

CODE OF PRACTICE FOR MANAGING FREEDOM OF INFORMATION REQUESTS

Policy Statement

1. The University of Suffolk is committed to the principles of, and guidance given by the Freedom of Information (FoIA) Act, 2000. As such, the University:
 - has adopted a publication scheme format approved by the Information Commissioner and makes information available in accordance with the Scheme;
 - provides clear advice to enquirers on how a request for information can be made;
 - manages a process to respond to requests for information, including partial responses or refusals to provide information for reasons of exemption;
 - references other University of Suffolk policies and procedures dealing with requests, in particular, the [Data Management Policy](#);
 - acknowledges that the UK Data Protection Act 2018 and EU General Data Protection Regulation (GDPR) 2017 takes precedent over the FoIA
2. This Code of Practice sets out what the University does to meet its freedom of information obligations under the FoIA. Information requests received within the normal course of business, for example prospectus enquiries, are treated in that manner and do not fall within the FoIA.
3. Enquiries about partner institutions of the University of Suffolk that are not related to the provision of University of Suffolk courses will normally be forwarded to those partners.
4. A Publication Scheme provides details of the types of information the University has selected to make publicly and routinely available together with details of how it can be obtained. A charge may be made for information if it is not routinely available.
5. An information request process is clearly laid out on the University of Suffolk [webpage](#) and the [Hub](#) designed for that purpose. However, the University will accept requests in other forms and will provide reasonable assistance to individual enquirers if required.
6. The University of Suffolk has 20 working days to respond to any request. Some responses to requests may be partial or refused if it is judged that the information requested is exempt from disclosure. In such cases, the enquirer will be given a clear explanation of that judgement.

7. For monitoring purposes, records are kept centrally of all FoIA information requests and how they have been responded to.

8. It is the responsibility of the Data Protection Officer, on behalf of the University, to ensure that the Code of Practice is compliant, understood by staff and used correctly. Whilst the Data Protection Officer and the Data Governance Team has ultimate responsibility for dealing with FoIA requests, in many cases, where specific and local information is requested, operational responsibility will rest with staff in Schools and professional service teams.

Related University of Suffolk Policies and Procedures

Data Management Policy

9. Data protection provisions always take precedence over those of freedom of information. Please refer to the [Data Management Policy](#) and related guidance for details on how personal information is obtained, processed, stored and disclosed in accordance with Data Protection legislation.

University of Suffolk Publication Scheme

10. The Publication Scheme is a classified list of the information the Institution makes routinely available to the public. The Scheme has been created in line with the model publication scheme produced and approved by the Government's Information Commissioner. As such, the information is classified into seven main groups. For each document, a website hyperlink or explanation of how it may be obtained is also given.

11. The seven groups of information are:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

12. The Publication Scheme and those documents referenced within it are reviewed throughout the year, via the Publication Information Group.

Making a Request

13. Most enquirers will make a request via the link on the University of Suffolk [website](#). Other requests may come through the datagovernance@uos.ac.uk or direct to any individual employee in person or by email, phone or letter. Requests directed to an individual should be shared with the Data Governance Team within 24 hours of receipt. However, before a request is formally responded to, it must be made in writing. Requests may not explicitly state that they are being made under FoIA. However, it is important that they are recognised and dealt with as such.

14. Whilst the FoIA provides the right to request information, it does not give the right to request an actual document.

Responding to Requests

General

15. Not all requests for information fall within the FoIA; information requests received within the normal course of business, for example prospectus enquiries, routine press / media enquiries are treated in that manner. Information that is listed within the University of Suffolk [Publications Scheme](#) is routinely available to the public and therefore does not fall within the FoIA.

16. Any requests that are not routine are regarded as being within the FoIA and the following process should be followed.

Initial Response

17. The initial FoIA request may be in person, by phone, letter or email. It could come to any member of university staff and does not have to explicitly use the words “FoIA” or refer to the Act.

18. University staff should:

- Check the enquirer is aware of information held on the University website and knows about the Publication Scheme and how to use it. Offer advice and assistance with this process.
- If the request is outside the normal course of business or not in the University Publication Scheme, the enquirer should be advised to complete the [Freedom of Information Request form](#)

Dealing with formal FoIA requests

19. On receipt of the formal request, the University of Suffolk has 20 working days to respond (this excludes weekends and bank holidays and other days when the University might be closed, e.g. over the Christmas break). All request forms are acknowledged and logged centrally by the Data Governance team on a 'disclosure log'. (This lists the type of request, response time, action / level of complexity, what was disclosed and who dealt with it.)

Action by Data Governance Team, with school and professional services teams:

20. Determine nature of the request:

- Does it meet the requirements of the FoIA?
- Is it routine data held in a Publication Scheme?
- Is it non-routine and does the University hold it anywhere?
- Does it fall within an exemption category? (In most cases, personal data is exempt.)
- Is it vexatious? e.g. in an abusive manner, undue pressurising or causing unnecessary distress to staff. Or repeated targeting of a member of staff.
- Is it linked to other, similar requests? e.g. requests that appear to be part of an organised campaign. These might be aggregated into one general response.
- Should a fee be charged?

