

  **Freedom of Information Policy**

1. **Introduction**
	1. The Freedom of Information Act 2000 (FOI Act) gives the public a general right to access information held by the University, as a Public Authority, subject to certain conditions and exemptions.
	2. This Freedom of Information Policy aims to provide a framework through which the University can develop a culture of openness, transparency and accountability which is promoted by the FOI Act.
2. **Roles and Responsibilities**
	1. It is the responsibility of all members of the University to comply with the Freedom of Information policy and current Freedom of Information legislation (FOI Act). Members includes staff, students and those who are contracted to the University for particular services and/or research projects.
	2. The role of FOI Officer is currently delegated to…………, with overall responsibility falling to……………….. The two referenced individuals have developed University procedures for requesting information, guidance on how the request will be processed and logging the information requests and their outcomes. The Information Governance Team, which sits with the Legal Services Team within the Offices of the Vice-Chancellor Directorate of the University has responsibility for ensuring the University’s compliance with the governing legislation, appropriate policies and guidance in place to enable the University to comply with Freedom of Information requests.
	3. The Information Commissioners Office, who is an independent public official is responsible for overseeing and enforcing the FOI Act.

1. **Obligations afforded under the FOI Act**
	1. Under the FOI Act, as a Public Authority, the University of Wolverhampton is obliged to:
* Maintain a Publication Scheme, which identifies a range of information and documents that are routinely published by the University.
* Provide access to University information which is not otherwise published on receipt of a valid written requesting.
* To comply with a written request for information within 20 working days from date of receipt subject to any exemption or fees.
* For all information supplied in response to a request for information being in a format that is acceptable to the Applicant (taking into account reasonable practicability and cost).
* If applicable, to inform the Applicant of any exemption applied to their request for information under the FOI Act.
* If a fee is chargeable, send the requester a fees notice, stating the amount required, in order to comply with their request for information.
* In accordance with the FOI Act, provide advice and assistance to those requesting information.
* Inform the Applicant where applicable of their further rights of review, via the University Internal Review Process and if they are still unsatisfied to the Information Commissioners Office.
1. **Request for Information**
	1. Persons who lodge such requests may be referred to as the Applicant or Requester in this document and/or any related correspondence.
	2. Requests for information need to be made in writing. Such requests can be made either by electronic means or postal. The reason for lodging the request is not necessary nor is proof of identification.
	3. In order for a request for information to be accepted as a valid, it requires to be in writing, coherent (as to understand what information is being requested), have a valid full name and a reply address by which the response to the request can be sent.
	4. More information on how to make a valid request for information can be found on the University’s website: <https://www.wlv.ac.uk/about-us/governance/legal-information/corporate-compliance/freedom-of-information/making-a-request/>. The University also operates an FOI request form for those Applicants who wish to utilise it.
	5. Oral requests for information (either in person or via the telephone) cannot be accepted as valid as they are not covered by the FOI Act and the University is not obliged to comply with such a request made in this manner.
	6. The Applicant who has submit the request for information has a right to be informed if the information is held by the University (unless exempt), a right to receive information (subject to exemptions) and the right to appeal against a decision made in relation to their request for information.
	7. The Applicant once they have lodged a valid request for information will receive correspondence to acknowledge receipt of the request. They will receive a decision notice and covering letter within 20 working days from the date of receipt of the valid request. If the request for information cannot be answered within the 20 working days compliance period, the Applicant will be informed at the earliest opportunity.
	8. In order to comply with a request for information, the ‘scope’ will be considered. The ‘scope’ is the information which is being asked for. If necessary, the ‘scope’ of the request may need to be clarified.
	9. If applicable, all clarifications required to comply with the request for information, will be communicated as soon as practicable. If clarifications are required from the outset (from when it has been received), these will be communicated before any acknowledgement of receipt is sent.
	10. The request for information will be placed on hold until the University is in receipt of the necessary clarifications, and the timeframe of 20 working days for compliance will be stopped.
	11. If a request is placed on hold and no response is received within one calendar month from the date the request was put on hold, the request will be withdrawn.
	12. All correspondence and disclosed documents (if sent electronically) will be in Abode PDF format. Any password protection or other encryption will be applied to any electronically sent documentation if required. The Applicant will be informed of such and told how to access the referenced information successfully.
	13. All requests for information are coordinated by the Information Governance Team.
2. **Exemptions and the Public Interest Test**
	1. Under the FOI Act, there are a number of exemptions where the University is not required to provide the information requested.
