



Freedom of Information Policy

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Freedom of Information Policy					
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Equality Impact					
Positive equality impact (i.e. the policy/procedure/guideline significantly reduces inequalities)					
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Negative equality impact (i.e. increasing inequalities)					
<p>If you have any feedback or suggestions for enhancing this policy, please email your comments to: quality@uco.ac.uk</p>					

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Freedom of Information Policy

1. INTRODUCTION

- 1.1 The University College of Osteopathy (UCO) is required to comply with the Freedom of Information Act 2000¹ (the FIA), which provides public access to information held by public authorities, and the Environmental Information Regulations 2004 (EIR)², which provide public access to environmental information held by public authorities.
- 1.2 The UCO is committed to complying with both the FIA and EIR and endorses a culture of openness across the public sector; in order to ensure that it continues to function successfully and maintains the confidence of its stakeholders, the UCO is committed to complying with the FIA and EIR and to ensuring that its information is managed lawfully and appropriately.
- 1.3 Under the FIA and EIR, anyone, anywhere, has a right to request information held by the UCO, which the UCO must provide to them within 20 working days subject to exemptions allowed by the FIA³ or exceptions allowed by the EIR⁴.
- 1.4 The FIA and EIR covers both old and new information in any recorded form or format, which includes documents, computer files, letters, emails, photographs, and sound or video recordings.
- 1.5 UCO departments and staff who hold the information requested are required to provide it within agreed deadlines and in line with this policy.
- 1.6 Where a request for information is refused due to an exemption allowed by the FIA, or an exception allowed by the EIR, the UCO shall inform the requester of this within the 20 working days.
- 1.7 If the requester is not satisfied with a decision about their request or about the process used, they have a right to appeal. This will also initiate an internal review process to reassess the way in which the request was handled. If the requester is not satisfied with the outcome of their appeal, they have the right to complain to the Information Commissioner's Office (ICO)⁵.
- 1.8 Under the FIA and EIR, the UCO must also make certain information available pro-actively through a [Publication Scheme](#).

2. SCOPE

- 2.1 The FIA and EIR requires the UCO to:
 - a) Publish certain information pro-actively through a [Publication Scheme](#).
 - b) Respond to requests for information within 20 working days.

¹ <https://www.legislation.gov.uk/ukpga/2000/36/contents>

² <http://www.legislation.gov.uk/uksi/2004/3391>

³ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

⁴ <https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/refusing-a-request/>

⁵ <https://ico.org.uk/concerns/>

- 2.2 To comply with these requirements the UCO shall:
- a) Publish and maintain a Publication Scheme on our website in line with the ICO's Model Publication Scheme⁶.
 - b) Produce and publish a guide to freedom of information on our website, specifying what information we publish and how it is made available through our Publication Scheme.
 - c) Provide access to UCO information which is not otherwise publicly accessible on receipt of a written request, stating the name and address of the requester and describing the information requested, in line with the FIA and EIR.
 - d) Advertise on our website how requests for information held by the UCO can be made with clear contact details for staff dealing with requests.
 - e) Treat all requesters equally, subject to the circumstances in which a request may be refused.
 - f) Inform the requester in writing whether the UCO holds the information requested and, if so, to provide that information to them within 20 working days, subject to any exemptions or fees.
 - g) Inform the requester in writing if the information requested is exempt from disclosure and to explain the reason why.
 - h) Produce and publish a schedule of fees for information requests on our website, stating what we charge for information.
 - i) Inform the requester notice of any fees payable for their request stating the amount required within 20 working days of receiving their request.
 - j) Provide requesters or others seeking information about or held by the UCO with advice and assistance as far as is reasonable.
- 2.3 The UCO shall also ensure that appropriate and related policies, procedures and guidance are in place to ensure that the above requirements are met. This shall include:
- a) Freedom of Information Guidance for Requesters
 - b) Freedom of Information Guidance for Staff
 - c) Publication Scheme (including a Schedule of Fees for Requests)
 - d) Data Protection Policy
 - e) Records and Information Management Policy
 - f) Records and Information Retention Schedule
 - g) Subject Access Request Procedure

⁶ <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

3. LEGISLATION

3.1 To comply with the FIA and EIR the UCO shall:

- a) Implement appropriate records management structures and procedures that align with those described in the Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 published by the UK Government (“the Code”)⁷.
- b) Respond to all requests for information in line with the Code, the FIA, EIR and guidance published by the ICO⁸.
- c) Respond to all requests by supplying the information or sending reasons for refusal within the statutory time limit (i.e., 20 working days).
- d) Apply relevant exemptions or refusals lawfully and appropriately.
- e) Apply a charge for the information in line with our published Publication Scheme and Schedule of Fees that are established in accordance with guidance published by the ICO⁹.
- f) Provide advice and assistance to individuals making requests for information in line with guidance published by the ICO¹⁰.
- g) Ask the requester for clarification about the information they are requesting if we are unsure of what information they are requesting.

