

University of Wales, Newport	Title: Freedom of Information Request Handling Procedure	
	Version: 1.1	Approved: ISP Date 20/11/07
	Suitable for Release under FOI? YES	Next Review: June 2012

**University  
of Wales,  
Newport**

**Prifysgol  
Cymru,  
Casnewydd**

<b>NAME OF DOCUMENT:</b>	Freedom of Information Request Handling Procedure
<b>AUTHOR:</b>	Information and Records Manager
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<b>DEPARTMENT RESPONSIBLE</b>	Human Resources
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## **FREEDOM OF INFORMATION REQUEST HANDLING PROCEDURE**

### **1. Introduction**

The Freedom of Information Act 2000 (FOI Act) provides anyone, anywhere in the world the right of access to information held by the University of Wales, Newport upon written request. The University has 20 working days in which to provide a full response to such requests.

The Environmental Information Regulations provide for similar rights.

This procedure is a combined procedure for the handling of FOI and EIR Requests. Both will be dealt with under the same principles due to their similarities. Reference will primarily be made to FOI. Where a different approach is needed for EIR requests this will be stated. Otherwise the procedure relates to both pieces of legislation.

### **2. Aim of the Procedure**

The aim of this procedure is to set out how the University of Wales, Newport will process FOI Requests from their initial receipt through to final response.

It will provide guidance to staff on:

- What to do when they receive a written request for information
- What is expected of them when assistance is required by the Records and Information Manager to comply with an FOI Request
- Ensuring that FOI Requests are approached in the spirit of the Act and that they are handled in the appropriate manner
- Ensuring that requests are handled in line with the Code of Practice under Section 45 of the FOI Act.

It will provide guidance to the applicant on:

- The service they can expect to receive when making a request under the FOI Act or Environmental Information Regulations
- How the University will respond where exemptions have been applied to the right of access.

### **3. Scope of the Procedure**

This procedure relates to all requests dealt with formally under the Freedom of Information Act and Environmental Information Regulations. It applies to all employees of the University of Wales, Newport including staff contracted to the University through a 3<sup>rd</sup> Party (such as agency staff).

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## 4. Specific Guidance

### 4.1 Initial Contact

**4.1.1** Staff should be aware that FOI requests can be given, or sent to, anyone in the employ of the University of Wales, Newport.

**4.1.2** Written requests (including emails) for information that require processing in line with the FOI Act are to be forwarded to the Records and Information Manager at the earliest opportunity in order to comply with the 20 working days response time.

**4.1.3** Where a request is verbal staff members should advise and assist the applicant where possible in explaining what information is routinely available either through the University web-site or via another source. Staff should explain that if required the applicant can make an FOI Request. The applicant can either be transferred to the Records and Information Manager or directed to the following webpage:

[http://www3.newport.ac.uk/displayPage.aspx?object\\_id=5132&type=SEC](http://www3.newport.ac.uk/displayPage.aspx?object_id=5132&type=SEC)

**4.1.4 EIR's** - Oral requests for environmental information are to be directed to the Records and Information Manager in the first instance. Unlike FOI Requests a request under the Environmental Information Regulations do not have to be in writing.

### 4.2 Receipt of FOI Request

**4.2.1** When an FOI request has been received by the Records and Information Manager it will be checked to ensure it is a legitimate request under the Act.

**4.2.2** Each FOI Request received will be logged and given a unique reference number. Each subsequent piece of correspondence with the applicant will contain the reference number.

**4.2.3** An acknowledgment letter will be sent within 3 working days outlining the unique reference number, the date of receipt, the due date for response and a brief description of the information that has been requested. A template letter will be used for this purpose.

**4.2.4** The Records and Information Manager will inform directorate via e-mail of any FOI Request received detailing what information has been requested and any other pertinent information.

