

Freedom of Information Policy and Procedures

1 Introduction: the Principles

The Freedom of Information (FOI) Act 2000 came fully into effect on 1 January 2005. The Act provides a general right of access to information held by public authorities.

In addition, the Environmental Information Regulations (EIR) 2004 provide a right of access to environmental information held by public authorities and other entities subject to those Regulations.

The purpose of the Act and the Regulations is to shift the collective attitude of the public sector from one of secrecy to one of openness and accountability. This is in keeping with the Seven Principles of Public Life as set out by the Nolan Committee,¹ to which the University fully subscribes. In addition, compliance with the Act and Regulations supports the University's commitment to an ethical framework as the basis of its policies and operations.

The University is a public authority under the Act and Regulations, and this document describes its responsibilities with respect to that legislation.

2 Requests for information

2.1 Access to information

Under FOI, anyone, anywhere in the world, can request any information from the University. We are required to let each applicant know a) if we hold the information, and b) if so, to communicate the information to him/her. Some information, however, may be exempt from disclosure.

¹ http://www.public-standards.gov.uk/about_us/seven_principles.htm

The FOI Act provides for access to **information** not documents. Although it is likely that copies of documents will be provided in response to a request, this may not always be the case.

2.1.1 *Publication scheme*

As required by the Act, the University has a publication scheme (located at <http://www.brunel.ac.uk/about/administration/information-access/freedom-of-information/guide-to-information>). The scheme provides details of information that we are making available (primarily on the Web). Anyone considering making a request for information should check the scheme first to see if the information he/she wants is listed there.

2.2 Valid requests

A request for information must provide enough detail to enable us to find the information requested, be in writing, and include a name and address for correspondence to be a valid FOI request. E-mail is considered writing under the Act, and an e-mail address is sufficient as an address for correspondence. (The Environmental Information Regulations vary from FOI in this respect. Refer to section 5 for more information.)

It follows, therefore, that **any** written request can be a valid FOI request. However, requests for information which fall into the “business as usual” category, such as requests for a prospectus or an application form, should be handled as they normally are.

Requests can be from University staff or students as well as from people outside the University.

Although it is not necessary to use a form, we have provided one at <http://www.brunel.ac.uk/about/administration/information-access/freedom-of-information/policies-and-guidelines>.

All requests which are not “business as usual” should be sent to the Information Access Officer (foirequests@brunel.ac.uk).

2.3 Handling requests

Requests for information should be forwarded to the Information Access Officer **as soon as possible**. The University must respond to FOI and EIR requests within 20 working days of receipt. The clock starts the day after the request is received in any office in the University.

All responses to requests for information are coordinated through the Governance, Information & Legal Office.

2.3.1 *Clock stoppers*

A request for information must include enough detail to enable us to find the information. If there are any questions about exactly what information is being requested, the Information Access Officer will contact the applicant for clarification. Until such clarification is received, the 20-day clock stops.

We are not allowed to ask **why** particular information has been requested.

If it appears the cost of complying with a request for information will exceed £450, we have the option of asking the applicant for payment. We will also ask for payment if the cost of preparing, photocopying, and posting information exceeds £10. Until such fees are paid, the 20-day clock stops. In addition, if the requested fee is not paid within 3 months from the date of the fee request, the request for information will be considered to have lapsed. If the applicant then decides he/she still wants the information, he/she will have to send in a new request.

More information on fees can be found in the Information Request Fees Policy (http://www.brunel.ac.uk/_data/assets/pdf_file/0020/7355/FeesPolicy13.pdf).

2.3.2 Advice and assistance

The University has a duty to provide advice and assistance to anyone requesting information. This may include helping the applicant to clarify a request. In addition, if compliance with the request will cost more than £450, we will try to help the applicant to modify the request in order to reduce the cost.

2.3.3 Transferring requests

If the University does not hold information for which we have received a request, we may wish to transfer the request to another public authority which does hold that information.

We will consult with the other public authority, and with the applicant, before transferring a request for information.

2.3.4 Consultation with third parties

If we receive a request for information which the University obtained from a third party, or if the requested information relates to a third party, we will consult with that party before deciding whether to release the information. However, in all cases the decision to release or withhold the information rests with the University.

3 Exemptions

The Freedom of Information Act includes 23 exemptions which limit the right of access to information. In determining whether or not to release requested information, the University will consider:

- the content of the information;
- the effect that disclosure would have;
- the source of the information; and
- why the information was recorded.

If we decide not to release the requested information, we will provide the applicant with details of the exemption(s) being applied, the reason(s) for applying the exemption(s), and any public interest factors (both for and against disclosure) that were taken into account.

3.1 Public interest test

Many of the exemptions include a *public interest test*. For those exemptions, we must decide whether the public interest in releasing the information outweighs the public interest in withholding it. Where the balance is equal, we will disclose the information.

Careful consideration must be given to factors in favour of disclosure, and factors against disclosure. Care must also be taken not to confuse *private* reasons for withholding information with public interest reasons for withholding information. The possibility that disclosure might cause embarrassment to University officials is not a valid reason for non-disclosure.

More information on the public interest test can be found on the Information Commissioner's Web site at http://www.ico.org.uk/for_organisations/guidance_index/~//media/documents/library/Freedom_of_Information/Detailed_specialist_guides/the_public_interest_test.ashx.

3.2 Interaction with the Data Protection Act 1998

If an applicant requests his/her own personal information, we will treat that request as a Subject Access Request under the Data Protection Act 1998.

If the request is for a third party's personal information, then the data protection principles outlined in the Data Protection Act will be considered before a decision is made whether to release the information.

3.3 Interaction with the Environmental Information Regulations 2004

When the University receives a request for information, we will determine whether any of the requested information falls under the definition of environmental information contained in the EIRs. If so, then that part of the request will be handled in accordance with the provisions of the EIRs. (See section 5 for more discussion on EIR.)

4 Complaints

If an applicant is not satisfied with the way the University handles his/her request, or feels an exemption has been incorrectly (or unfairly) applied, he/she may request an internal review.

Refer to Complaints Procedure Relating to Requests for Information and Handling Complaints under the Freedom of Information Act and Environmental Information Regulations (<http://www.brunel.ac.uk/about/administration/information-access/freedom-of-information/policies-and-guidelines>) for more information.

5 EIRs

Like the FOI Act, the Environmental Information Regulations provide access to information held by the University, but they apply specifically to information about the environment. The time period for responding to a request is the same as in the FOI Act.

The EIRs also include a number of exemptions, but each of these is subject to a public interest test.

A request for environmental information does not have to be in writing. However, we will transcribe any verbal request so we can ensure it adequately describes the information the applicant wants to see.

6 References and further guidance

Brunel University's FOI policies can be found at <http://www.brunel.ac.uk/about/administration/information-access/freedom-of-information/policies-and-guidelines>.

See also:

Freedom of Information Act 2000.
(<http://www.legislation.gov.uk/ukpga/2000/36/contents>)

Environmental Information Regulations 2004.
(<http://www.legislation.gov.uk/uksi/2004/3391/contents/made>)

Information Commissioner's Office (<http://www.ico.org.uk>)

Ministry of Justice (<http://www.justice.gov.uk/>)

DEFRA (Department for the Environment, Food and Rural Affairs)
(<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>)