



# **MORLEY COLLEGE LONDON**

## **Freedom of Information Policy**

POLICY OWNER:	Chief Planning and Data Officer
FINAL APPROVAL BY:	Governing Body
Policy Category:	Corporate
Approved by Policy Committee:	May 2021
Approved by Governing Body:	19 July 2021
Review Date:	31 July 2025

## **1. Introduction, Purpose and Scope of Policy:**

The Freedom of Information Act 2000 (FoIA) gives the public a general right to access recorded information held by public authorities including Further Education Colleges. The FoIA promotes greater accountability and openness across the public and publicly-funded sectors, thereby facilitating a better understanding of how public bodies carry out their business, why they make the decisions that they do and how they spend public money.

Under the FoIA it is the duty of every public body to adopt and maintain a publication scheme to facilitate the availability of information.

Morley College London is committed to the transparency of key public information.

## **2. Equality and Diversity Analysis Screening:**

In accordance with the College's Equality and Diversity Policy, the development of this policy complies with the Equality Act 2010 in ensuring due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations.

An equality analysis will be completed if there is a risk the policy may affect different groups protected from discrimination. Consultation will be carried out with staff. If an equality analysis is required, the Chairs of the Equality, Diversity and Inclusion Steering Group will advise on completion and the analysis is to be included as an appendix to the policy.

## **3. Applicability:**

The Policy is applicable to all staff and to the public.

## **4. Definitions:**

To '*publish*' information means to make that information available as a matter of routine.

'*Public authorities*' include institutions within the further education sector, as defined by the Further and Higher Education Act 1992. Morley College London was designated as such an institution by The Education (Designated Institutions in Further Education) Order 1993.

## **5. Statutory and regulatory requirements:**

The FoIA requires the College to have a publication scheme, in a format approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme.

## **6. Policy Objectives:**

The policy aims to ensure that:

- The College meets the requirements of the FoIA.
- Staff are clear on their responsibilities under the FoIA.
- Procedures are in place for the public to access published information and to make requests under the FoIA.

## **7. Policy statement:**

In accordance with the FoIA, the College has adopted a publication scheme which is a document listing the classes of information that it is committed to publish. The publication scheme that the College has adopted is the [model publication scheme](#)

prepared and approved by the Information Commissioner.

For each class of information covered by the model publication scheme, the College will specify the information that is normally available, indicating whether it is available:

- on the College website;
- on request, in electronic form; or
- on request, in paper form.

In certain circumstances the College may make a charge to cover costs incurred in the provision of information.

## **8. Implementation of Policy:**

The Data Protection Officer (DPO) will maintain a list of the main information sets that are available within each class of information, showing who is responsible for each information set and how it may be accessed (on the website or on request), following the Information Commissioner's [definition document](#). These responsibilities will be reviewed when the Policy is reviewed and at other times as required (for example, when there are changes in management responsibilities within the College).

Any individual is able to request information from the College, without having to state the purpose for which the information is required. A valid request needs to state the name of the applicant, an address (or email address) for correspondence and a description of the information required. Applicants are entitled to be informed in writing (or by email) whether the requested information is held and either to have the information communicated to them or to receive an explanation of why that cannot be done.

If the request is for personal data, this falls under the Data Protection Act and will be considered as a Subject Access Request.

Information held by the College, which is not published under the FoIA, can be requested by emailing [freedomofinformationrequests@morleycollege.ac.uk](mailto:freedomofinformationrequests@morleycollege.ac.uk) or in writing from the Data Protection Officer, Morley College London, 61 Westminster Bridge Rd, London, SE1 7HT.

Where a member of staff receives a request for information directly and the information is readily available, the request should normally be met directly. Training and guidance will be provided to staff to inform them how to assess if the request is:

- identified by the applicant as a Freedom of Information (FoIA) request or
- the information is potentially covered by an exemption (see below) or
- otherwise protected from disclosure under the terms of the Information and Data Protection Policy.

Any other request for information should be referred through the relevant Curriculum Manager or Head of Professional Service to the DPO, who will work with the manager or managers concerned to provide the information requested if it is not inappropriate to do so.

All requests will be logged centrally by the Executive Administration Officer and the central record updated when the response is completed.

Within 20 working days of the receipt of any request, the College must inform the applicant:

- whether the College holds the information requested;
- whether it is protected from disclosure under the Data Protection Act (which takes precedence over the FoIA for this purpose); and
- whether it is considered for any other reason to be exempt from disclosure. If the information is available and not protected or considered to be exempt from disclosure it must be communicated within the 20 working day period in the format requested (electronic or hard copy).

A request is received when it is delivered to the College or to the inbox of a member of staff. Where, however, an automated 'out of office' message provides instructions on how to re-direct an email, the request is not considered to have been received until it has been delivered to the alternative address specified in that message.

## **9. Refusing FoIA requests:**

In certain circumstances, the College may refuse a FoIA request:

### *Refusal where information is exempt from disclosure*

Some information is exempt from disclosure and does not have to be provided. There are two broad categories of exemption:

- Absolute exemptions are where the right to know is wholly disapplied. In some cases, there is no legal right at all to access the information, for example if it relates to bodies dealing with security matters or is covered by parliamentary privilege. In other cases, it may be inappropriate for the College to provide the information but it may be available to the applicant by other means (some personal information and information provided to the College in confidence may fall into this category).
- All exemptions that are not absolute exemptions are qualified exemptions and are subject to a test of public interest. Having identified a possible qualified exemption, the College has to consider whether the public interest in maintaining the exemption outweighs the public interest in confirming or denying the existence of the information requested or providing the information to the applicant.

A full list of absolute and qualified exemptions is provided at [Appendix A](#).

From the list of qualified exemptions, prejudice to effective conduct of public affairs could in some circumstances include details of policy discussions.

### *Refusal on the grounds of cost*

The College will not comply with any FoIA request where the cost of finding out whether or not the information is held and locating, retrieving and extracting the information exceeds £450 (representing 18 hours of officer time at £25 an hour). Where more than one request is received for the same information or related pieces of information, either from a single applicant or from a group of applicants who appear to be acting in concert, and the combined cost of complying with all such requests would exceed £450, the College will not comply with such requests.

### *Refusal of vexatious and repeat requests*

A request for information may be treated as vexatious where it would impose a significant burden on the College in terms of expense or distraction and where it meets at least one of the following criteria:

- It clearly does not have any serious purpose or value;
- It is designed to cause disruption or annoyance;
- It has the effect of harassing the College; or
- It can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Each specific request will be looked at and assessed individually. The College will not normally refuse a request for information that should be available through the publication scheme.

Issues of a vexatious nature may arise where the College receives a FoIA request from an individual who has previously registered a grievance, pursued a complaint or otherwise been involved in a dispute. It is not unusual for those who believe that they have been unfairly treated by the College to pursue or attempt to re-open a grievance by invoking the FoIA.

Any request considered to be vexatious should be referred to the DPO. Should the request be linked to a complaint or grievance it will then be referred to the Quality and Standards Manager.

#### **10. Communication and training:**

College managers are responsible for ensuring that staff reporting to them are aware of the Policy, and that information is processed in accordance with the FoIA. This Policy will be published on the College website and staff will be alerted through the College Intranet to its publication and to any subsequent amendments.

The DPO will provide training for College managers on their responsibilities under the Act.

#### **11. Monitoring and Reporting:**

Under the FoIA, the Governing Body is responsible for compliance. On a day-to-day basis, however, the DPO will be responsible for ensuring that requests for information within the scope of the Policy are met within the timescale set out in the FoIA.

An annual report on compliance with the act will be produced for the Audit Committee.

#### **12. Related References, Policies, Procedures, Forms and other Appendices:**

This policy must be considered in conjunction with the College's [Data Protection Policy](#) and the [Public Information Policy](#).

[Appendix A](#) sets out the types of information that are exempt or potentially exempt from disclosure under the FoIA.

## **Appendix A**

### **Information exempt from disclosure under the FOIA**

#### *Absolute exemptions*

Information accessible by other means

Information supplied by, or relating to, bodies dealing with security matters

Court records

Parliamentary privilege

Personal information

Information provided in confidence

Information the disclosure of which is prohibited by law

#### *Qualified exemptions*

Information intended for future publication

National security

Defence

International relations

Relations within the UK

The economy

Investigations and proceedings

Law enforcement

Audit functions

Formulation of government policy

Prejudice to effective conduct of public affairs

Communications with HM the Queen

Health and Safety

Some personal information

Legal professional privilege

Commercial interests