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- 4.3.1** When a request has been received, the Records and Information Manager will investigate what information is held by the University in order to provide a response. This will usually mean contacting staff in the departments where information is suspected of being held.
- 4.3.2** Where it is established that information is held by a department, a request for assistance will sent via e-mail from the Records and Information Manager to the appropriate person within the department. The e-mail will normally be labelled as high importance, the subject will be the reference number of the request and a response date set of 7 working days. This is to ensure that the information is received in good time for exemptions to be considered and potentially applied with the 20 working day compliance time.
- 4.3.3** Where it is established that information subject to a request may be contained within an individual's e-mail account, the individual will be contacted in a similar manner to 4.3.2 above, for that individual to provide relevant information.
- 4.3.4** Staff will be reminded where necessary that it is a criminal offence to block, erase, alter, deface, conceal or destroy any information subject to a request with the intention of preventing disclosure.
- 4.3.5** Where a request for assistance has been made of a member of staff it is recommended that they inform their line manager. This is so that the member of staff is able to double check that all information pertinent to the request has been identified; to allow the line manager to comment; and also to make the line manager aware that disruption to routine work might result from providing the assistance.
- 4.3.6** Once a thorough search has been completed, if no information pertinent to the request has been located, the department will inform the Records and Information Manager by e-mail.
- 4.3.7** Where information has been identified it should be provided to the Records and Information Manager at the earliest opportunity in the format most readily available.
- 4.3.8** It is important that the member of staff or their line manager identify up front any detrimental effects that release of the information into the wider public domain could cause. This will enable the Records and Information Manager to more readily determine whether exemptions within the Act can be applied.

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**4.4.1** The Records and Information Manager will try to determine at the earliest stage whether complying with a request is likely to exceed the “appropriate fees limit” as outlined in Section 12 of the FOI Act.

**4.4.2** Where the fees limit is likely to be exceeded, the Records and Information Manager will notify the applicant at the earliest opportunity. Where possible the Records and Information Manager will work with the applicant in an effort to reduce the scope of the request to bring it within the fees limit.

**4.4.3** Fees will not routinely be charged where costs exceed the limit. Instead the request will be refused unless the University is prepared to carry out the work and the applicant is prepared to pay in full in advance.

#### **4.5 Considerations for Disclosure**

**4.5.1** The Records and Information Manager will take all reasonable steps to ensure that a conclusive search has been undertaken for all information in response to a request.

**4.5.2** The Records and Information Manager will assess the information for disclosure taking into account the views of the information owner.

**4.5.3** Disclosure will be considered on the basis that the information is to be released into the public domain. The identity of the requestor will have no bearing on what information is disclosed or otherwise.

**4.5.4** Where exemptions are applied this will be made clear to the applicant in the final response. The results of any prejudice test or public interest test required to apply the exemption will also be communicated to the applicant.

**4.5.5** At the conclusion of every request, details of the University Freedom of Information Complaints Procedure will be forwarded to the applicant. This can be found at [Appendix A](#)

#### **4.6 Transferring A Request**

**4.6.1** Where a request requires transference either in whole or in part to another public authority, the applicant will be informed of this requirement by the Records and Information Manager and approval will be sought for this action.

#### **4.7 Late responses**

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**4.7.1** Where it becomes apparent that the University will be late in responding, the Records and Information Manager will notify the applicant and provide a revised time-scale prior to the original deadline elapsing. This applies whether the time-scale is legally extended or if the request is simply likely to be overdue.

#### **4.8 Requests for applicant's personal data**

**4.8.1** Where an applicant requests their own personal data under the Freedom of Information Act the request will be refused under Section 40 of the Act. Where appropriate, a Subject Access Request form will be sent to the applicant with the refusal notice so that the applicant can pursue their rights through the Data Protection Act.

#### **4.9 Welsh Language Scheme**

**4.9.1** Where a requestor wishes for information to be communicated in Welsh the University will make all reasonable efforts to comply with this request in line with the University Welsh Language Scheme.

#### **4.10 Publication**

**4.10.1** Where there is ongoing interest in information held by the organisation, the Records and Information Manager will discuss with the information owner the merits of publishing the information to the University web site.

### **5. Responsibilities**

All Staff – Staff employed by the University of Wales, Newport are responsible for recognising potential FOI Requests and handling them in accordance with this procedure. Staff are also responsible for assisting the Records and Information Manager in locating information within their remit, in response to a request.

Records and Information Manager – This post is responsible for ensuring the University meets its legal obligation to respond appropriately to requests under the FOI Act. The post-holder will handle all requests made under the FOI Act and EIR's.

### **6. Retention Periods**

The University of Wales, Newport will retain requestor details for a period of two years plus the current calendar year.

