



CENTRAL SUSSEX COLLEGE

## Freedom of Information Enquiries Procedure

Ref.  
Effective

General 3.2P  
26/03/07

### BACKGROUND

The Freedom of Information Act came fully into force on 1 January 2005. The Act allows a general right of access to 'recorded' information held by Central Sussex College. The College will approach requests for information in a positive manner with a view to disclosing the requested information. However, under the terms of the Act, information does not have to be released in some situations, for example where release would contravene Data Protection law, endanger anyone's health and safety, breach confidentiality, or compromise commercial interests. A full list of exemptions is contained in appendix 1.

Flow diagrams are provided at appendices 2 and 3 to accompany this procedure.

### AIMS

To deal with all enquiries in relation to the Freedom of Information Act in a fair and consistent manner and in accordance with the requirements of the Act.

### REASONS FOR THE PROCEDURE

To provide a first class level of customer service and comply with the requirements of the Freedom of Information Act 2000.

### OBJECTIVES

To describe the formal procedure for dealing fairly and consistently with Freedom of Information (FOI) enquiries.

### PROCEDURE

#### Step 1

Requests for information made under the FOI Act must be made in a recorded format, e.g. email, letter, fax. The request must also provide the applicant's name and return address and describe the information being sought. Ideally, FOI requests should be submitted using the College 'Request for Information' form, available at the College Website ([www.centernalsussex.ac.uk](http://www.centernalsussex.ac.uk)) under the Freedom of Information section.

Some requests may be for information included in the College Publication Scheme (see the College Website, [www.centernalsussex.ac.uk](http://www.centernalsussex.ac.uk)) and these should be referred to the appropriate department/member of staff/website address, detailed in the 'Contact' column.

The person requesting the information does not normally have to provide reasons as to why they require the information, nor is it necessary to check whether the person requesting information is genuine. However, if an individual is seeking personal information about themselves they will be required to provide some form of personal identification, the details of which will be placed on file, and this should continue to be dealt with under the terms of the Data Protection Act.

Requests for information may come from staff, students or individuals/organisations from outside the College.

All requests for information should be responded to within 20 working days following the date of receipt of the request to provide the information. (Subject to the exemptions listed in appendix 1) The 20 working day period commences on the working day following the receipt of the request. Working days exclude weekends and bank holidays, but include Principal's days.

## Step 2

A request for information may come to any part of College and to any member of staff (see appendix 2).

Information routinely provided to staff, students and the public should continue to be treated in accordance with normal procedures. (This should not cover any information listed in the exempt categories in appendix 1). Any concerns about the information requested should be raised with the appropriate Line Manager in the first instance.

All requests for information should be checked against the classes of information listed in the Publication Scheme. This information should be readily available from the department/member of staff/website address detailed in the 'Contact' column.

Other requests for information that mention Freedom of Information, or for information not routinely provided, should be passed immediately to the Quality Department and a copy passed to/retained by the appropriate Director. The date the information request was received must be provided to the Quality Department.

Whilst Central Sussex College fully supports the increased access to information provided by the Act, this does not allow all College information to be made public. Data protection, confidentiality and the commercial interests of the College will require that certain information is not released.

## Step 3

On receipt of a request for information under the FOI Act, the Quality Department will log the date the request was received in the College, in order to comply with the 20 working day response requirement. The Quality Department will acknowledge FOI requests and maintain a register to monitor responses to ensure timescales are adhered to. (See appendix 3.)

The Quality Department will send a copy of the request for information and the acknowledgment to the Director with a tracking sheet clearly identifying timescales for reply. If any further information is required from the applicant, the Director must advise the Quality Department without delay.

Where further details are requested from the applicant, to enable the College to respond to the information requested, the 20 working day period for a FOI request will start on receipt of these further details. The Quality Department may also request ID from the applicant if the request is for personal information. If the provision of the information is subject to a fee, the applicant will be advised accordingly and payment must be received prior to the information being provided. (Please refer to appendix 3). Under the FOI Act, the College is not required to comply with a request for information if the College estimates that the cost of complying would exceed the 'appropriate limit'. For the College, the current 'appropriate limit' is £450.

The Quality Department in liaison with the appropriate Director will send the letter of response to the applicant which will either:

- Provide the information requested, or
- Explain the reason why we have not been able to provide the information requested.

If a request for information falls within the list of absolute exemptions (see appendix 1), the applicant should be informed in writing that the College is unable to release the information because an absolute exemption applies. It is not necessary to state whether the College does or does not hold the information.

