible manner.

**7.3.** Applicants who submit requests have

- the right to be told whether information exists the right to
- receive the information (subject to exemptions)
- the right to appeal non disclosures and to request internal reviews

These rights can be exercised by anyone - natural or legal persons, worldwide.

**7.4.** Applicants are not required to provide reasons for the application, nor do they need to provide proof of identity, but a contact name is required together with a means for correspondence (i.e. email or postal address).

**7.5.** All requests not covered by the publication scheme will be dealt with by the Records and Information Manager, who will co-ordinate with the relevant "link officer".

**7.6.** Valid requests shall be dealt with within 20 working days of receipt, unless there is a specific requirement for the applicant to provide further information or payment. If these instances apply, the calendar will be suspended until the University is in receipt.

## 8. Exemptions

**8.1.** Some information is exempt from disclosure under the Act, and so does not have to be provided. Where information requested is exempt, the University will:

- State whether it holds information of the type requested
- Explain why the exempt information has been withheld
- Inform the applicant of his or her right to appeal the decision to the Records and information Manager or subsequently complain to the University Secretary and, ultimately if still dissatisfied, the Information Commissioner

**8.2.** There are 23 exemptions under the Act. Many of the exemptions may only be applied the public interest in withholding it is greater than the public interest in releasing it; these are referred to as qualified exemptions. Some exemptions are automatic, for example personal information, information provided in confidence and Court records; these are referred to as absolute exemptions.

## **9. Charges and Fees**

**9.1.** Unless otherwise specified, information made available through the University's Publication Scheme will be free of charge

**9.2.** In cases where it is appropriate to provide information in hard copy format, we charge to cover photocopying costs only if the documents in question exceed 50 sheets of A4 paper. This is charged at 10p per sheet. i.e. 50 sheets at 10p per sheet = £5 + postage and packaging.

**9.3.** If the costs of obtaining information exceed reasonable limits (as set by the Fees Regulations, currently £450 or about 2.5 days of staff time), the University will refer to the applicant and attempt to refine the request so as to reduce the potential retrieval costs. Where this is not possible, the University will pass on the costs to the applicant. In this instance, we will issue an official University invoice, based on our estimate of the retrieval costs, and will undertake retrieval after payment of the amount. In extreme circumstances, the University maintains the right to exemption through disproportionate effort.

## **10. Appeals and Complaints**

**10.1.** Should applicants feel dissatisfied with the outcome of a request, or the manner in which it was handled, they have the right to appeal against the decision.

**10.2.** Appeals should be addressed to the Records and Information Manager. Receipt of the appeal will be acknowledged immediately.

**10.3.** The matter will then be passed to the University Secretary for review and a comprehensive reply shall be sent within 20 working days.

**10.4.** If the applicant remains dissatisfied with the outcome of the complaints procedure, they may seek an independent review from the Office of the Information Commissioner (OIC). This is the independent body responsible for overseeing the Act. The OIC can be contacted in writing at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow

## **Northumbria University - Freedom of Information Policy**

Cheshire  
SK9 5AF

Fax: 01625 524 510

### **11. Further Information**

**11.1.** More information about the Freedom of Information Act 2000 is available on the Information Commissioner's website at:

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

### **12. Training**

**12.1.** University staff shall receive training in this policy.

**12.2.** Procedures necessary to comply with this policy are currently in preparation and shall be made available on the web.

### **13. Policy Review**

**13.1.** This Policy will be reviewed at least once every three years and, if necessary, amended to ensure continued compliance with the Freedom of Information Act.

**13.2.** The Freedom of Information Policy was adopted by the Senior Management Team with effect from 24/04/06