### **7. Definitions**

**FOIA** – Freedom of Information Act 2000

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**DPA** – Data Protection Act 1998

**EIR** – Environmental Information Regulations – Similar in scope to the FOI Act but with some differences.

**Section 45 Code of Practice** – Guidance issued under the Act by the Lord Chancellor (now Department of Constitutional Affairs) on how to handle FOI Requests and any subsequent complaints appropriately

**Section 46 Code of Practice** - Guidance issued under the Act by the Lord Chancellor (now Department of Constitutional Affairs) on how organisations should approach the management of their records in order to improve the chances of compliance with the FOI Act

**Right of Access Request/FOI Request** – A written request requesting access to information that we hold. Must contain a name and correspondence address.

Redaction – The act of removing information from view.

**Publication Scheme** – A statutory framework for the proactive publication of information according to agreed “classes”. Available via the internet.

**Exemptions** – Sections in the Act that remove the right to access or be informed whether information is held.

**Prejudice/Harm Test** – In order for some exemptions to apply we must demonstrate that a detrimental effect would result from release of the information.

**Public Interest Test** – A balancing test based on whether the greater public benefit would result from release or non release. The public interest test is not to be confused with what interests the public.

## 8. Further Guidance

The Lord Chancellor Code of Practice under Section 45 of the Act outlines good practice as to how FOI Requests should be handled. This can be found at:

<http://www.dca.gov.uk/foi/reference/impref/codepafunc.htm>

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## **Appendix A**

### **Complaints Procedure under the Freedom of Information Act 2000 and Environmental Information Regulations 2004**

This document has been designed to give you an understanding of our Freedom of Information Complaints Procedure should you be dissatisfied with the outcome or handling of your request.

#### **Who can complain?**

Anyone who has made an FOI request to the University of Wales, Newport in writing can complain. If you have requested information and you are not satisfied with the way we have dealt with your request, you can use this review process to have it looked at again. If you are unable to initiate this process yourself you can designate someone to do so on your behalf however, it will help us if you make it clear that you are doing so. You will have 60 calendar days in which to make a complaint.

#### **What can I complain about?**

You can request a review about anything which you feel has not been carried out in a satisfactory manner. This can be, for example, the amount of information supplied, or the way exemptions were applied. You can also seek a review about the way a request was handled - for example, the time it took to respond, or how much help you were given to identify the information you required.

#### **How do I complain?**

All FOI complaints must be in writing, and to deal with your request as quickly as possible, it will help if you can give the reason for your complaint and give us as much information as you can about your original request (such as the reference number). That will help us to find our records on the request as quickly as possible. You may wish to contact the Records and Information Manager prior to making a formal complaint as the matter may be able to be resolved informally with further explanation.

#### **What happens to my complaint?**

Once we have enough details to identify the request, we will begin a review of the case. The University Secretary will be responsible for overseeing the review. We may need to get in touch with you during the review to clarify certain matters.

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Once we have completed our review, we will inform you of our findings. To take into account the more complicated cases we aim to complete reviews within a maximum of 2 months. However, we will contact you as soon as possible after receipt of your request for review with an estimate of the time-scale involved which will be reflective of the complexity of the case.

If we should have provided information and have not provided it, we will send you the information as soon as possible.

If we believe after review that our original response was correct, we will let you know this and inform you of your options as outlined below.

### **What if I'm still not satisfied?**

If you are still not satisfied you can refer your case to the Information Commissioner, who may investigate the matter on your behalf.

The Information Commissioner's details are as follows:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Phone: 02070 257580  
e-mail: [Mail@ico.gsi.gov.uk](mailto:Mail@ico.gsi.gov.uk)

This option is open to you at all times, but we would prefer to sort things out at a local level if possible, as this is likely to be quicker and easier for all concerned. We will make all required information available to the Information Commissioner should he wish to investigate.

### **How can I get more information on complaints?**

If you have any further questions about the FOI Complaints procedure, please contact the Records and Information Manager on 01633 432215, or email [Unisec@newport.ac.uk](mailto:Unisec@newport.ac.uk) or view the website at:

[http://www3.newport.ac.uk/displayPage.aspx?object\\_id=5132&type=SEC](http://www3.newport.ac.uk/displayPage.aspx?object_id=5132&type=SEC)

We will publish the outcome of previous complaints and our performance against our target for completing reviews.