

UNIVERSITY OF YORK

FREEDOM OF INFORMATION POLICY 2004

The University is committed to the principles of freedom of information. Under the Freedom of Information Act 2000, it will establish a general right of access to the information it holds, thereby promoting greater openness and accountability. To this end, the University affirms its recognition of the public's 'right to know' and will operate an access regime on the presumption that information is open unless there is a valid reason to restrict access (where an exemption specified under the Act has to be applied).

The following policy establishes a framework which underlines this commitment and draws together key issues of accountability and implementation, providing policy statements through which best practice can be implemented and audited. The policy covers:

1. Scope of the policy
2. Responsibilities
3. Relationship with existing policies and legislation
4. Guidance available
5. University Publication Scheme
6. Individual Access Requests
7. Charges
8. Complaints
9. Exemptions
10. Copyright
11. Records Management
12. Document Status and Policy Review
13. Contact

1. Scope of the policy

1.1 This policy has been established to ensure that the University meets the provisions of the Freedom of Information Act and related statutory codes of practice. It applies to information held across the University, by its departments, staff, subsidiaries and agents, irrespective of its format, storage medium or age. Information 'held' by the University is not confined to information generated by University employees and agents

but encompasses any information in its possession, including information the University has received or purchased, or that is held by third parties on its behalf.

1.2 It is the intention of the policy to reinforce the application of the Act's key principles and ensure that they remain central to the University's access regime, information strategies and records management programme. Namely,

- That information routinely published by the University concerning its activities is made publicly available through the University's Publication Scheme
- That information held by the University which is not included in the Publication Scheme is available on request
- That requests for information are dealt with in an efficient, helpful and timely manner, and
- That, in cases where an exemption may be claimed, due consideration is given as to whether or not the information is disclosed (with appropriate regard to the public interest, the rights of data subjects, legal obligations and issues of information access and security).

2. Responsibilities

2.1 The University has a corporate responsibility to implement the provisions of the Act, supporting a general right of access to the information in its possession and maintaining its records and record-keeping systems in accordance with the regulatory environment. The member of the University's senior management with overall responsibility for this policy is the Registrar and Secretary. The University is accountable to the Information Commissioner in its compliance with the Act.

2.2 The University's Records Manager is responsible for drawing up guidance for the implementation of best practice and promoting compliance with the Act and this policy in such a way as to ensure the easy, appropriate and timely retrieval of information and efficient handling of requests. The Records Manager will advise on policy and best practice and will report to the Keeper of Archives and the Registrar and Secretary. The Records Manager also has responsibility for records management across the University, its archive and is the University's Data Protection Officer.

- 2.3 Records Liaison Officers, nominated from within University departments, provide a key point of contact between departments and the University Records Manager. They are responsible for liaising with the Records Manager on behalf of their departments, disseminating central guidance to colleagues and assisting in the local implementation of procedures and best practice.
- 2.4 Individual employees must ensure that the records for which they are responsible are complete and accurate records of their activities, and that requests for information are handled efficiently and promptly in accordance with Freedom of Information guidelines.

3. Relationship with existing policies and legislation

- 3.1 This policy has been formulated within the context of University policies and guidelines, national legislation and sectoral/professional standards (see Appendix 1).

4. Guidance Available

- 4.1 This policy establishes a framework for guidance on the procedures necessary to comply with the policy. Guidance on the following areas is in preparation and will be available from the Records Manager and www.york.ac.uk/recordsmanagement.
- Introduction to the Act and Guide to Initial Preparation
 - Enquiry Handling Process (Appendix 2)
 - Enquiry Handling Procedure
 - Freedom of Information Complaints Procedure
 - Freedom of Information FAQs (staff)
 - Making an FOI Request
 - Data Protection
 - Records Management
 - Environmental Information
 - Copyright
 - University Archives

5. University Publication Scheme

- 5.1 The University's Publication Scheme is available electronically at <http://www.york.ac.uk/recordsmanagement/foia/> and (in hard copy format) on request from the University Records Manager.

5.2 The Publication Scheme details

- the classes of information the University is committed to making routinely available to the public
- how this information will be made available (via the web, in paper or electronic format), and
- whether this information will be made available free of charge or on payment of a fee (see section 7).

5.3 The University will maintain this scheme in accordance with the Act and is committed to publishing the information it describes.