If a request for information falls within the list of qualified exemptions (see appendix 1), the request should be passed immediately to the Executive Director, Corporate Services by the Quality Department. A Public Interest Test will be conducted to determine whether the public interest is better served by withholding or releasing the exempt information. If the arguments in favour and against disclosure are equal, the College has a duty to disclose. If it is decided to withhold information because a qualified exemption applies, the College will:

- State whether it holds any information of the type requested.
- Explain why the exempt information has been withheld.
- Inform the applicant of their right to complain to the Information Commissioner at the following address:

Information Commissioner  
Wycliffe House  
Water lane  
Wilmslow  
Cheshire  
SK9 5AF

The FOI Act allows the College to refuse to comply with a request for information that is vexatious or repeated. Any requests considered to be of this nature must be passed immediately to the Executive Director, Corporate Services by the Quality Department.

## **Fees**

In most cases the information listed in the Publication Scheme will be supplied free of charge unless otherwise stated, however the College reserves the right to charge for photocopying and other significant costs in providing the information listed in the Publication Scheme.

The College may also charge a fee for other information that is not included in the Publication Scheme, which will be calculated according to the fees regulations.

Applicants must be notified of any costs prior to the information being provided.

## **If the applicant complains**

If an applicant complains, they should be referred to the College's normal Customer Complaints Procedure.

## **MONITORING**

The Director of Learning & Quality will monitor the progress of the Freedom of Information requests at all times.

The Director of Learning & Quality will provide an analysis of the number and nature of the requests and their outcome to Senior Management.

## **RELATED DOCUMENTS**

[Freedom of Information Act 2000.](#)  
[Central Sussex College Publication Scheme.](#)  
[Customer Complaints Procedure.](#)

## **CONTACTS**

Director of Learning & Quality.  
Executive Director, Corporate Services.

## **WHO SHOULD KNOW ABOUT THIS PROCEDURE**

All customers.  
All staff.

## **RESPONSIBILITY**

The Director of Learning & Quality is responsible for ensuring that all Freedom of Information requests are dealt with promptly, fairly and consistently and in accordance with the Freedom of Information Act.

## **HISTORY**

This procedure was approved in March 2007 and amended in November 2011.

Signed \_\_\_\_\_ Suri Araniyasundaran \_\_\_\_\_ Date \_\_\_\_\_ 17 November 2011 \_\_\_\_\_

Position \_\_\_\_\_ Executive Director of Corporate Services \_\_\_\_\_

## CENTRAL SUSSEX COLLEGE

### Freedom of Information Act 2000

#### Exemptions

Under the terms of the Freedom of Information Act, some information is exempt from disclosure and therefore does not have to be provided.

Some of these exemptions are absolute. Others are subject to a public interest test and are known as qualified.

#### Absolute

1. Information accessible to the applicant by other means (*including information through our publication scheme*) [S.21]
2. Information supplied by or relating to bodies dealing with security matters [S.23]
3. Information contained in Court records [S.32]
4. Parliamentary privilege [S.34]
5. Personal information – about the applicant (*request will be handled under the Data Protection Act instead*), or about another person (*if disclosure contravenes the DPA*) [S.40]
6. Information provided in confidence [S.41]
7. Prohibitions on disclosure (*if releasing information would constitute contempt of court, breach an existing statutory prohibition or would be incompatible with an EC obligation*) [S.44]

