

Freedom of Information policy

University of London Records management

UoL website link: <http://www.london.ac.uk/955.html>

Staff intranet link: <https://intranet.london.ac.uk/3632.html>

Email: Records.management@london.ac.uk

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1 Introduction

The Freedom of Information Act 2000 establishes a right of access to all types of recorded information held by the University. The University has a legal obligation to provide information through an approved publication scheme and in response to requests. This document is the University's policy for meeting its requirements under the Act.

2 Publication Scheme

The Freedom of Information Act requires every public authority to adopt and maintain a publication scheme, which sets out the types of information the organisation must routinely publish. The University of London's Publication Scheme and the Publication Scheme of its subsidiary, Senate House Services Limited, are provided on the [University's website](#). Both are based on the Model Publication Scheme for Universities and Wholly owned companies [as defined by the Information Commissioner's Office](#). The schemes set out the classes of information that the University publishes or intends to publish, the manner in which this information will be published and whether the information is available free of charge or on payment. The information listed in the schemes is available free of charge unless otherwise stated.

3 Making a request

Requests should be made in writing via email to records.management@london.ac.uk or via post to

University Records Manager and Freedom of Information Officer
Legal and Constitutional Office
University of London
Senate House
Malet Street
London WC1E 7HU

The University must respond to a request within 20 working days. The response must confirm whether or not the University holds the information; if it does hold the information, the University must provide it. Some information may be exempt from disclosure under one of the exemptions in the Act (more information below). The University can ask the requester to clarify the request if it needs further details to identify and locate the information. The request is placed 'on hold', and the 20 working day compliance period commences from the date clarification is received. If no clarification is received, the request will be closed three months after the University's request.

4 *The Environmental Information Regulations*

The University is obliged to deal with requests for information that are covered by the Environmental Information Regulations (EIR). The Regulations gives members of the public the right to access 'environmental information' held by public authorities. The University must respond to a request within 20 working days and will treat these requests [in line with the guidance provided by the Information Commissioner](#). An EIR request can also be made verbally, over the telephone or in person. The University advises that requests are made in writing to ensure that the information provided is comprehensive and accurate.

5 *Copyright and re-use*

Information which is generated by the University or Senate House Services and is included in either publication scheme or obtained through a request for information may be reproduced for the enquirer's own personal use and for non-commercial purposes only. Permission to reproduce information in the publication scheme obtained through a request for information does not extend to any material which is identified as being the copyright of a third party. Authorisation to reproduce such material must be obtained from the copyright holders concerned.

6 *Appropriate limits*

Section 12 of the Freedom of Information Act, 'Exemption where cost of compliance exceeds appropriate limit' allows the University to refuse a request for information if it estimates that meeting the request would exceed the appropriate cost limit. The appropriate limit is currently set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The University may only take into account the cost of determining whether it holds the information requested, locating, retrieving and extracting the requested information in performing its calculation. The cost limit is currently set at £450 and equates to 2½ days' work (18 hours) at a rate of £25 per hour. In the event of a request being estimated to exceed appropriate limits, the University will first seek to narrow down the request with the requester in order to provide relevant and useful information within the limit. If the requester refuses to do this then the request will be either refused outright or a fees notice issued.

7 *Fees notices*

Section 9 of the Freedom of Information 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. In the event of a fees notice being issued, the University will begin to provide information on receipt of the fees. The 20 working day compliance period is placed 'on hold' from the date of issue until the Fee is received. If no Fee is received, the request will be closed three months from the date of Fees Notice.

8 Disbursement costs

Limited "disbursement costs" – for example photocopying or postage – may be reclaimed if the cost of provision exceeds £25.

9 Formats

When possible, the information will be provided in the format specified by the requester. Most responses will be provided via email with attachments where necessary.

10 Vexatious or repeated requests

Section 14 (1) of the Freedom of Information Act states that public authorities do not have to comply with vexatious requests. The University will assess vexatious requests [in line with the guidance provided by the Information Commissioner](#).

11 Duty to provide advice and assistance

Section 16 of the Freedom of Information Act requires the University to 'assist and advise' requesters in order to provide them with the information they require. Examples of advice and assistance include:

- In requesting clarification around a request, the University will provide details about information held and options for providing it.
- In providing a response, the University will, where possible, provide contextual information, links or documents to complement the information requested.

12 Refusing a request

If refusing information in response to a request, the University will identify the exemption quoted and provide an explanation why this exemption was used. The refusal notice will also provide the requester with options for appealing the decision.