6. Individual Access Requests

6.1 From January 2005, information not made available through the Publication Scheme can be accessed by a specific request, in writing, addressed to the University. The Act provides the public with

- The right to be informed whether the information exists
- The right to receive this information (subject to exemptions).

6.2 Individual requests will be handled in accordance with the Act and the Lord Chancellor's 'Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000' (issued under section 45 of the Act).

6.3 A diagram representing the enquiry handling process is appended to this policy (Appendix 2) and is supported by guidance on handling Freedom of Information requests (available at <http://www.york.ac.uk/recordsmanagement/foi>)

7. Charges

7.1 For information provided in response to specific requests the University reserves the right to apply charges. These will be calculated in accordance with the Fees Regulations published by the Lord Chancellor and applied according to sections 9, 13 and 19 of the Freedom of Information Act. Where payment is not received within three months a request will be deemed invalid.

7.2 The following charges will be levied for information made available through the University Publication Scheme (see section 5) where information is not already available on the web and the University

incurs a cost in providing the information. These charges do not apply to information already made available free of charge.

- £25.00 handling charge for any requests which require information which already exists to be sent out in printed form;
- £50.00 charge if editing or redaction is required (e.g. to remove information to which an exemption applies, such as personal data) – to include the initial handling charge and up to 50 pages, after which there will be a sliding scale of £10.00 for each additional 1 to 20 pages

8. Complaints

8.1 A complaints procedure in relation to the Publication Scheme, specific requests for information and enquiry handling will be issued separately and maintained in accordance with the provisions of the Freedom of Information Act and this policy. Dissatisfaction will be counted as a complaint and all complaints will be acknowledged and treated promptly in accordance with the procedures.

9. Exemptions

9.1 There will be occasions where the University will have to claim one or more of the 23 exemptions provided by the FOI Act and therefore be unable to supply some or all of the information requested. Information will only be withheld in accordance with the exemptions specified by the Act.

9.2 Particular regard will be given to

- The public interest in maintaining an exemption (through the application of public interest and prejudice tests)
- The Data Protection Act 1998 and the University's obligation to maintain the security and confidentiality of sensitive information concerning individual members of staff and students
- Other legal and contractual obligations
- Commercially sensitive information and that whose disclosure would prove detrimental or prejudicial to the health and safety of its staff and students or the safe and effective conduct of the University's operations.

9.3 In instances where an exemption is claimed, the University will provide a clear statement of the reasons for applying the exemption and will supply details of its complaints procedure.

10. Copyright

10.1 Information released under the Publication Scheme and in response to specific requests is protected by copyright in accordance with the Copyright, Design and Patents Act 1988. Therefore, it may not be used by third parties for any purpose not permitted by copyright law.

11. Records Management

11.1 As part of its Records Management Strategy (www.york.ac.uk/recordsmanagement/), the University has in place a Records Management Policy in order to ensure the creation and maintenance of authentic, reliable and useable records, with appropriate evidential characteristics that are created, maintained, managed and destroyed in accordance the needs of the University and the regulatory environment. The records management programme also has regard to the Lord Chancellor's 'Code of Practice on the Management of Records' issued under section 46 of the Freedom of Information Act.

12. Document Status and Policy Review

The Freedom of Information policy was approved by the University's Information Committee on 30 November 2004 (IC 04/128 refers). The policy will be reviewed annually by the Archives and Records Management Group of the University's Information Committee.

13. Contact

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University Records Manager, September 2004

Appendix 1

Related Policies, Legislation and Codes of Practice

University documents (<http://www.york.ac.uk>)

- Information Strategy
(<http://www.york.ac.uk/admin/po/infostrat/informationstrategy.htm>)
- Records Management Strategy
(<http://www.york.ac.uk/recordsmanagement/rm/strategy.pdf>)
- Records Management Policy
(forthcoming)
- University Data Protection Policy
(<http://www.york.ac.uk/recordsmanagement/dpa/>)
- Information and Access Security Policy
(forthcoming)
- University Freedom of Information Publication Scheme
(see section 5 above)
- Web Strategy
(<http://www.york.ac.uk/coord/docs/webstrategy.pdf>)

Legislation (<http://www.hms.gov.uk/>)

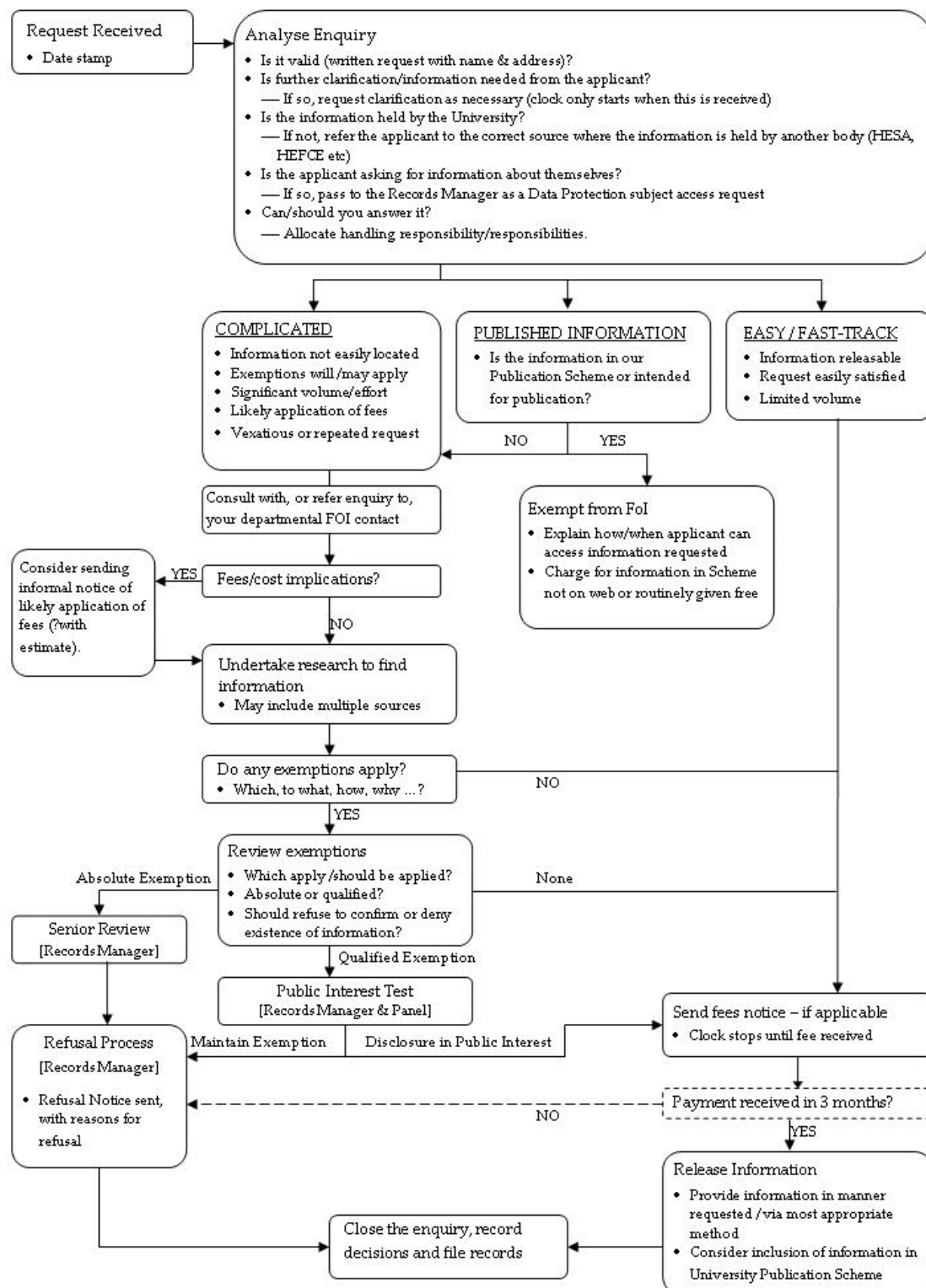
- Environmental Information Regulations 2004
- Freedom of Information Act 2000
- Data Protection Act 1998
- Human Rights Act 1998
- Disability Discrimination Act 1995
- Copyright, Design and Patents Act 1988

3.4 Codes of Practice / Professional Standards

- Lord Chancellor's Codes of Practice under Sections 45 and 46 of the Freedom of Information Act 2000 (<http://www.dca.gov.uk/foi/understand.htm>)
- ISO 15489:2001 *Information and Documentation – Records Management*
- BS 7799 *Code of practice for information security management*
- JISC, *Study of the Records Lifecycle* (revised 2003)

Appendix 2

Enquiry Handling Process



Public Interest Tests will be carried out by the Records Manager in consultation with a panel drawn from members of the Archives and Records Management Group of the Information Committee. It will include representation from the department(s) claiming the exemption.