4. RESPONSIBILITIES & ACCOUNTABILITY

4.1 The Chief Operating Officer is accountable for ensuring compliance with this policy.

4.2 The Information Governance and Security Steering Group (IGSSC) (reporting directly to the Senior Management Team (SMT)) is responsible for:

- a) Regularly reviewing and maintaining this policy.
- b) Regularly reviewing and maintaining the UCO’s Publication Scheme and Schedule of Fees.
- c) Regularly reviewing and maintaining the UCO’s Records and Information Retention Schedule.
- d) Regularly reviewing and maintaining the UCO’s Records and Information Management Policy and related procedures.
- e) Regularly reviewing and maintaining the UCO’s guidance to requesters and staff about information requests.
- f) Maintaining the UCO’s Disclosure Log.

⁷ <https://www.gov.uk/government/publications/code-of-practice-on-the-management-of-records-issued-under-section-46-the-freedom-of-information-act-2000>

⁸ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

⁹ https://ico.org.uk/media/for-organisations/documents/1168/fees_cost_of_compliance_appropriate_limit.pdf

¹⁰ <https://ico.org.uk/media/for-organisations/documents/1624140/duty-to-provide-advice-and-assistance-foia-section-16.pdf>

- g) Providing advice and guidance on handling and responding to freedom of information requests.
 - h) Liaising with the ICO.
 - i) Reporting annual statistics to internal committees and external agencies as required.
- 4.3 The UCO's Data Protection & Freedom of Information Officer (DPFIO) is responsible for:
- a) The implementation of this policy.
 - b) Advising staff of their responsibilities regarding freedom of information requests.
 - c) Advising the UCO in all matters regarding freedom of information requests.
 - d) Maintaining and developing the UCO's Publication Scheme and Schedule of Fees for freedom of information requests in line with those set out in the FIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004¹¹.
 - e) Ensuring that arrangements are made for dealing with freedom of information requests within the required time limit.
 - f) Responding to freedom of information requests on behalf of the UCO within the required time limit.
 - g) Maintaining and managing the appeals procedure relating to freedom of information requests and to report on this annually to the IGSSG, SMT, Audit and Risk Committee (ARC) and other committees or external agencies as required.
 - h) Making staff aware of this policy and maintaining and publishing guidance for staff and requesters regarding freedom of information requests.

5. TRAINING & SUPPORT

- 5.1 All UCO staff are informed about this policy and provided with the relevant guidance regarding freedom of information on appointment, at induction and when any changes to this policy are made.
- 5.2 Further training relating to freedom of information requests is provided to relevant staff on an as needed basis.

6. MONITORING

- 6.1 The number and nature of freedom of information requests received and responded to shall be added to the UCO's Disclosure Log, normally by the DPFIO.
- 6.2 The Disclosure Log shall be reviewed by the IGSSG, SMT and ARC annually.
- 6.3 An annual report on freedom of information requests received and compliance to freedom of information requests shall be made by the DPFIO to the IGSSG, SMT and ARC.

¹¹ <http://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

7. PUBLICATION SCHEME & SCHEDULE OF FEES

- 7.1 The UCO's Publication Scheme and Schedule of Fees sets out our commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information.
- 7.2 The UCO has adopted the ICO's Model Publication Scheme¹² and has also produced:
- a) A Publication Scheme consisting of a guide to information, specifying what information we publish, in what format it is published and how it is available, for example, online or by contacting us.
 - b) A Schedule of Fees, clearly stating what we charge for information in line with relevant legislation.
- 7.3 The UCO's Publication Scheme and Schedule of Fees shall be made available on the UCO website here: <https://www.uco.ac.uk/about-uco/who-we-are/freedom-information>
- 7.4 The UCO's Publication Scheme and Schedule of Fees may also be made available in hard copy by request.
- 7.5 Requests for a copy of the UCO's Publication Scheme and Schedule of Fees may be made in writing to:
- Data Protection & Freedom of Information Officer
275 Borough High Street
London
SE1 1JE
(Email: dpfio@uco.ac.uk)

8. MAKING A FREEDOM OF INFORMATION REQUEST

- 8.1 All freedom of information requests must be made in writing and should be directed to the Data Protection & Freedom of Information Officer (DPFIO) (dpfio@uco.ac.uk).
- 8.2 Requests can also be made using the online form provided on the UCO's Freedom of Information webpage:
- <https://www.uco.ac.uk/about-uco/who-we-are/freedom-information>
- 8.3 Other UCO staff members who receive freedom of information requests through generic or personal emails, letters or via social media should forward them immediately to the DPFIO (dpfio@uco.ac.uk).

