

## **Overseas Registration Exam (ORE) Part 1** **Policy and Procedures**

### **Freedom of Information**

#### **1. INTRODUCTION**

- 1.1. Freedom of Information Act 2000 (FOIA) gives the public a general right of access to information held by public authorities, subject to certain conditions and exemptions.
- 1.2. Anyone, anywhere, may request information for any reason. FOIA covers both old and new information, and applies to information recorded in any form or format. FOIA aims to foster a culture of openness across the public sector.
- 1.3. The College is committed to compliance with the FOIA. King's College London regards the lawful and appropriate management information as essential to its successful functioning and to maintaining the confidence of stakeholders. The College fully endorses and adheres to the principle of public access to official information wherever this is possible.

#### **2. REQUIREMENTS**

- 2.1. The FOIA imposes the following requirements on the College:
  - a) To adopt and maintain a Publication Scheme. A Publication Scheme is a commitment to publish an identified range of College information proactively into the public domain. This includes information that is readily available on the website.
  - b) To provide access to College information which is not otherwise published on receipt of a written request, stating the name and address of the requestor and describing the information required.
  - c) To inform the requestor, in writing, whether we hold that information, and if so, to communicate that information to her/him within 20 working days, subject to any exemptions or fees.
  - d) Where information is exempt from disclosure for a statutory reason, to send the requestor a notice which specifies and explains the reason why.
  - e) If a fee is chargeable, to send the requestor a fees notice, stating the amount required.

- f) To provide advice and assistance, as far as is reasonable, to anyone seeking information about the College.

2.2 The College will ensure that appropriate systems, procedures and operational guidance are in place to ensure that these requirements are met. Documentation supporting FOIA compliance includes guidance for staff and requestors, an online request form, a detailed statement on fees (Appendix 1), procedures for appealing FOI decisions (Appendix 2), a summary guide to the meaning and application of exemptions and a Records and Data Retention Schedule setting out retention and destruction periods for all types of records.

2.3 The College will ensure to notify the GDC (within five working days) if it receives:

- a) A request from Data Subject to have access to that persons' Personal Data; or
- b) A complaint or request relating to the GGDC's obligations under the Data Protection Legislation; or
- c) Any other communication relating directly or indirectly to the processing of any Personal Data in connection with the Contract;

### **3. ACTIONS AND ACTIVITIES**

3.1 To support full compliance with the FOIA the College will undertake the following actions and activities:

- a) Establish records management structures and procedures which meet the requirements of the Lord Chancellor's Code of Practice on the Management of Records, made under the FOIA, and which reflect sectoral guidance issued by the JISC.
- b) Deal with all requests for information in accordance with the Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions, also made under the FOIA, and relevant guidance issued by the Information Commissioner's Office and the Ministry of Justice.
- c) Communicate information to requestors, or otherwise send a refusal notice, within the statutory time limit allowed for responses (20 working days).
- d) Apply any relevant exemptions lawfully and appropriately.
- e) Charge requestors for information in accordance with our statement of fees, which take proper account of guidance from the Ministry of Justice.
- f) Freely provide advice and assistance to requestors as far as is reasonable.

### **4. MAINTENANCE AND REPORTING**

4.1 The College Publication Scheme is reassessed periodically and in line with the requirements of the Information Commissioner's Office (statutory regulator for the Act).

4.2 The number of information access requests received by the College is reported monthly and compliance is monitored.

## **5. PERSONAL RESPONSIBILITIES**

5.1 All College staff are informed about the policy for supporting compliance with the FOIA on appointment and at induction. Training is equally available to established staff, research groups etc. on demand. Guidance on handling information access requests is readily available on the website, as are contact details of the Legal Compliance Team.

5.2 All College staff must:

- a) Ensure that requests for information are handled in accordance with this policy and associated guidance.
- b) Pass on information access requests to the Legal Compliance Team promptly and in accordance with published guidance.
- c) Ensure that the College records and information for which they are responsible are complete and accurate.
- d) Provide advice to requestors in accordance with this Policy and associated guidance or refer requestors to the Legal Compliance Team.

5.3 Failure to respond appropriately to information access requests is a breach of the College Regulations and may additionally be a breach of the law. In particular it is a criminal offence to conceal, destroy or alter information intentionally to prevent it from being released, where the information is the subject of a Freedom of Information request.

