

University of Wales, Newport	Title: Freedom of Information Policy	
	Version: 2.2	Approved by: Mgt Board 5 th February 2008
	Suitable for release under FOI? YES	Next Review: July2013

**University
of Wales,
Newport**

**Prifysgol
Cymru,
Casnewydd**

FREEDOM OF INFORMATION POLICY

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Current Author:	Records and Information Manager – Matt Cooper
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Department Responsible	University Registry – Governance Team
Procedure Lead	Records and Information Manager
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2.1	4 Feb 2011	Records and Information Manager – Matt Cooper	Reviewed - Minor cosmetic changes
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FREEDOM OF INFORMATION ACT POLICY (including EIR's)

1. Introduction

The Freedom of Information Act 2000 (FOI Act) came into full effect in January 2005 and provides a general right of access to all recorded information held in any format by public authorities in England, Wales and Northern Ireland. This includes the University of Wales, Newport.

Our legal obligations under the FOI Act include producing a Publications Scheme through which information can be proactively made available to the general public.

It also includes responding within 20 working days, to direct written requests for information.

Similarly, the Environmental Information Regulations 2004 came into full effect in January 2005. The provisions of these regulations are broadly similar to the FOI Act therefore this policy, although primarily referencing FOI, encompasses both pieces of legislation. Key differences between the two, where a difference in approach is required, will be clearly highlighted.

2. Aim of the Policy

The aim of this policy is to define how the University of Wales, Newport will approach its responsibilities under the FOI Act. Through agreed procedures it will aim to ensure that:

- The University is able to effectively deal with FOI Requests in a comprehensive and timely fashion
- The University is able to effectively deal with EIR Requests in a comprehensive and timely fashion
- The University offers the required service in line with Section 45 of the Act.
- The University is able to identify information subject to a request, collate that information and apply exemptions correctly where necessary.
- The University utilises its Publication Scheme to full effect and it complies with legal requirements
- The University is able to offer advice and assistance to potential and current applicants for information
- The University is able to reconsider requests where the applicant is not satisfied with our original response as part of an appeals procedure
- The University is able to demonstrate that it operates in line with the Code of Practice for Records Management under Section 46 of the FOI Act
- The University is able to liaise with the Information Commissioners Office in a timely and constructive manner

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3. Scope of the Policy

The Freedom of Information Act, and therefore this policy, applies to all information, regardless of format, that is held by officers and staff of the University in order to carry out the functions of the University. It also applies to any companies that are wholly owned by the University and to information held by another organisation or individual on behalf of the University. Information which is held by the University on behalf of another organisation or person, of which the University has no corporate interest, is not covered unless the information is environmental information and is requested under the EIR regime.

4. Policy Statement

4.1 Approach to requests for information

Whilst recognising that any written request for information can technically constitute a FOI Request the University of Wales, Newport takes the view that not all such requests are required to be dealt with formally under the Act. The University has adopted a “business as usual” approach to dealing with written requests for information.

This is in recognition of the fact that areas of the University that have traditionally given out information as part of normal business, should continue to do so. An example of this would be a written request for a prospectus. Although technically an FOI request, it would not be sensible to formally deal with such requests under the FOI Act where previously the information was routinely provided. In-keeping with the spirit of the Act, the University will aim to complete all business as usual written requests for information within 20 working days.

We will deal with a written request formally under the FOI Act if:

- The individual states the Act
- The individual requests information that we have not traditionally disclosed
- The individual asks for information from multiple business areas that might be served best by a co-ordinated central approach.

Any disclosure will be considered on the basis that release is into the wider public domain as opposed to the individual applicant. This means that no individual has a greater right of access to information under FOI than another.

The FOI Request Handling Procedure outlines in further detail the approach on this matter.

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4.2 Publication Scheme

The University will ensure that the classes of information that have been agreed with the Information Commissioner contained within the Publication Scheme are populated, readily accessible and accurate. The University will also, from time to time, publish to the Publication Scheme information that is considered to be of public interest in the spirit of openness and transparency.

4.3 Records Management

Under Section 46 of the Act public authorities are required to put in place systems in order to manage corporate records effectively as a way to reduce the likelihood of non-compliance with the FOI Act. The University has developed a Records Management Policy and accompanying procedures that support this code and puts into place a structure for the long term records management needs of the institution.

4.4 Freedom of Information Reviews

Where an individual is not satisfied with the way a request has been responded to or handled, a Freedom of Information Complaints Procedure will provide the opportunity to re-assess the original decision. This procedure will be notified to the applicant at the conclusion of a request.

5. How this policy will be supported

This policy will be supported through various procedures and guidance documents.

6. Responsibilities

The University recognises that it has a responsibility to comply with the Freedom of Information Act 2000 and its provisions. The Registry and University Secretariat owns this policy and associated procedures and is responsible for its upkeep.

The Records and Information Manager is the lead for this policy and for ensuring compliance with the Act through the processing of requests and providing advice and assistance to both internal and external parties.

7 Staff

Staff will adhere to all policies and procedures relating to the Freedom of Information Act.

Members of staff who are responsible for managing information that is covered by the Publication Scheme will ensure that the information is accurate and that it can be

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retrieved easily and quickly. In particular staff will ensure that any electronic links to the information are operational.

All members of staff will ensure that they are able to recognise a request made under the Freedom of Information Act and that they take the appropriate action. Staff are also responsible for ensuring that they obtain any guidance or advice necessary from the Records and Information Manager prior to any disclosure.

8 Definitions

FOIA – Freedom of Information Act 2000 – Provides a right of access to all recorded information held by public authorities, subject to exemptions.

DPA – Data Protection Act 1998 – Regulates the way in which personal data is processed, allows an individual access to their own personal data held by an organisation.

EIR – Environmental Information Regulations 2004 – Similar in scope to the FOI Act. Grants a right of access to environmental information held by public authorities.

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 appeals 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 for access to information that we hold. Must contain a name and correspondence address.

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

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

9 Relationship with Other Policies

This Freedom of Information Policy has a relationship with the Data Protection Policy and the Records Management Policy as well as with other policies and procedures relating to information, audit, equal opportunities, ethics, etc.

Data Protection Policy
Records Management Policy

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FOI Request Handling Procedure
FOI Complaints Procedure

10 Links to related topics

The full Freedom of Information Act 2000 can be found at the following web-address:

<http://www.opsi.gov.uk/acts/acts2000/20000036.htm>

The Environmental Information Regulations can be found at the following web-address:

<http://www.opsi.gov.uk/si/si2004/20043391.htm>

The Information Commissioner Office which regulates and enforces the FOI Act can be found at:

www.ico.gov.uk

Policy End