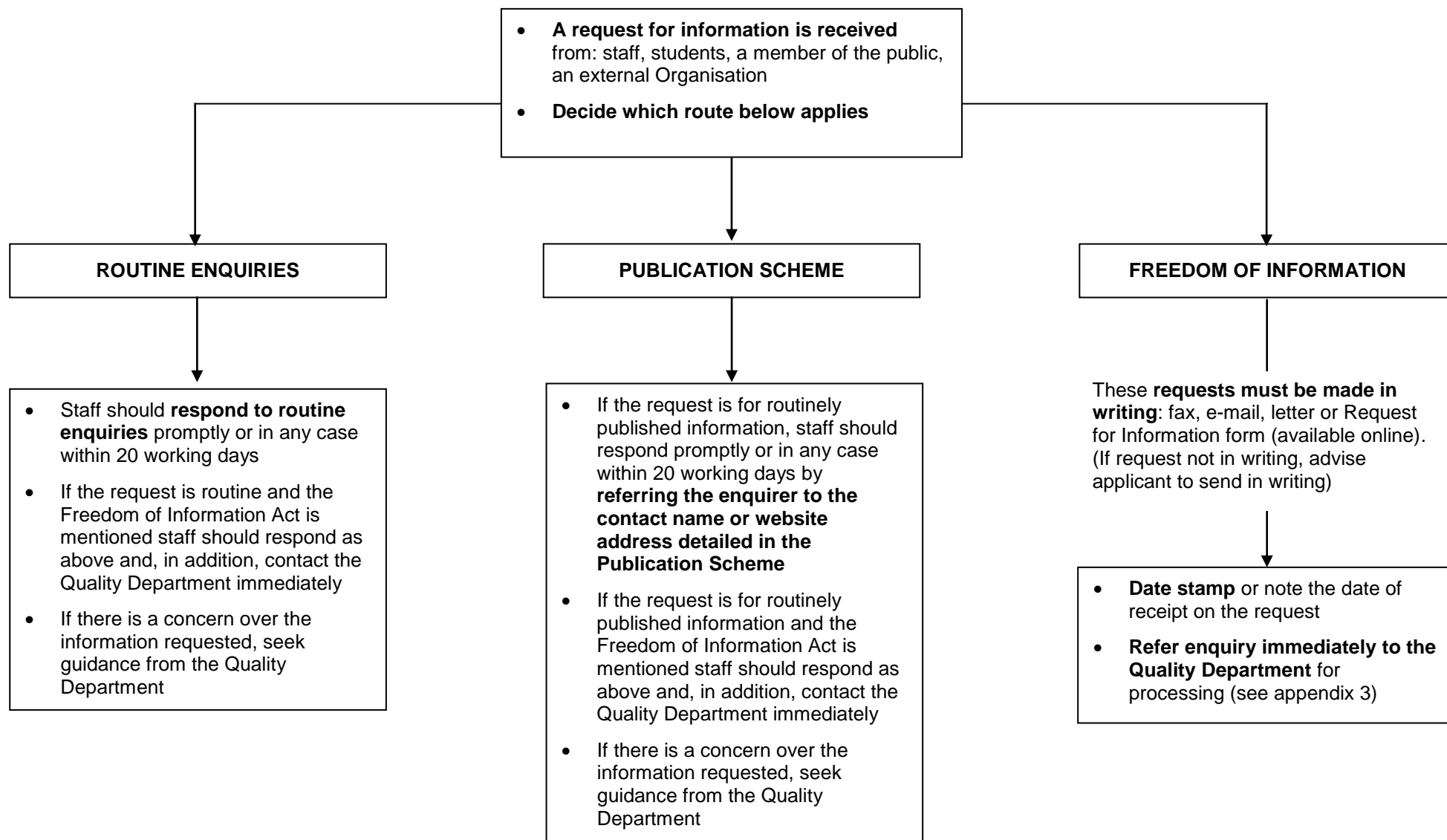
Should the College decide not to release information because an absolute exemption applies, we do not have to state whether we do or do not hold the information.

#### Qualified

1. Information intended for future publication [S.22]
2. National security [S.24]
3. Defence or armed forces [S.26]
4. International relations [S.27]
5. Relations within the UK [S.28]
6. The economy of the UK [S.29]
7. Investigations and proceedings conducted by public authorities [S.30]
8. Law enforcement [S.31]
9. Audit functions (*can only be used by public authorities which have financial audit functions in relation to other public authorities or examine those of other public authorities*) [S.33]
10. Formulation of government policy [S.35]
11. Conduct of public affairs [S.36]
12. Communications with Her Majesty and honours [S.37]
13. Health & safety [S.38]
14. Environmental information (information already covered by the Environmental Information Regulations 2004) [S.39]
15. Legal professional privilege [S.42]
16. Commercial interests (*applies to "trade secrets" or where disclosure would be likely to prejudice commercial interests*) [S.43]

Should the College withhold information under a qualified exemption, a Public Interest Test must be conducted to determine whether the public interest is better served by withholding or releasing the exempt information. If the arguments in favour and against disclosure are equal, we have a duty to disclose.

**RECEIVING A REQUEST FOR INFORMATION**



**PROCESSING A FREEDOM OF INFORMATION REQUEST**

Quality Department receives Freedom of Information request in writing, with date of receipt noted

- Quality Department logs date the request for information was received in College to ensure compliance with the 20 working day requirement
- Quality Department to check if information requested is subject to an exemption