## APPENDIX 1

### Information Access - Fees

1. Under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, King's College London can refuse to deal with a request that would cost more than £450 to process. The calculation of the cost can *include*:
  - a) Determining whether the requested information is held
  - b) Locating and retrieving the information.
  - c) Extracting the information.
2. These regulations also allow the College to recover some administrative costs incurred in meeting a request which costs less than £450. Enquirers will be notified if a charge is payable to answer their request and in those cases information will only be provided once the fee payment has been received.
3. The terms of the Regulations do not affect the College's right to charge for publications and for certain information services otherwise offered on a fee-paying basis. These charges are explained in the King's College London Publication Scheme.
4. When estimating the cost of complying with a written request for information, King's College London will take into account the staff time involved, charged at a fixed rate (currently £25 per hour per person) involved in the following activities:
  - a) Determining whether the information is held.
  - b) Locating the information, or a document which may contain the information.
  - c) Retrieving the information, or a document that may contain the information.
  - d) Extracting information from a document.
5. In general, where the cost of responding to a request in full exceeds the £450 limit, King's College London will respond to the enquirer stating that we will not be providing the information requested and explain the reason (i.e. the cost would exceed £450). However, we may offer to proceed with the processing of the request in exchange for payment of the relevant costs in full plus VAT at our sole discretion.
6. The decision on whether to provide a full response in such circumstances will rest with the Legal Compliance Manager in consultation with the Director Governance and Legal Affairs Management. However in the first instance, the College will discuss with the enquirer whether she/he would be prepared to modify the request to reduce the associated costs.
7. For requests estimated to cost £450 or less to fulfil, King's College London will charge only for disbursements (i.e. postage, photocopying and/or cost to preferred formats) incurred in the course of preparing and sending a response.
8. King's College London can charge for disbursements regardless of the £450 limit referred to in paragraphs 3 and 4 and will exercise its discretion in this regard on a case by case basis

dependant on whether the administrative costs of levying such charges would outweigh any income generated.

9. VAT will be charged on any appropriate fees connected with an information access request, calculated at the standard rate applicable at the time. Where a book or booklet is provided in response to an information request, the VAT charged on the publication will be zero rated in accordance with the Government's standard VAT policy.
10. In certain circumstances, if King's College London receives two or more related requests, the costs of answering them may be added together (or 'aggregated') to determine whether the limit has been exceeded. These circumstances are as follows:
  - a) The requests must be from the same person or from "different persons who appear to the public authority to be acting in concert or in pursuance of a campaign".
  - b) The requests must relate to the same or similar information.
  - c) They must have been received by the College within a period of 60 consecutive working days.
11. Once King's College London has calculated any relevant fees which may be payable in connection with an information access request, enquirers will be issued with a letter called a 'fees notice' and will be required to pay the costs specified therein before the College will respond to the request in full.
12. After a period of three months, any such request for which the fees have not been received will be deemed to have been withdrawn.

## APPENDIX 2

### Information Access - Appeals

1. King's College London is required to provide a straightforward process for appeals against its decisions on information access requests.
2. This process will:
  - a) Provide a fair reassessment of the handling of the request and of the decision made;
  - b) Be conducted by someone senior and impartial;
  - c) Be capable of reversing the original decision if required.
3. Those wishing to appeal have 60 days in which to lodge their appeal. Normally the Information Commissioner (ICO) will not accept an appeal to the Information Commissioner's Office until the internal appeals process has been exhausted.
4. In the first instance those wishing to appeal should write to the Legal Compliance Manager and explain why they are not happy with the College's decision or handling of their request. The Legal Compliance Manager will seek to resolve issues raised informally within 20 working days.
5. If the enquirer is not satisfied with the outcome of the initial appeal, a further appeal can be made to the Head of Administration and College Secretary via the Legal Compliance Manager.
6. A full written response by or on behalf of the Head of Administration and College Secretary to the second appeal will be made available to the enquirer within 25 days of receipt of the second appeal. If this is not possible the Legal Compliance Manager will provide a realistic date for response.
7. If the Head of Administration and College Secretary was directly involved in the management or handling of the original information access request, or the initial appeal, a Vice Principal of King's College London nominated by the Principal, will assume responsibility for the consideration of the appeal and issue the final decision on behalf of the College
8. To complain write to: Legal Compliance Manager King's College London  
Room G37, James Clerk Maxwell Building  
57 Waterloo Road  
London SE1 8WA
9. If you remain dissatisfied with the outcome then you can appeal to the Information Commissioner who may investigate on your behalf:  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 01625 545745 Web: [www.ico.gov.uk](http://www.ico.gov.uk)