

FIRCROFT COLLEGE OF ADULT EDUCATION

FREEDOM OF INFORMATION POLICY

Fircroft College of Adult Education takes its responsibilities under the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which effective management will be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Requesting Information
4. Exemptions
5. Charges
6. Complaints
7. Relationship with existing policies
8. The College 's Publication Scheme
9. Policy Review

1. Scope and purpose of the Policy

This policy applies to all information held by the college, i.e. all the information created, received and maintained by college staff in the course of their work.

Information is held in all types of media, but will often be in paper or electronic format.

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about the College is made available to the public as a matter of course through the Publication Scheme;
- other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner; and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

2. Responsibilities

The College recognises its responsibility under the Act to provide a general right of access to information held. The Senior Manager with overall responsibility for this policy is the Head of Staff and Student Support .

All staff, whether or not they create, receive or maintain information have responsibilities under the Act. They must ensure that any request for information they may receive is handled in compliance with this Policy and with any guidance issued by the College.

In general, staff are responsible for:

- Familiarising themselves with this Policy;

- Informing the Head of Staff and Student Support of any changes to information listed in the Publication Scheme;
- Forwarding all requests for information, which fall outside the 'business as usual' enquiries received, to the Head of Staff and Student Support who will log and process each request, monitoring the deadlines;
- Provide information for requests promptly.

In addition it is important to be aware that it is a criminal offence under the Act to destroy or attempt to destroy information once it has been requested;

Compliance with this Policy is compulsory for all members of staff employed by the College. A member of staff who fails to comply with the policy may be subject to disciplinary action under the College's Disciplinary Policy.

3. Requesting Information

In this regard the Freedom of Information Act establishes two related rights:

- * the right to be told whether information exists, and
- * the right to receive the information (subject to exemptions)

Specific requests for information not already made available in the College's Publication Scheme can be made to:

Alex Jarvis
 Head of Staff and Student Support
 Fircroft College of Adult Education
 1018 Bristol Road
 Selly Oak
 Birmingham
 B29 6LH
 E-mail: alex.jarvis@fircroft.ac.uk

Requestors will not be entitled to information to which any of the exemptions in the Act applies (see section 4). However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Head of Staff and Student Support.

The College must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

If the information concerned relates to yourself the request will be dealt with under the Data Protection Policy.

4. Exemptions under the Act

There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix 1 of this policy.

The College may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the College will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

5. Charges

Most requests will be free of charge although a small amount may be requested for photocopying and postage if large documents are involved.

If the cost of producing the information is considered unacceptably high you will be asked to be more specific in your request. If this is not forthcoming the request may be turned down.

6. Complaints

Any complaints received in respect of this policy will be dealt with under the College's Complaints Procedure.

If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review from the Information Commissioner. Requests for review by the Information Commissioner should be made in writing to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel. 01625-545-700
Fax. 01625-545-510

7. Relationship with existing policies

This policy has been formulated within the context of the following College documents:

- Complaints Procedure
- Data Protection Policy
- FOI Publication Scheme

This policy has also been formulated within the context of the Information Commissioner's Office Definition Document. This can be found at <https://ico.org.uk/media/for-organisations/documents/1131/definition-document-colleges-of-further-education.pdf>

8. Publication Scheme

The College's Publication Scheme is available in the Library, from the Head of Staff and Student Support and from the College website.

The Publication Scheme specifies what information the College will make routinely available to the public as a matter of course and how it will do so.

9. Policy Review

The Policy will be reviewed at least every three years

Approved by the Governing Body: 26th May 2010

Appendix 1

Exemptions - Freedom of Information Act 2000

List of exemptions under the Freedom of Information Act 2000

A. Exemptions where the public interest test applies:

Section 22 Information intended for future publication
Section 24 National security
Section 26 Defence
Section 27 International relations
Section 28 Relations within the United Kingdom
Section 29 The economy
Section 30 Investigations and proceedings conducted by public authorities
Section 31 Law enforcement
Section 33 Audit functions
Section 35 Formulation of government policy, etc.
Section 36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
Section 37 Communications with Her Majesty, etc., and honours
Section 38 Health and safety
Section 39 Environmental information
Section 40 Personal information (Only where the information concerns a third party and a s.10 notice under the Data Protection Act 1998 applies to that information)
Section 42 Legal professional privilege
Section 43 Commercial interests

B. The absolute exemptions

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

Section 21 Information accessible to applicants by other means
Section 23 Information supplied by, or relating to, bodies dealing with security
Section 32 Court records, etc
Section 34 Parliamentary
Section 36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
Section 40 Personal information (where the applicant is the subject of the information)
Section 41 Information provided in confidence
Section 44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court