	2. Generally, the University is not required to disclose:
* Information about living individuals the processing of which is covered by the Data Protection Act 1998.
* Information that might jeopardize the health and safety of staff, students or the public.
* Information that might prejudice the University's commercial interests.
* Information that would prejudice the prevention or detection of crime or the prosecution of offenders.
* Information concerning legal proceedings or investigations being carried out by the University that might lead to criminal or civil proceedings.
* Information held under obligation of confidentiality.
* Information that is published elsewhere or that is intended for publication at a later date (e.g. draft versions of documents, information subject to amendment or approval by an appropriate University body).
	1. A number of the above exemptions are qualified in that they only apply where the public interest in maintaining the information outweighs the public interest in disclosing it. Put another way, the University is being asked to assess whether maintaining the secrecy of the information serves a greater public good than permitting that information to be broadcast. In practice the public interest test involves considering the circumstances of each particular case and the exemption that covers the information but generally the balance will lie in favour of disclosure. When it is in the greater good of public interest the University will release information.
1. **Charging**
	1. Unless otherwise specified, information made available following a request for information will be free of charge.
	2. The FOI Act allows public authorities, such as this University, to refuse to deal with any requests where they estimate that responding to the request would exceed the ‘appropriate limit’, or ‘cost limit’.
	3. If the University calculates that responding to a request for information will take it over the cost limit, it is not obliged to provide a substantive response. The cost limit is calculated at a flat rate of £25 per hour. For this University, the cost limit is £450 (18 hours).
	4. However, the University can charge for compliance with a request it estimates will exceed the ‘appropriate limit’ or ‘cost limit’. If the Applicant accepts, they will be provided with an official invoice on an estimate of costs and will undertake retrieval after payment of the invoiced charges.
2. **Internal Review Requests**
	1. The University follows best practice and guidance provided by the FOI Code of Practice and has a procedure in place for dealing with disputes about its handling of requests for information. These disputes will be dealt with as a request for an ‘internal review’.
	2. Please note that a request for internal review is different to a matter dealt with as a complaint.
	3. In accordance with the FOI Act, Applicants are informed in the original decision notice for their request for information about the University’s internal review procedure.
	4. The Applicant is also informed of their right to approach the Information Commissioners Office if unsatisfied with the outcome of their internal review request.
	5. Much like the request for information procedure, the Applicant will be provided with acknowledgement correspondence, and following the conclusion of the internal review, a covering letter and decision notice (which will detail whether the original decision has been not been upheld or upheld in full or in part).
	6. A request for internal review needs to be made in writing. There is no prescribed word format that needs to be followed however, it needs to be expressed that you are asking for such a review.
	7. It is usual practice for a request for internal review to be accepted within 40 working days of the date of the original decision notice. The University will not accept such a request after this date.
	8. The time period for compliance with a request for internal review is 20 working days for the date of a valid request.
	9. If the ‘scope’ of the request for internal review needs to be clarified, the Applicant will be informed as soon as possible.
	10. The request will be placed on hold until the University is in receipt of the necessary clarifications needed and the timeframe of 20 working days to comply will be stopped.
	11. If no response is received within one calendar month from the date the request has been placed on hold it will be withdrawn.
	12. The decision maker for the internal review will be a different person that, which undertook the original decision.
	13. All requests for information are coordinated by the Information Governance Team.
3. **Complaints**
	1. All complaints (not relating to matters which can be dealt with by a request for internal review) need to be made in writing.
	2. All complaints need to be as detailed as possible, so that the matter can be processed.
	3. All complaints will be acknowledged in writing and be complied with, within 28 days of receipt.
	4. If the response to any complaint is unsatisfactory the Applicant is eligible to take the matter to the Information Commissioners Office. The Applicant’s further rights will be detailed in any response provided.
4. **Information Commissioner Office Involvement**
	1. Any matter brought to the attention of the University or specifically the Information Governance Team by the Information Commissioners Office will be acknowledged and full cooperation will be undertaken.
5. **Sanctions for Non-Compliance**
	1. Failure to comply with the FOI Act could have significant detrimental consequences for the University, in the release of inappropriate material or the illegal withholding of information and any attendant adverse publicity and possible legal proceedings and sanctions that may arise.
	2. Criminal proceedings may be taken against individuals who intentionally destroy information to prevent a comprehensive disclosure of information in response to a request being made under the FOI Act. Such behaviour may also lead to University disciplinary action.