



## UTC Plymouth

### Freedom of Information Policy

#### **Purpose:**

UTC Plymouth is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005 and which comes to include Academies by the Academies Act 2010, with effect from 1 January 2011.

The College is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the College. They are entitled to be told whether the College holds the information, and to receive a copy, subject to certain exemptions.

The information which the College routinely makes available to the public includes information available on the College web site. Requests for other information are dealt with in accordance with statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the College holds is covered by the Act. The College has a Retention Schedule based on the schedule

Recommended by the Records Management Society of Great Britain, which guides the College as to how long it should keep records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are subject of an enquiry are amended or destroyed.

Requests under the Act can be addressed to anyone employed by the College. However, all responses are to be coordinated by the **Business Support Manager**

and approved by the Principal. Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

### **Scope:**

The Business Support Manager is responsible for ensuring compliance with College Policies and Procedures. This procedure applies to all College staff.

Requests for personal data are still covered by the Data Protection Act. Individuals can request to see what information the College holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations.

Requests under EIR are dealt with in the same way as those under FoIA, but they do not need to be written and can be verbal.

### **Associated documents:**

Retention Schedule

Complaints Procedure

### **Abbreviations and Definitions:**

FoIA – Freedom of Information Act 2000

EIR – Environmental Information Regulations

### **Procedure:**

Obligations and Duties

The Governing Body recognises the duty to provide advice and assistance to anyone requesting information. The College will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.

The Governing Body recognises the duty to tell enquirers whether or not the College holds the information they are requesting (the duty to confirm or deny), and provide

access to the information the College holds in accordance with the procedures laid down in this policy.

### Publication Scheme

The College has issued a Publication Scheme derived from the Model Publication Scheme for Schools approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available on the College's website unless otherwise stated.

### Responsibilities

The Governing Body has delegated to the day-to-day responsibility for compliance with the FoIA to the **Business Support Manager**, reporting to the Principal.

### Dealing With Requests

The College will respond to all requests in accordance with the time-scales set out in the FoIA wherever reasonably possible, ensuring that all staff are aware of the procedures.

### Exemptions

Certain information is subject to either absolute or qualified exemption under the FoIA. When the College believes it should apply a qualified exemption to a request, it will invoke the public interest procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

### Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. The College will apply the Public Interest Test before any qualified exemptions are applied in accordance with guidelines set out in the FoIA.

### Charging

The College reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

The College also reserves the right to charge a fee for complying with requests for information under FoIA. The fees will be calculated according to FoIA regulations, and the person notified of the charge before the information is supplied.

### Complaints

Any comments or complaints will be dealt with through the College's normal complaints procedure. An independent investigation will be conducted by a Governor.

If, on investigation, the College's original decision is upheld, then the College will inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals should be made in writing to the Information Commissioner's Office at:

FOI/EIR Complaints Resolution,  
Information Commissioner's Officer  
Wycliffe House,  
Water Lane  
Wilmslow,  
Cheshire  
SK9 5AF

#### Disclosure Log

A Disclosure Log shall be maintained detailing all information requests received and what responses were made and when.

The College will enter details in the log of requests where it has refused to supply information, and the reasons for the refusal.

The College will also register details of requests where a complaint has been made and the outcome of the resultant investigation.

The Disclosure Log will be retained for 5 years from the date of the request.

#### **Monitoring and Evaluation**

The Board of Governors and Principal will monitor the operation and effectiveness of the UTC's Freedom of Information Policy at specified intervals.

Date created: July 2013

Date agreed: Sept 2013

Date of Review: Feb 2017

Next Review: July 2020

VERSION CONTROL SHEET

**POLICY NAME: Freedom of Information Policy**

**Policy Prepared by: Julie Rae**

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Feb 2017		FGB	Review
June 2019			Reviewed