

# St George's Freedom of Information Policy

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## 1. Document Information

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<b>Author</b>	Sheila Durkin
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## 2. Document History

<b>Version</b>	<b>Date</b>	<b>Summary of change</b>
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)	<ul style="list-style-type: none"><li>Responsibilities of staff in new organisational structure</li><li>Reference to New Appeals Procedure</li><li>Formatted in line with latest template from Information Services for information governance policies</li></ul>
0.4	18/05/2017 (Chair's Action)	<ul style="list-style-type: none"><li>Additional paragraph relating to the Faculty of Health Social Care and Education (3.7)</li></ul>
0.5	12/10/2017 (ISC)	<ul style="list-style-type: none"><li>Complaints and Appeals Procedure (Appendix A)</li></ul>
0.6	02/12/2019	<ul style="list-style-type: none"><li>Engagement and inclusion of Environmental Information Regulations</li></ul>

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## **Freedom of Information Policy**

### **1.0 Introduction**

- 1.1 The Freedom of Information Act, which received royal assent in November 2000, is intended to ensure a greater degree of openness and accountability amongst public authorities. The Act achieves this intention by establishing a general right of access to the information held by public authorities. The Act applies to, amongst others, all further and higher education institutions including St George's, University of London ('St George's').
- 1.2 St George's recognises the importance of the Freedom of Information Act 2000 and to assist organisational compliance with the Act will endeavour to ensure that:
  - 1.2.1 The majority of information is made available to the public through the institutional Publication Scheme
  - 1.2.2 Other information is readily available on request
  - 1.2.3 If information requested is subject to an exemption clause within the Freedom of Information Act (FOIA), the institution will implement the public interest test to determine whether the information can be released.

### **2.0 Scope of the Policy**

- 2.1 This policy is intended to cover all records created in the course of the business of the institution and includes physical and electronic records.
- 2.2 The policy outlines the responsibilities of St George's staff relating to FOIA, and should be read alongside the professional Codes of Practice within the Act.
- 2.3 The Environmental Information Regulations 2004 (EIRs) are similar to the Freedom of Information Act but are limited specifically to information regarding the environment. The EIRs interpret 'environmental information' widely, with the scope to include information such as health and safety policies or details about recycling. This policy will include engagement of the EIRs, whilst acknowledging key differences in Codes of Practice of the EIRs and the Freedom of Information Act.

### **3.0 Responsibility for Freedom of Information**

- 3.1 Ultimate responsibility for Freedom of Information rests with The Principal as Head of the institution. The Principal has designated the Chief Operating Officer (COO) to be FOIA Lead for the institution.
- 3.2 All staff who record information, whether on paper or by electronic means, also have responsibilities under the Act and under this policy.
- 3.3 The Freedom of Information Officer has responsibilities as follows:

- 3.3.1 Ensure organisational compliance with the FOIA and related two Codes of Practice for dealing with requests for information, request handling (S.45) and records management (S46)
- 3.3.2 Maintain the currency of this policy and the FOIA Publication Scheme
- 3.3.3 Promote FOIA awareness throughout the organisation
- 3.3.4 Ensure the general public has access to information about their rights under the FOIA
- 3.3.5 Assist with investigations into complaints and appeals regarding FOIA requests
- 3.3.6 Liaise and work with other employees responsible for information handling activities, e.g. Data Protection Officer.

3.4 Directors and Senior Managers are responsible for the following:

- 3.4.1 Ensure information is provided to the FOI Officer for inclusion in the Publication Scheme.
- 3.4.2 Ensure information not included within the Publication Scheme is created and stored in accordance with procedures and processes, to enable easy location when required.
- 3.4.3 Ensure information is provided to the FOI Officer in order that formal responses are provided within the statutory time limit.

3.5 Information Services is responsible for ensuring that other policies and procedures relating to information governance are aligned to this Freedom of Information Policy.

3.6 External Relations Communications and Marketing (ERCM) is responsible for ensuring that the St George's website provides dedicated space to Freedom of Information, in order that the institution is compliant with its duties under the Freedom of Information Act (FOIA).

3.7 The joint Faculty of Health Social Care and Education (FHSCE) will manage FOIA requests that relate to Kingston University activity or awarded programmes, in accordance with Kingston University FOIA policy and procedure.

#### **4.0 Publication Scheme**

4.1 To comply with FOIA the institution must have a Publication Scheme which sets out the following:

- 4.1.1 The classes of information published, or intended to be published
- 4.1.2 The manner in which the publication is, or is intended to be made
- 4.1.3 Whether the information is available free of charge or if payment is required

4.2 The Publication Scheme will be regularly reviewed and updated to ensure the currency of information contained within it.