9. RESPONDING TO A FREEDOM OF INFORMATION REQUEST

- 9.1 The FIA and EIR confer two separate duties on the UCO when responding to a request for information:

¹² <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

- a) To inform the requester whether we hold any information falling within the scope of their request.
 - b) To make that information available, unless an exemption applies.
 - c) To always respond to a request in writing.
- 9.2 Under the FIA a request for information not included within the Publication Scheme must be made in writing. Requests under the EIR need not be in writing.
- 9.3 Where possible the information will be supplied in the format requested by the requester or where this is not specified in a commonly used electronic format, e.g., a PDF file.
- 9.4 Under the FIA and EIR requests for information shall be met within 20 working days of receipt of the request or fee. Under the EIR if the request is complex or high volume this may be extended to 40 days if required in line with Regulation 7 of the EIR.
- 9.5 All freedom of information requests received by UCO staff should be forwarded to the DPFIO (dpfio@uco.ac.uk).
- 9.6 The DPFIO shall be responsible for:
- a) Liaising with the requester to clarify any requests and / or to inform them of any fee.
 - b) Determining whether the request should be dealt with under the FIA, EIR, UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.
 - c) Liaising with staff to retrieve and collate the information within the required time limit.
 - d) Responding to the requester communicating the information in an appropriate format.
 - e) Logging the request in the Disclosures Log and reporting this to the IGSSG.
- 9.7 Requests shall be processed in line with the ICO's request handling flowchart¹³.
- 9.8 If the requester is asking for information about their own personal data, the request should be dealt with as a Subject Access Request under the UK GDPR and Data Protection Act 2018. In this case the requester should be referred to the UCO's Subject Access Request Policy and Procedure.
- ## 10. FEES
- 10.1 Normally the UCO will not charge a fee for documents contained within its Publication Scheme. However, fees may be charged for printing, photocopying and posting information not included in the Scheme in accordance with the UCO's Schedule of Fees.
- 10.2 If the cost of locating or extracting the information requested is estimated to exceed the "appropriate limit" set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 requesters may be charged £450 or 18 hours of staff time at the rate of £25 per hour whichever is less.

¹³ https://ico.org.uk/media/for-organisations/documents/1167/flowchart_of_request_handling_under_foia.pdf

11. EXEMPTIONS & EXCEPTIONS

A) EXEMPTIONS UNDER THE FIA

11.1 The FIA contains a number of exemptions which may be applied to information held by the UCO. These can be found in Part II of the FIA¹⁴.

11.2 There are two types of exemption:

- a) **Absolute** exemptions where the UCO is not required to consider the public interest in disclosing the information and can automatically withhold information if the exemption. These may include:

Section of the FIA	Exemption
S(2) 21	Information accessible by other means (such as in the Publication Scheme).
S(2) 23	Information supplied by, or relating to, bodies dealing with security matters.
S(2) 32	Information relating to court records or proceedings.
S(2) 36	Information prejudice to effective conduct of public authorities.
S(2) 40	Information that is personal and would breach the UK General Data Protection Regulation or Data Protection Act 2018.
S(2) 41	Information provided in confidence.
S(2) 44	Information whereby disclosure is prohibited by an enactment or would constitute contempt of court.

11.3 **Non-Absolute (or Qualified)** exemptions, where the UCO must decide whether it is in the public interest disclose the information or withhold it by undertaking a Public Interest Test¹⁵. These may include:

Section of the FIA	Exemption
S(2) 22	Information intended for future publication.
S(2) 30	Information relating to investigations & proceedings conducted by public authorities.
S(2) 31	Information relating to law enforcement.
S(2) 36	Information prejudice to effective conduct of public authorities.

¹⁴ <https://www.legislation.gov.uk/ukpga/2000/36/part/II>

¹⁵ <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/the-public-interest-test/>

S(2) 38	Information relating to health and safety.
S(2) 39	Information relating to environmental information.
S(2) 40	Information relating to personal information relating to a third party.
S(2) 42	Information relating to legal professional privilege.
S(2) 43	Information relating to commercial interests.

