

FOI and EIR Policy

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OVERVIEW AND PURPOSE

1. Kingston University is committed to managing its obligations under the Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) in an effective manner.
2. The Freedom of Information Act 2000 (FOIA) came into effect in January 2005, for the purpose of increasing the operational transparency of public authorities. The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. Kingston University is defined as a public authority under FOIA and EIR. Members of the public have a general right of access to almost all types of recorded information held by public authorities.
3. The two principal responsibilities set out in FOIA are to:
 - Maintain a publication scheme which functions as a guide to information that is routinely published by the University
 - Respond to individual requests for information
4. Similarly, the responsibilities under EIR are to:
 - make environmental information available proactively, using easily accessible electronic means whenever possible
 - respond to requests for environmental information.

SCOPE

5. This policy applies to all staff, students and affiliates, including salaried and non-salaried staff, contractors, governors, students' union staff, honorary staff, collaborative partners and associates.
6. This policy applies to all (personal*) information, whether digital or physical, processed by or on behalf of the University, for any purpose. This includes, but is not limited to, information relating to:
 - teaching and learning
 - professional services and support functions
 - research and knowledge exchange, including externally funded projects
 - internal, external, legal and regulatory reporting.

POLICY

FOI PUBLICATION SCHEME

7. The University's publication scheme is available on the University website page [Freedom of information](#). It is maintained by the Compliance and Information Governance team and is reviewed on an annual basis.
8. Individual departments are responsible for ensuring that information posted elsewhere on the website is kept up to date, so that the scheme functions as an effective guide to accurate information about the University.

FORMAT OF REQUESTS

9. A request must be made in writing (postal or email), state the name of the applicant, provide an address for correspondence (postal or email), and describe the information requested. It need not explicitly state the request is being made under FOIA or EIR, nor explain why the information is being requested (but the University may seek clarification of the request). Upon receipt of a request the University is required to provide a substantive response within 20 working days.

EXEMPTIONS AND EXCEPTIONS

10. Any information that is held by the University is in principle viewable by a member of the public under FOIA and EIR. However, information can be withheld from disclosure if an exemption specified by FOIA, although in some cases these are subject to a public interest test, which requires disclosure if the public interest in releasing the information outweighs any argument for non-disclosure. EIR exceptions are all subject to a public interest test.

RESPONSIBILITIES AND ACCOUNTABILITY

11. The Compliance and Information Governance team manages the arrangements for responding to FOIA and EIR requests and liaises with the University's Legal Counsel to escalate queries as necessary.
12. The Head of Compliance and Information Governance (or their nominee) considers and decides upon any complaints and reviews requests following the University's substantive response.

KEY PRINCIPLES

13. The following key principles guide the work of the Compliance and Information Governance team in relation to FOIA and EIR requests:
 - Exemptions/exceptions and the public interest test will be applied robustly in line with FOIA and EIR
 - Where information is currently available elsewhere, we will refer applicants to this

Freedom of Information Policy

- Requests for information that can be fulfilled in the course of routine university business (e.g. prospectus requests etc) need not be treated as requests under the FOIA or EIR. However, any request that explicitly refers to FOIA or EIR , or that asks for information which is not made routinely available, should be regarded as falling under FOIA or EIR, as should any request where there is doubt over the appropriate course of action.

ROLES AND RESPONSIBILITIES

14. The Head of Compliance and Information Governance and the University's Legal Counsel provide advice on FOIA and EIR requests as and when necessary.
15. The Head of Compliance and Information Governance may:
 - Provide advice when an exemption/exception may apply
 - Notify staff if it is necessary to apply the public interest test in relation to a qualified exemption/exception that is being considered
 - Notify staff of the factors for and against disclosure that were considered as part of the public interest test where a qualified exemption/exception is cited
 - Discuss with the Senior Leadership Team member responsible for the area in question any issues relating to the request which require resolution
 - Consult with the University Secretary on an appropriate course of action if necessary
 - Consider and decide upon any complaints and review requests following the University's substantive response to the requestor.

CHARGES

16. Documents provided electronically will be supplied free of charge in most instances. Charges for hard copy paper documents will only be applicable if a total of 100 or more pages have been requested, in which case a charge will be made to cover the photocopying costs at that time.
17. Under the FOIA , the University is not obliged to comply with a request for information if it estimates the cost of doing so would exceed the relevant statutory "appropriate limit" as currently defined by the FOIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, ('the Regulations'). If the University chooses to respond to such a request, it will apply the charges prescribed in the Regulations (or as may be amended from time to time).
18. Regulation 8 of the EIR provides that public authorities may charge for making environmental information available, as long as that charge is reasonable.
19. The University reserves the right to amend this charging policy at any time. Any charges payable will be notified to the applicant and payment required, prior to the request being fulfilled.

REVIEWS AND APPEALS

20. If an applicant is dissatisfied with the service they have received in response to their request, and wishes to request an internal review of the University's response/decision, the applicant should contact the Data Protection Officer by email at dpo@kingston.ac.uk or by post to Data Protection Officer, Corporate Services, Holmwood House, Grove Crescent, Kingston upon Thames, KT1 2EE.
21. In the event that an applicant is not content with the outcome of the internal review, the applicant may make an appeal and apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless the applicant has exhausted the procedure provided by Kingston University.

RELATED LEGISLATION, REGULATIONS AND POLICIES

22. Related legislation:
 - Data Protection Act 2018 (DPA)
 - UK General Data Protection Regulations (UK GDPR)
 - The Freedom of Information Act 2000 (FOIA)
 - Environmental Information Regulations 2004 (EIR)
23. This policy should be read in conjunction with other relevant University policies and documents which can be viewed under Information regulations on our [Policies and regulations](#) page.

BREACH OF POLICY

24. Anybody handling personal data agrees to abide by the terms of any applicable policies. Users who are found to have breached the terms of relevant policies may be subject to warnings, verbal and written. In serious cases individuals will be subject to the University's disciplinary procedures, and possible legal action.