21. Determine any reason why information might be refused or withheld or if other, third parties need to be consulted before making that decision, e.g. in the case of a joint venture.

22. Even if the University holds the information, the request may be refused if it will cost more than £450 to be retrieved or if it will take more than 18 hours of effort.

23. Information may be refused on grounds of exemption – see Section 6 - Exemptions.

24. If a request is refused, the Data Governance team will notify the enquirer within 20 days and deal directly with any follow-up issues. The enquirer is made aware of the complaints process.

25. If the information request is straightforward and can be provided direct from the relevant School or professional services team, or partially provided then the Data Governance team determines how this will be done.

26. Should information require additional preparation and the University risks exceeding the 20 days, the enquirer will be notified of the delay and advised on the revised timescale. They will also, if applicable, be issued with a fees' notice. Where a fee is imposed, the 20-day timescale is put on hold until the payment has been received and funds have been cleared.

Exemptions

27. There may be situations where it would be inappropriate to disclose information that is requested, and the University has the right to avoid either confirming or denying it holds the information or explicitly refuse the release of information; this is called an exemption. Appendix 2 lists the 24 types of exemption that may apply, and these have been categorised in order of likely applicability to the University.

28. There are two types of exemption; they are either absolute or qualified. An *absolute* exemption normally means that the information is personal and/or has been provided to the University in confidence. Such information is covered by Data Protection legislation. A *qualified* exemption is one where the decision has been subject to a public interest test. This means that the University has considered the circumstances of the case, and it is in the public interest not to disclose the information, e.g. information that is intended for future publication like a press release or a contract that contains confidential commercial interests. These are broad examples; each request should be examined individually.

29. When responding to a request, it must be clearly stated why the exemption applies and what considerations have been taken into account before reaching the decision.

30. Action will be agreed by the appropriate school or professional services team, including consultation with third parties if necessary and in liaison with the Data Governance team.

Complaints

31. Anyone who considers that the University of Suffolk is not complying with its obligations under the FoIA or who wishes to complain about the handling of or outcome of their request will have their concerns / complaint reviewed via the appropriate route, detailed in either paragraph 33 (students) or paragraph 34.

32. Complaints from current students should be made via the University

33. Complaints by anyone else should be made in writing or by completing the [Internal Review Request Form](#) which will be received by the Data Governance Team or, if the complaint

is about the Data Governance team, you can report this to the Academic Registrar of the University of Suffolk or again, by completing the [Internal Review Request](#).

34. In the event of these channels failing to produce a satisfactory outcome, [The Information Commissioner](#) may also be contacted.

Record Keeping

35. It is a criminal offence to alter, destroy or conceal information with the intent to prevent disclosure of information requested via an FoIA request.

36. The need to locate and retrieve information quickly and easily is always important but it takes on added significance in the context of freedom of information.

37. All School and Professional Services Teams have a responsibility to ensure that their activities are adequately documented and kept in a record-keeping system that enables quick and efficient retrieval in line with the Data Management Policy.

Appendix 1 – Exemptions and guidance on likely applicability for universities*(From Mills & Reeve “Basic Principles of the Freedom of Information Act 2000”)***FOIA Exemption*****Applicability of Exemptions for Universities: Highly likely***

Section 21	Information accessible to applicant by other means.	(Absolute)
Section 32	Court records.	(Absolute)
Section 40	Personal information.	(Absolute)
Section 41	Information provided in confidence.	(Absolute)
Section 22	Information intended for future publication.	(Qualified)
Section 36	Prejudice to effective conduct of public affairs.	(Qualified)
Section 42	Legal professional privilege.	(Qualified)
Section 43	Commercial interests.	(Qualified)

Applicability of Exemptions for Universities: Possibly

Section 44	Prohibitions on disclosure	(Absolute)
Section 30	Investigations & proceedings conducted by public Authorities.	(Qualified)
Section 31	Law enforcement.	(Qualified)

Applicability of Exemptions for Universities: Unlikely

Section 23	Information supplied by, or relating to, bodies dealing with security matters.	(Absolute)
Section 34	Parliamentary privilege.	(Absolute)
Section 24	National security.	(Qualified)
Section 25	Supplementary provisions regarding certificate issued by Minister under ss.23 and 24	(Qualified)
Section 26	Defence.	(Qualified)
Section 27	International Relations.	(Qualified)
Section 28	Relations within the United Kingdom.	(Qualified)
Section 29	The economy.	(Qualified)
Section 33	Audit functions.	(Qualified)
Section 35	Formulation of government policy, etc.	(Qualified)
Section 37	Communication with Her Majesty, etc. and honours.	(Qualified)
Section 38	Health and safety.	(Qualified)
Section 39	Environmental information.	(Qualified)