11.4 Where the Public Interest Test determines that it is within the public interest to withhold the information, the UCO shall issue a refusal notice¹⁶ explaining why and referring to the particular exemption.

11.5 The Public Interest Test shall also be applied to determine whether a “neither confirm nor deny” (NCND) response is provided. A refusal notice shall likewise be issued if an NCND response is determined.

B) EXCEPTIONS UNDER THE EIR

11.6 The EIR contains a number of exceptions where the UCO may refuse to provide the requested information. These include:

Section of the EIR	Exception
R5(3)	The information is the personal data of the requester.
R12(3) & R13	The information is the personal data of a person other than the requester.
R12(4)(a)	When the UCO does not hold the information.
R12(4)(b)	When the request is ‘manifestly unreasonable’.
R12(4)(c)	When the request is too general.
R12(4)(d)	When the request is for unfinished documents.
R12(4)(e)	When the request involves the disclosure of internal communications.
R12(5)(a-g)	When the request may ‘adversely affect’ one of the interests listed in regulations 12(5)(a) to 12(5)(g) of the EIR, subject to regulation 12(9) regarding information to emissions.

11.7 Where the UCO must decide whether to refuse a freedom of information request on any of the exceptions listed above it shall undertake a Public Interest Test similar to that to determine an exemption under the FIA, and also that where a request may

¹⁶ <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-17-refusing-a-request-writing-a-refusal-notice/>

'adversely affect' an interest listed in regulations 12(5)(a) to 12(5)(g), the UCO shall undertake an Adverse Effect Test in line with the ICO's guidance¹⁷.

12. REFUSING REQUESTS

12.1 The UCO can refuse an entire request under the following circumstances:

- a) It would cost too much or take too much staff time to deal with the request.
- b) The request is vexatious.
- c) The request repeats a previous request from the same person.

12.2 When a request is refused the UCO shall issue a refusal notice explaining why.

13. APPEALS PROCEDURE

13.1 The UCO has established the following appeals procedure to provide requesters the opportunity to request an internal review of their freedom of information request.

13.2 This procedure shall:

- a) Reassess the way in which the request was handled, and the decision made.
- b) Be undertaken by a senior and impartial staff member able to make an independent decision that may overturn the original outcome if required.

13.3 Requesters may not be satisfied with the outcome of their request for the following reasons:

- a) Disagree with our interpretation of their request.
- b) Believe we hold more information than we have disclosed.
- c) Still be waiting for a response and are unhappy with the delay.

13.4 If a requester is not satisfied with how their request was handled or with the outcome of their request, they should in the first instance contact the UCO's Data Protection & Freedom of Information Officer (DPFIO) to determine whether their concern can be resolved informally.

13.5 If the concern cannot be resolved informally, the requester should write to the DPFIO to request an internal review explaining why they are dissatisfied with the outcome or handling of their request within 60 days of receiving their initial outcome, stating as fully as possible why they think their request was not dealt with in accordance with the FIA or the EIR, and the remedy which they are seeking from the UCO:

Data Protection & Freedom of Information Officer
University College of Osteopathy
275 Borough High Street
London
SE1 1JE

¹⁷

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/refusing-a-request/#when-can-we-refuse-a-request-for-environmental-information-8>

Email: dpfio@uco.ac.uk

- 13.6 The DPFIO shall acknowledge receipt of the requester's appeal normally within 5 working days and the UCO shall seek to respond in full to the requester normally within 20 working days.
- 13.7 The DPFIO shall appoint a senior member of staff who was not involved in the initial freedom of information request outcome decision (the Investigating Officer) to undertake an internal review regarding the matter/s raised in the requester's appeal.
- 13.8 The Investigating Officer shall produce a written report describing their findings. The written report shall then be considered by a review committee consisting of at least three independent members of the Senior Management Team.
- 13.9 The chair of the review committee shall respond to the requester's appeal normally within 40 working days of its receipt by the DPFIO. If the review committee decides that additional information should be released to the requester, the information shall be provided to them as soon as is practically possible.
- 13.10 If the appeal relates to a request to which we responded more than 60 days ago, the requester should contact the Information Commissioner (see below).
- 13.11 If the requester remains dissatisfied with the reviewed response, they may appeal to the Information Commissioner who may investigate the matter on their behalf.
- 13.12 Alternatively, requesters may raise their concerns regarding the way in which we handled their request or about the outcome of their request with the Information Commissioner in the first instance.
- 13.13 The Information Commissioner may be contacted here:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, United Kingdom
<https://ico.org.uk/>