

Freedom of Information Policy

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This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation and Disability. We will continue to monitor this policy and to ensure that it has equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic.

1 Introduction

- 1.1 The Freedom of Information Act 2000 (the Act) gives the public a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right, and places a number of obligations on public authorities.
- 1.2 Every public authority must:
 - Proactively publish information in a Publication Scheme
 - Respond to written requests for information within 20 working days
- 1.3 The Act promotes greater openness and accountability across the public sector, and is enforced by the Information Commissioner.

2 Objective

- 2.1 This policy sets out The Bedford College Group's (hereafter referred to as the Group / College) position in response to its responsibilities as a public authority under the Freedom of Information Act 2000.
- 2.2 This policy applies to all recorded information held by the Group that relates to its business activity.
- 2.3 This includes information in paper files, electronic documents, emails, databases and audio or video material.

3 Our responsibilities

- 3.1 Adopting a publication scheme is a requirement of the Freedom of Information Act 2000. The Bedford College Group has adopted the model publication scheme developed for the further education sector, and is therefore committed to publishing the information it describes.
- 3.2 The publication scheme relates to 'published' information. This is material that has already been prepared in a format ready for distribution.
- 3.3 The Group's publication scheme is available on the Group's website. The classes of information we publish are shown, together with the manner in which information is available. We will indicate whether charges apply.

4 Requesting Information

4.1 Individuals have the right under the Act to request any information held by the Group (subject to exemptions) which it has not already made available through its publication scheme.

4.2 To request information please email the Freedom of Information mailbox:

Freedomofinformation@bedford.ac.uk

Or write to:

The Data Protection Office,
The Bedford College Group
Tresham College (part of the Bedford College Group)
Windmill Avenue
Kettering NN15 6ER

4.3 Requests must be made in writing and, in general, the Group has 20 working days to respond. There may be a charge for the release of some information.

4.4 Requests can be made to anyone in the Group, and do not have to mention the Freedom of Information Act.

As such all staff will be made aware of the process for dealing with requests, which is to refer the request immediately upon receipt, to the Data Protection Office.

The request will be logged by the Data Protection Office.

The Group will respond to all requests, informing the applicant whether or not the information is held, and supplying any information that is held, subject to any exemptions.

4.5 It is helpful (but not essential) if applicants indicate that the request is being made under the Freedom of Information Act 2000, and are submitted to the freedom of information mailbox: freedomofinformation@bedford.ac.uk

4.6 If any part of a request submitted under the Freedom of Information Act includes personal information, consideration will be given to Data Protection legislation.

5 Fees and appropriate limits

- 5.1 Section 9 of the Act requires that a public authority intending to charge a fee for providing information in response to a request must issue a fee's notice to the applicant.
- 5.2 If a fee is to be charged, the Group will only provide the requested information on receipt of the fee. The 20 day response period is placed 'on hold' from the date of issue of the fees notice, until the fee is received. If no fee is received within 3 months of the fees notice, the request will be closed.
- 5.3 Section 12 of the Act allows the Group to refuse a request for information if it estimates that meeting the request would exceed the appropriate limit cost as set out in the Act regulations.
- 5.4 The cost limit is currently set at £450 and equates to 18 hours at £25 per hour (irrespective of who is involved). If the Group estimates that this cost will be exceeded, it will first seek to narrow down with the applicant what has been requested, in order to meet the applicant's needs within the limit. If the applicant refuses, then either a fees notice will be issued, or the request will be refused.
- 5.5 Disbursement costs, for example photocopying or postage may be reclaimed if the cost of complying exceeds £25.

6 Non-Compliance

- 6.1 It is a criminal offence under the Act for members of staff to alter, deface or remove any record (including emails) following receipt of an information request.

7 Records

- 7.1 A record will be maintained of all requests received, by the Data Protection Office, in order to maintain compliance and to respond to any complaints made internally or through the Information Commissioner's Office.

8 References

- 8.1 The Group's policies and guidelines which should be reviewed in conjunction with this policy include:
- Data Protection Policy

8.2 Relevant legislation includes:

- Freedom of Information Act 2000
- Freedom of Information Code of Practice (2018)
- Environmental Information Regulations 2004
- Data Protection Act 2018/General Data Protection Regulation;
- The Regulation of Investigatory Powers Act 2000;
- The Telecommunications (Lawful Business Practice), (Interception of Communications) Regulations 2000;
- The Communications Act 2003;
- The Human Rights Act 1998;
- The Defamation Act 1996 and the Equality Act 2010;
- Malicious Communications Act 1988;
- Computer Misuse Act 1990;

9 Complaints

9.1 If the Group does not supply the information requested, or the applicant is dissatisfied with the response received, or feels that a fee has been applied unfairly, they may ask for an internal review of decisions.

9.2 If an applicant is dissatisfied with the outcome of the internal review with regard to a request for information under the Freedom of Information Act then contact should be made in writing to the Information Commissioner's Office (ICO) at the following address:

Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF