



Essex International College Freedom of Information Act Policy

Policy name	Freedom of Information Act Policy
Author:	Dr. Keith Hoodless
Approved by SMT	3rd February 2014
Approved by	Academic Committee
Date for next review:	February 2015

Through its policies and in its day to day work, the College is committed to promoting equality and fairness and combating discrimination. This applies to everyone, regardless of gender, racial or ethnic background, disability, religion, sexual orientation or age and embraces the College's legal responsibilities.



Essex International College (EIC) takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Relationship with existing policies
4. Available Guidance
5. The College's Publication Policy
6. Specific Requests for Information
7. Charges
8. Complaints
9. Exemptions
10. Contacts

1. Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about the College is made available to the public as a matter of course (through adoption and use of the Publication and Communications Policies);
- other information not generally included in day to day usage is made readily available on request and such a request is dealt with in a timely manner; and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

2. Responsibilities

The College recognises its corporate responsibility under the Act to provide a general right of access to information held. The Senior Officer with overall responsibility for this policy is the Principal.

He is responsible for drawing up guidance on freedom of information and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

Wherever possible, members of staff should receive an introductory briefing on the Freedom of Information Act procedures.

3. Relationship with existing policies

This policy has been formulated within the context of the following College documents:

- Communications Strategy
- Data Protection Policy
- Publishing Policy

4. Available Guidance

Guidance on the procedures necessary to comply with this Policy is available from the Human Resources Director or the Principal.

5. Specific Requests for Information

Information not already made available will be accessible from January 2014 through a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

These rights can be exercised by anyone – natural or legal persons, worldwide. These specific requests for information not listed in the publication scheme will be dealt with by the Principal (through liaison with the HR Director)

Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Principal.

The College must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

7. Charges

Unless otherwise specified information made available through normal accessible channels will be free of charge.

The College reserves the right to charge an appropriate fee for dealing with a specific request for information not freely available in accordance with the Act.

8. Complaints

The Principal will coordinate any complaints received in respect of this policy.

- The complaint should be addressed to the Principal in the first instance. The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.
- If the applicant is not satisfied with the reply then they should inform the Principal within 21 days. The complaint will then be forwarded to the HR Director and will be dealt with in accordance with the College's Staff & General Complaints Procedure or the College's Student Grievance Procedure as appropriate.

If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review. This will normally be managed by the education oversight facility for the College which can be found at:

QAA

Head Office
Southgate House
Southgate Street
Gloucester
GL1 1UB

Tel: +44 (0)1452 557000
Fax: +44 (0)1452 557070
Email: enquiries@qaa.ac.uk

9. Exemptions under the Act

There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix 1 of this policy.

The College may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the College will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

10. Contacts

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Principal

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Exemptions - Freedom of Information Act 2000

List of exemptions under the Freedom of Information Act 2000

A. Exemptions where the public interest test applies:

- s22 Information intended for future publication
- s24 National security
- s26 Defence
- s27 International relations
- s28 Relations within the United Kingdom
- s29 The economy
- s30 Investigations and proceedings conducted by public authorities
- s31 Law enforcement
- s33 Audit functions
- s35 Formulation of government policy, etc.
- s36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- s37 Communications with Her Majesty, etc., and honours
- s38 Health and safety
- s39 Environmental information
- s40 Personal information (Only where the information concerns a third party and a s.10 notice under the Data Protection Act 1998 applies to that information)
- s42 Legal professional privilege
- s43 Commercial interests

B. The absolute exemptions

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

- s21 Information accessible to applicants by other means
- s23 Information supplied by, or relating to, bodies dealing with security
- s32 Court records, etc
- s34 Parliamentary
- s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- s40 Personal information (where the applicant is the subject of the information)
- s41 Information provided in confidence
- s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court