FREEDOM OF INFORMATION (FOI) POLICY

1. INTRODUCTION & SCOPE

1.1. The Freedom of Information Act 2000 (the Act) promotes greater transparency and accountability across the public sector by requiring all 'Public Authorities' to make information available. This is done in two ways; proactively, through a Publication Scheme and reactively, when directly requested.

1.2. Public Authorities are defined in the Act to include Further Education Corporations such as East Kent Colleges Group (the Group).

1.3. The Act covers any recorded information that is held and includes, but is not limited to: printed documents, computer files, letters, emails, photographs, and recordings. Public Authorities are not required to create new information to comply with a request under the Act. They only need to consider information already in existence at the time a request is received.

1.3.1. The Act does not give people access to their own personal data. Anyone wishing to view personal information held about them must submit a Data Subject Access Request under Data Protection legislation.

1.3.2. A request for environmental information, will be dealt with under the Environmental Information Regulations 2004.

1.4. This Policy should be read alongside the Model Publication Scheme and Definition Document for Colleges of Further Education and EKC Group Publication Schedule.

2. RESPONSIBILITIES

2.1. The Governing Body recognises and accepts its responsibilities as a Public Authority to promote a culture of openness and accountability. It aims to achieve this by being transparent about how the Group carry out its duties, why decisions are made, and how public money is spent.

2.2. The Group's Corporate Services Team are responsible for oversight of this Policy and reporting information to Group Leadership. The Corporate Services Officer will respond to information requests and the Group Director of Corporate Services will review and respond to all Internal Reviews.

2.3. All employees are responsible for ensuring that information requests are referred to Corporate Services immediately via foi@eastkent.ac.uk and that all information pertaining to a request is provided without undue delay.

2.4. The Group recognises that under Section 77 of the Act it is a criminal offence to alter, deface, block, erase, destroy or conceal any information relevant to an information request after it has been received, even if it is due to be deleted in line with the EKC Group Retention Schedule.

3. DISCLOSURE REQUESTS & PUBLICATION SCHEME

3.1. When dealing with requests, EKC Group (the Group) will follow "Section 45 Code of Practice" available via the Information Commissioner's Office (ICO) website. This Policy and associated documents are based on good practice guidance issued by the ICO.

3.2. Section 19 of the Act requires all public authorities to adopt and maintain a Publication Scheme setting out the information the Group routinely makes available. While not an exhaustive list of all publications (which may change as materials are updated) it represents the Group's commitment to proactively publish the information described.

3.3. The Group will not publish or provide employee personal information, except for those employees whose personal data is already linked to the Group in the public domain, for example, Governors and Executive postholders.

3.4. There are certain circumstances where information will not be provided. These are called exemptions. These include:

- Duplicate or vexatious requests.
- Where the cost of complying exceeds the designated appropriate limit of £450 (or 18 hours work at £25 p/h nominal charge).
- Information is in a draft form or no longer readily available, archived or difficult to access.
- Disclosure could damage the Group's commercial interests and data security or adversely affect health, safety and wellbeing of staff, students and visitors.

3.5. The Group will inform the requestor of the reasons where it is unable to provide information. The Group may also have to justify its decisions to the ICO.

4. FEES & COMMUNICATION COSTS

4.1. In accordance with Section 12 of the Act, the Group is not obliged to disclose information if the cost of doing so would exceed the appropriate limit mentioned in 3.4.

4.2. When the estimated cost will exceed the appropriate limit, the Group may decide to issue a Fee Notice to the requestor. Fees are to be paid within three months of issue.

4.3. Where a Fee Notice is issued the Group will consider any advice and assistance that can be provided to help the requestor reframe or refocus their request with a view to bringing it within the cost limit. This may include suggesting that the subject or timespan of the request is narrowed. Any refined request will be treated as a new request for the purposes of the Act.

4.4. Where Section 12 is not engaged, no costs can be applied for staff time. Charges may, however, apply where complying with a specific request involves excessive costs. These fees are called "disbursements" or communication costs. The Group can charge for:

- Additional copies, printing or photocopying (10p per A4 page, black & white)
- Postage or other forms of transmission (actual costs)
- Specially requested formats (unless this is in accordance with equality duties) (actual costs)
- Translation into another language (actual costs)

4.4.1. Where such disbursements are warranted, the Group will advise the requestor.

5. MAKING A REQUEST

5.1. Section 8 of the Act outlines the form of a valid request. Requests must be made in writing and using the requestor's real name and address (email or postal) and must adequately describe the information sought. The Group will offer advice to requestors in accordance with our equality duties if there are difficulties with the written aspect of the request.

5.2. The Group acknowledges that individuals may not be aware of the Act, so it will provide appropriate assistance for them to locate the information or frame their request.

5.3. In general, Public Authorities have 20 working days to respond. Non-working days include weekends and public holidays anywhere in the UK.

5.3.1. An extension to this timeframe is permitted for consideration of the Public Interest Test (where relevant), where the information is especially complex or voluminous, or where the Group needs to consult third parties. If this is the case, the Group will inform the requestor.

5.4. All requests should be submitted to Corporate Services – see **Section 8**. To make the request efficient, it helps to keep it as clear and straightforward as possible. There is support on how the requestor can do this on the ICO's website. There may be occasions when a request is not clear enough and the Group may ask for more detail or clarity.

5.4.1. Where the Group asks for further information or clarification, the 20-working day response period will not start until a satisfactory reply constituting a valid request is received. If no response to the request for further information or clarification is received within two months, the request will be considered closed.

5.5. The Group will take all steps to meet its statutory responsibilities and will ensure that information requests are processed fairly. All FOI requests will receive a written response.

6. INTERNAL REVIEWS

6.1. If the requestor wishes to challenge the outcome or handling of an FOI matter, they can ask for an Internal Review. Such requests must be made within 40 working days. The Group may contact the requestor for clarification if needed during this time.

6.2. The review will be conducted by a different and more senior member of staff than the person who issued the original response. The Group will examine the response and the decisions taken, including whether any exemptions have been correctly applied.

6.3. When the Group communicates the outcome of the review it will state whether it considers the response compliant with the legislation, and the reasons. If the review decides to overturn the original response and provide the information which was withheld previously, this will usually be supplied at the same time as the outcome.

7. COMPLAINTS

7.1. If the internal review outcome fails to resolve matters satisfactorily, the requestor has the right to complain to the ICO as the regulator of the Act. Further information about how to raise a complaint can be found on the ICO's website.

8. CONTACT DETAILS

This Policy is the responsibility of the Group's Corporate Services team who can be contacted as follows:

By email to FOI@EastKent.ac.uk

By post to Corporate Services, EKC Group, Ramsgate Road, Broadstairs, CT10 1PN

9. ASSOCIATED POLICIES & PROCEDURES

- EKC Group Publication Scheme
- EKC Group Data Protection Policy & associated procedures

- EKC Group Retention Schedule
- EKC Group Financial Regulations and related policies