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| **GLAS Policies and Procedures** Freedom of Information Policy | |
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# Introduction

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) grant a right to request and access information held by St George’s, University of London (SGUL). The public has the right to:

* Access information proactively published via the SGUL Publication scheme,
* Request recorded information held by SGUL,
* Be informed if SGUL hold the information requested, and, if it is held be given a copy of the information as long as it is not subject to an exemption.

# Scope

This policy will apply to all recorded information produced and held by SGUL staff during the course of their work, and suppliers and contractors working on behalf of SGUL.

# Purpose

The purpose of this policy is to provide a framework for complying with the FOIA and EIR, and ensure:

* Information about SGUL and its activities is made publicly available via a Publication Scheme,
* Information not available via the Publication Scheme is made available upon request,
* Requests are processed within the timeframe set out in the legislation, and
* When considering if an exemption applies to information held, due consideration will be given as to whether or not it is in the public interest to release the information regardless.

# Responsibilities

The member of staff with overall responsibility for the FOI and EIR regime is the Principal who has designated the Chief Operating Officer (COO) to be the lead for SGUL.

The Senior Governance Officer (Risk Management) is responsible for managing requests received by SGUL, liaising with staff responsible for compiling the response to the request, assist with appeals or complaints, and promoting awareness of the FOIA and EIR throughout SGUL.

The Records Manager is responsible for ensuring the currency of the publication scheme, disclosure log, policy and procedures, developing guidance material and promoting compliance with the FOIA and EIR via training, the Welcome Seminar, and the SGUL Intranet, and supporting the Senior Governance Officer (Risk Management) with processing requests as required. The Records Manager will ensure organisational compliance with the Records Management Code of Practice (S.46) and the Information Commissioners Office Code of Practice Section 45.

The FOI Leads located within Professional Services and the Research Institutes will co-ordinate the local response to requests for information, act as a first point of contact, and raise concerns or queries regarding the request with the Senior Governance (Risk Management).

The Head of Information Governance will respond to requests for review from the public.

# Publication Scheme

The FOIA requires that SGUL proactively publishes certain classes of information such as policies and procedures, financial information, and minute of meetings in a publication scheme. The Information Commissioners Office (ICO) has created a model publication scheme that stipulates information that should be disclosed as a matter of course. The publication scheme provides details of where the public can access information and whether or not there will be a charge to access the information. The publication scheme will be reviewed annually to ensure currency.

# Requests for Information

The legislation confers several rights on the public:

* The right to be informed if information exists,
* The right to obtain a copy of the information, subject to exemption,
* The right to appeal internally, and then externally to the ICO if the requestor is unhappy with the response.

Under the FOIA requests must be made in writing. The EIR allow a requestor to make their requests both in writing and verbally. The EIR also allows a requestor to view the information onsite should they wish to do so.

Requestors are entitled to any recorded information that is not subject to an exemption. However, as much information as possible will be released, and SGUL will offer advice and assistance to the requestor to assist them with refining their request.

Requests for information will be responded to within 20 working days, however:

* This timeframe is reset if a request for clarification is made,
* If a fee to supply the information is required the response time can be extended up to 3 months once the fee notice is issued,
* If the public interest test is applied an extra 20 days can be taken.

# Fees

SGUL will not charge for information made available via the publication scheme. Fees may be charged by SGUL for information not held I the publication scheme. Any fees charged will be in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 and Charging for Environmental Information (Regulation 8).

# Exemptions

Under the FOIA there are 23 exemptions and under the EIR 13 which SGUL can use to decline to release information. Of the exemptions some are absolute exemptions, and some are qualified exemptions that require SGUL to apply the public interest test.

When considering whether to apply a qualified exemption SGUL will carry out the public interest test before deciding as to whether or not the information will be withheld. Should an exemption be applied SGUL will provide the requestor with information on why the exemption was applied, supply details of how the requestor can complain if they are unhappy with the outcome, and will offer advice and assistance on how the request could be refined.

Should the FOI Lead wish to apply an exemption they should contact either the Senior Governance Officer (Risk Management) or the Records Manager.

# Appeals and reviews

If a requestor is unhappy with SGULs response to their request they can appeal. In the first instance they should contact SGUL – contact information is on the SGUL website.

Should a requestor appeal the Senior Governance Officer or Records Manager will provide the Head of Information Governance with the information required to review the actions taken to respond to the request.

If the requestor is unhappy with the result of the appeal they can then escalate their concerns to the Information Commissioners Office.

# Other relevant documents

* Data Protection Policy
* Publication Scheme
* Freedom of Information (FOI) Complaints and Appeals Procedure
* FOI Process for Dealing with requests for Information
* Records Management Policy

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| **Related policies** | Retention & Disposal Policy  The SGUL Retention Schedules  Records Management Policy |

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| Document History | | |
| **Version** | **Date** | **Summary of change** |
| 0.1 | 2005 | First Draft (unapproved) |
| 0.2 | 03/12/2013  (ISC) | New processes for handling enquiries and responsibilities of staff |
| 0.3 | 09/05/2017  (ISC) | Responsibilities of staff in new organisational structure  Reference to New Appeals Procedure  Formatted in line with latest template from Information Services for information governance policies |
| 0.4 | 18/05/2017  (Chair’s Action) | Additional paragraph relating to the Faculty of Health Social Care and Education (3.7) |
| 0.5 | 12/10/2017  (ISC) | Complaints and Appeals Procedure (Appendix A) |
| 0.6 | 02/12/2019 | Engagement and inclusion of Environmental Information Regulations |
| 2 | 28/09/2022 | **Introduction**:  Revised to include the Environmental Information Regulations.  **Scope**:  Revised and updated to reference ‘recorded information’ as per the Act. Point 3 EIR incorporated into the introduction to ensure the policy covers both pieces of access to information legislation. Added reference to contractors and suppliers.  **Purpose**:  New addition covering what the policy intends to achieve.  **Responsibilities**:  Removed reference to the Joint Faculty due to dissolution. Updated role of Records Manager and the Senior Governance Officer (Risk Management). Added section on the FOI Leads. Streamlined section.  **Publication Scheme**  Added annual review of scheme to ensure currency  **Requests for Information**  Added right to appeal to rights to public. Added EIR – how to make a request and that information can be viewed onsite. Added requirement to offer advice and assistance. Timeframes updated.  **Fees**  Added reference to the fee regulations  **Exemptions**  Streamlined, removing reference to a limited number of specific exemptions. Added requirement that a clear statement regarding why an exemption was applied should be made. Directed compilers of responses to GLAS for guidance if they have queries around exemptions.  **Appeals and Review**  Link to appeal section on the website in order to only maintain once. Took out procedural elements to maintain separately in SOP.  **Other relevant documents:**  Removed reference to KUs FOI policy and procedure. Added records management policy.  **Complaints and appeals procedure:**  Removed. SOP will be maintained separately and posted on the SGUL Intranet. Removes need to maintain duplicate copies of the SOP. |