



# Freedom of Information Policy 2020-21

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## 1. Introduction

- 1.1 The Freedom of Information Act 2000 (FoIA) gives the public a right of access to information held by public authorities.
- 1.2 NMITE is a public authority as defined by the Act, and as such it recognises its responsibility and is committed to promoting a culture of openness and transparency with all the information it holds to meet the requirements of the FoIA.
- 1.3 Not all information held by NMITE can be released. NMITE may decide not to release information for a number of reasons, such as data protection/GDPR, confidentiality, health and safety or to protect its commercial interests.

## 2. Purpose and Scope

- 2.1 NMITE's Freedom of Information Policy has been produced to ensure compliance with the provisions of the FoIA. The policy incorporates guidance from the Information Commissioner's Office (ICO).
- 2.2 The policy provides a framework for compliance and is supported by appropriate procedures and guidance documents to provide advice and maintain good practice.
- 2.3 This policy applies to all members of staff including temporary or casual or agency staff, and contractors and suppliers working for, or on behalf of, NMITE.



### 3. The Model Publication Scheme

3.1 Section 19 of the FoIA places a duty on every public authority to:

- i. adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the ICO;
- ii. publish information in accordance with its publication scheme;
- iii. review its publication scheme from time to time.

3.2 NMITE has adopted the model publication scheme approved by the ICO.

3.3 The Scheme is published on the website and sets out the types of information NMITE publishes in accordance with the guidelines set out by the ICO, and these are:

- i. who we are and what we do;
- ii. what we spend and how we spend it;
- iii. what are our priorities and how we are doing;
- iv. how we make decisions;
- v. our policies and procedures;
- vi. lists and registers;
- vii. the services we offer.

### 4. Making a request for information

4.1 Requests for information not included in the Publication Scheme can be accessed on receipt of a specific written request. For a request to be considered valid under the FoIA, it must satisfy all of the following criteria:

- i. be in writing;  
and,
- ii. include a name and address for correspondence (email address is sufficient);  
and,
- iii. detail the information requested.

4.2 Requests should be addressed via email to [Fol@nmite.ac.uk](mailto:Fol@nmite.ac.uk) or by post to: Freedom of Information, NMITE, Gardner Hall, Venns Lane, Hereford, Herefordshire HR1 1DT.

### 5. Responding to an Fol request

5.1 NMITE will respond to a request promptly, and by the twentieth working day following receipt of the request. If we are unable to respond to the request within the 20 working days, we will contact the requestor with an explanation and request an extension of time.



5.2 The response will confirm whether or not NMITE holds the information being requested; if it does hold the information, NMITE will normally release it. However, some information may be exempt from disclosure under one of the exemptions in the Act.

5.3 NMITE has the right to charge applicants for supplying the requested information but is under no obligation to provide information if the cost of doing so would be in excess of an appropriate limit as clarified in Section 8 below.

## **6. Responsibilities of NMITE**

6.1 NMITE has a responsibility to ensure the implementation of the provisions of the Act and has designated the Academic Registrar as the officer with overall responsibility for this policy.

6.2 All staff are responsible for ensuring the records they manage are accurate and complete.

6.3 Every member of staff must recognise that all recorded information may be provided to the public and that in every case, the law requires there to be full and unconditional disclosure unless one of the statutory exemptions / exceptions applies.

6.4 All NMITE staff should be aware that any breach of the FoIA may result in NMITE's disciplinary procedures being instigated.

## **7. Environmental Information Regulation**

7.1 Any requests for environmental information held by public authorities must be responded to in accordance with the Environmental Information Regulations 2004 (EIR), rather than the FoIA.

7.2 EIR requests do not need to be made in writing; however, a written record will be made of any verbal requests that are received.

7.3 NMITE will respond to a request within 20 working days and will treat these requests in line with the guidance provided by the ICO.

## **8. Fees and charges for the processing of FoI requests**

8.1 NMITE provides some information free of charge on its website.

8.2 In accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, NMITE is not obliged to respond to a request for information where the cost of determining whether the information is held, locating, retrieving and extracting the information being sought is estimated to exceed £450.00. This is calculated at a rate of £25 per hour.

8.3 If this estimation exceeds the limit of £450 NMITE is entitled to decide whether to refuse the request, or charge for the cost of complying, or supply



the information without the charge being imposed. NMITE will also discuss with the applicant suitable ways of altering the request to reduce the cost.

- 8.4 In any cases where the costs of processing an FoI request exceed the limits shown in 8.2 above, this will be communicated in writing to the requestor as soon as possible, but no later than the twentieth working day following receipt of the request.
- 8.5 Where more than one request is received from the same person, or people acting together as part of a campaign, NMITE will normally aggregate costs when determining whether these costs amount to £450. This will occur where requests are similar in nature and occur within a 60-day period.
- 8.6 When a fees notice is issued the 20-working day deadline for responding to a request will be suspended until the required fee has been paid. It should be noted that if the fee has not been received within 3 months the request will be cancelled. No information will be provided by NMITE until full payment is received.

## 9. Exemptions

- 9.1 There are a number of exemptions under the FoIA where NMITE is not required to provide the information requested. The Act also limits the circumstances in which information can be withheld.
- 9.2 In cases where NMITE considers a request is subject to an exemption, consideration will be given as to whether or not the information can be disclosed. This would take into account the public interest, the rights of data subjects, legal and contractual obligations and issues of information access and security.
- 9.3 Information will only be withheld in accordance with the exemptions specified by legislation, and the reasons for applying the exemption will be provided to the requester.
- 9.4 A full list of the exemptions can be found on the ICO's website.

## 10. Review Procedure

- 10.1 If the requestor is unhappy with the way in which their request has been handled, they can request a review by contacting NMITE via email to [Fol@nmite.ac.uk](mailto:Fol@nmite.ac.uk) or by post to: Freedom of Information, NMITE, Gardner Hall, Venns Lane, Hereford, Herefordshire HR1 1DT.
- 10.2 A request for an internal review should be submitted within 40 days of receipt of the response by the request. The requestor should specify why they do not agree with the initial response and what factors they would like to be taken into account as part of the review. This should include any public interest arguments for disclosure.



- 10.3 The request for review will be dealt with within 20 working days of receipt. If the review will take longer to conduct, the requestor will be informed why and when to expect a response.

ICO Guide to Freedom of Information: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

- 10.4 If the requestor remains dissatisfied with the handling of their request or complaint, they have a right to appeal to the ICO at:

The Information Commissioner's Office,

Wycliffe House,

Water Lane,

Wilmslow,

Cheshire,

SK9 5AF.

Telephone: 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

## 11. Records Management

- 11.1 NMITE will manage its records effectively and systematically, and in accordance with its Records Management Policy (**insert hyperlink**) to ensure information retrieval is simple, timely and meets legislative, regulatory, funding, and ethical requirements.
- 11.2 Section 46 of the FoIA requires NMITE to follow guidelines set down in the Lord Chancellor's Code of Practice on the management of records.

## 12. Policy Review

- 12.1 This policy will be updated on an annual basis in accordance with NMITE's Policy Framework, or sooner to ensure compliance with any changes or amendments to Data Protection/GDPR or other legislation.