4.3 Requests for a copy of the Publication Scheme and requests for information contained within the Scheme may be made to the Freedom of Information Officer.

#### **5.0 Specific requests**

5.1 The Freedom of Information Act confers two general rights on the public:

- 5.1.1 To be informed whether a public body holds certain information, and
- 5.1.2 To obtain a copy of that information

5.2 A request for information not included within the Publication Scheme must be made in writing, this includes via email, and a charge may be made for supply of the information.

- 5.3 Where possible the information will be supplied in the format requested by the applicant. However, requests can be met by providing a copy of the original document, as a summary of the original or even by allowing the applicant to visit St George's premises to read the document(s).
- 5.4 Requests for information will be met within 20 working days of receipt of the request or fee.

## **6.0 Fees**

- 6.1 Ordinarily the institution will charge no fee for documents contained within its Publication Scheme. However, fees may be charged for information outside the Scheme in accordance with the Ministry of Justice Fees Guidance:

<http://webarchive.nationalarchives.gov.uk/20150730125042/http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/fees>

## **7.0 Exemptions**

- 7.1 The rights within the Freedom of Information Act may be limited by the applicability of the exemptions. Several sections of the Act confer an absolute exemption on information. This has the effect of exempting the institution from confirming or denying that the information exists, or from disclosing the information at all.
- 7.2 Other sections direct the institution to weigh up whether the public interest in maintaining the bar on confirmation/denial or in maintaining the exemption is greater than the public interest in disclosing whether the public authority holds the information, or in disclosing the information at all.
- 7.3 Requests for exempted information will be considered by relevant staff, to reconsider whether the information can be supplied.
- 7.4 If St George's receives a vexatious request or repeated request it is not obliged to comply with the request. Decisions on whether a request is vexatious will be taken by the FOI Officer and/or FOI Lead, with the assistance of legal advice where necessary.
- 7.5 Repeated requests from the same person for information that has already been supplied to them will not be met unless there has been a "reasonable interval" between the requests. Reasonableness will be determined by the FOI Officer and/or FOI Lead.

## **8.0 Complaints and Appeals**

- 8.1 In the first instance complaints and appeals about the St George's Freedom of Information decisions should be made to the FOI Lead:

Paul Ratcliffe  
Chief Operating Officer  
St George's University of London  
Cranmer Terrace  
Tooting  
London  
SW17 0RE

- 8.2 The complaint or appeal will be reviewed according to the Freedom of Information Complaints and Appeals Procedure (Appendix A).
- 8.3 The institutional lead will formally respond to a complaint or appeal, and requesters are also free to contact the Information Commissioner directly if they remain unhappy with the institution's response to a request and a subsequent appeal:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545 700  
Email: mail@ico.org.uk

## **9.0 Other relevant documents**

- St George's Data Protection Policy
- St George's Publication Scheme
- St George's Freedom of Information (FOI) Complaints and Appeals Procedure
- St George's FOI Process for Dealing with requests for Information
- St George's FOI Frequently Asked Questions
- Kingston University Freedom of Information Policy and Procedure

## **Freedom of Information Act** **Complaints and Appeals Procedure**

1. Requesters can complain or appeal about the way that St George's has handled a Freedom of Information (FOI) request or an issue relating to the FOI publication scheme, by following the procedure set down below.
2. St George's will endeavor to investigate a complaint fully and resolve the problem internally. Should this not be possible requesters may take the complaint or appeal to the Information Commissioner's Office (ICO).
3. Complaints and Appeals Procedure:
  - (i) The requester will contact the FOI Officer to register a complaint: [FOI@sgul.ac.uk](mailto:FOI@sgul.ac.uk)
  - (ii) The FOI Officer will seek to informally resolve the complaint in correspondence with the requester within five working days of receipt of the complaint.
  - (iii) Should the complaint not be resolved to the requester's satisfaction within five working days, the requester is invited to make an Appeal by writing to the FOI lead of the institution: Mr Paul Ratcliffe, Chief Operating Officer [Paul.Ratcliffe@sgul.ac.uk](mailto:Paul.Ratcliffe@sgul.ac.uk)
  - (iv) The request for an Appeal will be acknowledged promptly by St George's, with advice of a target date for determining the complaint.
  - (v) The Appeal process will include a thorough review of the handling of the case, decisions undertaken pursuant to the Act, including decisions taken about where the public interest lies in respect of exempt information.
  - (vi) A response will be sent to the requester, with advice on the right to appeal to the Information Commissioner should the requester not be content with the outcome of the Appeal:

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

Tel: 01625 545700  
email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)
  - (vii) The Information Commissioner's Office will handle the case from this point onwards according to its own formal processes.

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/complaints/>