

Freedom of Information Policy

Governance and Legal Services
Strategy, Planning and Assurance Directorate
Version 2.0

Approved: March 2016
Review date: March 2018

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Key points

- The university is subject to the Freedom of Information Act 2000 (FoIA).
- Anyone has a right to request information held by the university who must provide it within 20 working days, subject to exemptions allowed by the Act.
- The university must make certain information available pro-actively through a publication scheme.
- Departments who hold the information requested are responsible for providing it to the IMC Team within agreed deadlines and in accordance with this policy.
- Where the IMC Team refuse a request due to an exemption allowed in the Act they will inform the requester of these within 20 days.
- Where the requester is unhappy with a decision on their request, they have a right to make an appeal which will trigger an internal review process (Appendix 2). If they are unhappy with the outcome of this they can make an appeal to the Information Commissioner's Office (ICO).
- The Information Management and Compliance Team (IMC) is responsible for responding to requests made under FoIA.
The Director of Governance and Legal Services is accountable for ensuring compliance with the policy.

1. Purpose

- 1.1 The 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 university is committed to compliance with the FOIA. King's College London regards the lawful and appropriate management of information as essential to its successful functioning and to maintaining the confidence of stakeholders. The university fully endorses and adheres to the principle of public access to official information wherever this is possible.

2. Scope and Definitions

- 2.1 The FOIA imposes the following requirements on the university:
 - a) To adopt and maintain a Publication Scheme. A Publication Scheme is a commitment to publish an identified range of university information proactively into the public domain. This includes information that is readily available on the website.
 - b) To provide access to university 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 them 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 university.
- 2.2 The university 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 Records and Data Retention Schedule setting out retention and destruction periods for all types of records.

3. Legislative Framework

- 3.1 To support full compliance with the FOIA the university 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 Cabinet Office.
 - 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 Cabinet Office.
 - f) Freely provide advice and assistance to requestors as far as is reasonable; in particular when refusing a request under section 12 of the FOIA.
 - g) Seek clarification from requestors if we are unsure exactly what information is requested.

4. Accountability and Responsibility

- 4.1 The Data Governance and Strategy Group is responsible for approving this policy.
- 4.2 The College Secretary is responsible for oversight and implementation of this policy.
- 4.3 The Information Management and Compliance Team (reporting to the Director of Governance and Legal Services within the Students and Education Directorate) is responsible for:
- a) Maintaining this policy
 - b) Maintaining the university Publication Scheme
 - c) Maintaining the university Records and Data Retention Schedule
 - d) Providing expert guidance on the application of the FOIA
 - e) Providing guidance and clearing for information access requests
 - f) Maintaining appropriate records and data management procedures
 - g) Providing guidance, support and training
 - h) Liaison with the Information Commissioner's Office
 - i) Reporting annual statistics to JISC
- 4.4 The Information Management and Compliance Team (reporting to the Director of Governance and Legal Services) is responsible for maintaining the university Records and Data Retention Schedule and appropriate records and data management procedures.
- 4.5 Information Technology Directorate and Library Services are responsible for the regular updating of the Library Services and Information Technology Services Regulations which form part of the university Regulations and set out behaviours which are regarded as appropriate or breaches of discipline.
- 4.6 The Director of Governance and Legal Services is accountable for ensuring compliance with the policy.

5. Training

- 5.1 All university 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 Information Management and Compliance Team.
- 5.2 Optional e-learning will be made available to all staff. The Information Management and Compliance Team are responsible for the creation and maintenance of all staff training resources relating to the FOIA.

6. Monitoring

- 6.1 This Policy is reviewed regularly and not less than every three years.
- 6.2 The university Publication Scheme is reassessed periodically and in line with the requirements of the Information Commissioner's Office (statutory regulator for FOIA).
- 6.3 The number of information access requests received by the university is reported monthly and compliance is monitored.
- 6.4 An annual report on FOIA compliance is made by the Director of Governance and Legal Services to the Audit, Risk and Compliance committee of the university Council.

7. Roles and Responsibilities

- 7.1 All 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 Information Management and Compliance Team promptly and in accordance with published guidance
 - c) Ensure that the university records and information for which they are responsible are complete and accurate in accordance with records management policies.
 - d) Provide advice to requestors in accordance with this Policy and associated guidance or refer requestors to the Information Management and Compliance Team
- 7.2 Failure to respond appropriately to information access requests is a breach of the university Regulations and may lead to 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.

8. Related Policies

This policy should be read in conjunction with:

- [Data Protection Policy](#)
- [Records and Information Management Policy](#)
- [Records and Data Retention Schedule](#)

Appendix 1: Information Access - Fees

- 1.1 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 £450₁ 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
- 1.2 These regulations also allow the university to recover some administrative costs incurred in meeting a request which costs less than £450₁. 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.
- 1.3 The terms of the Regulations do not affect the university'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 university Publication Scheme.
- 1.4 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
- 1.5. 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.
- 1.6 The decision on whether to provide a full response in such circumstances will rest with the Head of Information Compliance in consultation with the Director of Governance and Legal Affairs. However in the first instance, the university will discuss with the enquirer whether they would be prepared to modify the request to reduce the associated costs.
- 1.7 For requests estimated to cost £450₁ or less to fulfil, King's College London may charge only for disbursements (i.e. postage, photocopying and/or cost to preferred formats) incurred in the course of preparing and sending a response.
- 1.8 King's College London can charge for disbursements regardless of the £450₁ limit referred to in paragraphs 3 and 4 and will exercise its discretion on a case by case basis dependant on whether the administrative costs of levying such charges would outweigh any income generated.

- 1.9 VAT will be charged on any appropriate fees connected with an information access request, calculated at the standard rate applicable at the time of request.
- 1.10 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 university within a period of 60 consecutive working days
- 1.11 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 university will respond to the request in full.
- 1.12 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.

¹ or such other sum as may be subsequently mandated by the Information Commissioner

Appendix 2: Information Access - Appeals

- 2.1 King's College London is required to provide a straightforward process for appeals against its decisions on information access requests.
- 2.2 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 able to make an independent decision that may overturn the original decision if required.
- 2.3 Those wishing to appeal have 60 days in which to lodge their appeal. Normally the Information Commissioner's Office (ICO) will not accept an appeal until the internal appeals process has been exhausted.
- 2.4 In the first instance those wishing to appeal should write to the Information Management and Compliance Team and explain why they are not happy with the university's decision or handling. The Information Management and Compliance Team will seek to respond to the issues raised within 20 working days.
- 2.5 A full written response will be made available to the requester by the twentieth working day of receipt. If this is not possible the Information Management and Compliance Team will provide a realistic date for response.
- 2.6 The internal review will be handled by someone not involved in the original decision. If the Information Compliance Manager was directly involved in the management or handling of the original information access request, the Head of Information Management and Compliance or the Director of Governance and Legal Services (or nominee) will assume responsibility for the consideration of the appeal and issue the final decision on behalf of the university.
- 2.8 To complain write to:
- The Information Management and Compliance Team
King's College London
James Clerk Maxwell Building
57 Waterloo Road
London
SE1 8WA
- Email: info-compliance@kcl.ac.uk
- 2.9 If you remain dissatisfied with the outcome then you can appeal to the ICO who may investigate on your behalf. You can contact the ICO at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Web: www.ico.gov.uk