

Freedom of Information Policy

POLICY COVERSHEET

# Key Details

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| **POLICY TITLE** | Freedom of Information |
| **DATE APPROVED** | 16.03.2022 |
| **APPROVING BODY** | Management Board |
| **VERSION** | 2.0 |
| **PREVIOUS REVIEW DATES** | 2017 |
| **NEXT REVIEW DATE** | March 2025 |
| **OUTCOME OF EQUALITY IMPACT ASSESSMENT** | No change |
| **RELATED POLICIES / PROCEDURES / GUIDANCE** | Data Management and Governance PolicyData Protection PolicyEquality, Diversity and Inclusion PolicyInformation Security PolicyRecords Management Policy |
| **IMPLEMENTATION DATE** | Immediate |
| **POLICY OWNER (JOB TITLE)** | Head of Compliance |
| **UNIT / SERVICE** | Secretariat |
| **CONTACT EMAIL** | JLStorey@cardiffmet.ac.uk |

# Version Control

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| **VERSION** | **DATE** | **REASON FOR CHANGE** |
| 2.0 | January 2022 | * Regular 3-year review * To merge the provisions of the Freedom of Information and Environmental Information policies * To ensure use of new policy template |

# Introduction

## **Purpose**

### The purpose of this policy is to outline how Cardiff Metropolitan University complies with its responsibilities under the Freedom of Information Act (FOIA) 2000 and the Environmental Information Regulations 2004 (EIR).

### The University is committed to supporting and implementing the FOIA and the EIR. This document provides the policy statement and framework through which this compliance is achieved.

### The FOIA gives the public a general right to ask public authorities whether they hold certain information and, if they do, the right to be given that information, subject to certain conditions and exemptions.

### The EIR regulates public access to all environmental information held by public authorities.

## **Scope**

### This policy applies to all information that is created, received or maintained by staff and students at Cardiff Metropolitan University and by external partners on behalf of the University

### This Policy applies to all records of information regardless of format, i.e. both hard copy and electronic records, formal and informal, new and historic

### FOIA does not deal with the collection and use of personal data, which is governed by the UK General Data Protection Regulation (UK GDPR). Subject access requests will be dealt with under the UK GDPR and not FOIA (see the University’s [Data Protection Policy](https://www.cardiffmet.ac.uk/about/policyhub/Documents/data-protection-policy.docx) for further information).

### It is not envisaged that the University will receive many, if any, requests under the EIR. However, this Policy equally applies to any such requests and references to the FOIA should also be read to include EIR where relevant.

# Operating Principles

## The purpose of the FOIA (and EIR) is to create a culture of openness across the public sector. The University is supportive of the principle of public access to official information and recognises that increased access to information will contribute to increased trust in the public sector.

## Cardiff Metropolitan University recognises that it has a legal responsibility to comply with the FOIA 2000 and will pay heed to the [Freedom of Information Code of Practice](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf) issued by the Cabinet Office when responding to requests for information.

# University Commitments

## To take reasonable steps to organise and manage the information held, having regard to good practice in records management and retention.

## To provide accessible and unambiguous information on the University website for staff, students and members of the public as to how to make a Freedom of Information request.

## To provide advice and assistance, as far as is reasonably possible, to anyone seeking information from the University

## To approach each request made with the expectation that the information will be released.

## To maintain effective procedures to ensure all Freedom of Information requests are handled in an appropriate and timely manner.

## To proactively monitor compliance with the Act and report regularly thereon to the University Executive and Governing Body.

## To proactively provide requesters with a mechanism for requesting a review if they are unhappy with the way in which their request has been handled.

## To give full consideration to releasing any information to which an exemption might apply, including applying the [Public Interest Test](https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf).

## To produce and maintain a [Freedom of Information Publication Scheme](https://www.cardiffmet.ac.uk/about/structureandgovernance/Documents/Compliance/CMU-Publication-Scheme.docx) that is regularly reviewed and made available on a public website.

# Procedures

## Anyone can make an information request, including organisations such as newspapers. To make a request for information, an individual should normally make the request in writing to [freedomofinfo@cardiffmet.ac.uk](mailto:freedomofinfo@cardiffmet.ac.uk).

## Upon receipt of the email, staff in the Secretariat will acknowledge receipt of the request and provide the requester with the date by which the information will be provided to them and the mechanism for so doing.

## Where a request is unclear in nature, staff in the Secretariat will seek clarification from the requester in a timely manner.

## Staff in the Secretariat will screen the request and ascertain whether the information is already published or whether there are any obvious applicable exemptions or exceptions (e.g. the request constitutes personal data) . Where necessary, colleagues across the University who hold the information will be asked to provide information in part or in full to enable a formal response on behalf of the University to be drafted.

## If there are compelling reasons not to release the information requested, a response will be drafted using appropriate exemptions as outlined in the guidance issued by the Information Commissioner’s Office. A Public Interest Test will be conducted prior to refusing release of any information

## Valid requests will be dealt with within 20 working days of receipt, unless there is a requirement for the applicant to provide further clarification, in which circumstances the 20 working days will re-start once the clarification has been received.

## The University reserves the right extend the statutory deadline under the EIR to 40 days from 20 days for especially complex or high volume information requests.

## The formal response to any Freedom of Information request will outline the mechanisms for requesting an internal review of the response. If a requester remains dissatisfied following an internal review, the requester may seek an independent review from the Information Commissioner’s Office. The internal review outcome letter will provide the detail of how to submit such a complaint. Further information is also available here: <https://ico.org.uk/make-a-complaint/>

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# Roles and Responsibilities

## The *Secretariat* are responsible for ensuring that the University has sufficient policies, guidance and training available in order for the University to comply with its duties under the FOIA. They are also responsible for co-ordinating responses to requests under the FOIA and the provision of specialist advice and guidance with regards to formal information requests.

## The *Head of Compliance* keeps the Freedom of Information Publication Scheme updated and regularly reviewed, is responsible for the development of relevant policies, and for providing the necessary assurance to the University Executive and Board of Governors regarding the University’s continued compliance with the FOIA.

## A*ll members of the University* are required to comply with this Policy and the FOIA/EIR legislation, and to consult with, and respond to, the Secretariat when requested. This includes staff, students and those who are contracted to the University for a particular service or research project.

## *Staff in partner institutions or organisations* that are processing data on behalf of Cardiff Metropolitan University are required to abide by this Policy as outlined in the terms of the relevant contractual agreement.

## *Deans of School and Directors of Service* are responsible for ensuring that staff within their areas are (i) made aware of the existence and contents of this Policy; and (ii) comply with requests for information from the Secretariat in order to permit the University to respond to Freedom of Information requests within the statutory timeframe.

## Any dispute regarding whether an exemption should be used will ultimately be decided by the *University Secretary and Clerk to the Board of Governors.*

# Related Policies and Procedures

## This Policy should be read in conjunction with the following related policies:

## Data Management and Governance Policy

## Data Protection Policy

## Equality, Diversity and Inclusion Policy

## Information Security Policy

## Records Management Policy

## Copies of these policies are available via the University’s [Policy Hub](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx).

# Review and Approval

### This Policy will be reviewed every three years unless changes in legislation or statutory guidance necessitate earlier review.

### The approving authority is Management Board.