13 Complaints

The University may refuse to provide information in response to a request if one or more of the exemptions in the Act apply (see 14 below). If a requester is dissatisfied with the response they have received from the University they may appeal using the Freedom of Information complaints procedure. This procedure is separate from the University's standard complaints procedure and aligns with the Information Commissioner's guidelines on internal reviews and appeals.

The following issues may occur:

- It may be that the information provided may not have been what the requester was looking for – therefore the requester may further clarify the request. The University will then try to provide the clarified information as soon as is possible.
- The requester may have further questions based on the response provided, which will be treated as a new request for information.
- The requester may be unhappy with a decision to exempt information. The university will provide more information to the requester about the exemption and why it was applied.
- The requester may be unhappy about information provided outside the 20 working day compliance limit. The University will ensure that the information has been provided and explain why the compliance target was not met.

A requester may ask for an internal review of the request. The University follows the Information Commissioner's guidelines on internal review:

- It will be undertaken by a senior member of staff.
- It will be a thorough reconsideration of the decision to withhold information and the handling of the request.
- In certain circumstances the original request may require consideration depending on the basis and timing of the review.
- The review will be impartial, thorough and swift and the outcome must be notified promptly to the complainant.
- The internal review should be completed in 20 working days. In exceptional cases it may be appropriate to take longer but even in those cases it should not exceed 40 working days.

An informal record of each complaint - the name of the complainant, the nature of the complaint, and how it has been resolved - will be retained according to an authorised retention schedule. If the requester is still unsatisfied, they may contact the Information Commissioner (see Section 15).

Any complaints or requests for internal review should be submitted in writing to the Freedom of Information Officer at records.management@london.ac.uk.

14 Exemptions

The Freedom of Information Act accepts that public authorities may have valid reasons for withholding information. The Act provides a list of 'exemptions' from disclosure. The University will apply exemptions [in line with the guidance provided by the Information Commissioner](#). The most common exemptions used by Universities include:

- Information accessible to applicant by other means (e.g. through a Publication Scheme)
- Information intended for future publication
- Information which, if disclosed, would prejudice law enforcement
- Information which, if disclosed, would be prejudicial to the effective conduct of public affairs
- Information which, if disclosed, could endanger the health and safety of any individual
- Personal information
- Information provided in confidence.
- Information in respect of which a claim to legal professional privilege could be maintained in Court proceedings
- Information which constitutes a trade secret or which, if disclosed, would prejudice commercial interests.
- Information whose disclosure is prohibited by any other Act or legislation

Some exemptions have to be weighed up against a 'public interest test', which determines whether there is a stronger public interest in releasing or withholding the information. When applying a 'public interest' or 'qualified' exemption, the University will provide a summary of the public interest test in their response to a requester. In exceptional circumstances the University can, in considering the public interest test, extend the time of a request to 40 working days. Some exemptions require the University to neither confirm nor deny they hold the information.

15 The Information Commissioner

The [Information Commissioner's Office \(ICO\)](#) is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The ICO rules on eligible complaints, gives guidance to individuals and organisations, and has powers to take enforcement action when the law is broken. A requester who has completed the University's Freedom of Information complaints procedure but is still not satisfied with the handling or outcome of their request may write to the Information Commissioner directly.

16 Records management

Section 46 of the Freedom of Information Act requires University to follow the guidelines set down in the [Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000](#). The University [has a records management policy and associated procedures and guidance](#) to ensure that it manages its records effectively.

17 The responsibilities of University staff

It will be the responsibility of all staff to help respond to Freedom of Information requests. Staff training will be provided by the University Records Manager and guidance published on the staff intranet.

18 Further information

For further information please contact the University Records Manager and FOI officer at records.management@london.ac.uk. Further information can be found at the [Freedom of Information page](#) on the University's website.

19 Charity notice

The University of London is an exempt charity in England and Wales and a charity registered in Scotland (reg. no. SC041194).

20 Version control

Procedure approved as *Best practice procedure no 12: Freedom of Information Act 2000* 10/12/02; revised 14/1/03; 22/1/03; 6/11/03; 12/11/03; 20/11/03 Approved 15/12/03 Reviewed: 3/7/06; 25/9/09; 11/11/09 updated as *Freedom of Information policy* 13/12/11.

Date	Version	Reason for change	Author
June 2011	0.1	Initial draft	University Records Manager
July 2011	0.2	Updated following comments from the Legal and Constitutional Adviser	University Records Manager
December 2011	1.0	Approved by the Information Management Group	University Records Manager
May 2013	2.0	Updated to include complaints procedure, as the FOIA complaints procedure is no longer a separate document.	University Records Manager