

Freedom of Information Policy

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OVERVIEW AND PURPOSE

1. This Freedom of Information Policy covers how Kingston University complies with the Freedom of Information (FOI) Act.
2. The Freedom of Information Act 2000 ('the Act') came into effect in January 2005, for the purpose of increasing the operational transparency of public authorities. Kingston University is defined as a public authority under the Act and is committed to managing the associated obligations in an effective manner. The two principal responsibilities set out in the Act 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.

SCOPE

3. The Policy applies to staff, affiliates and members of the public who have a general right of access to almost all types of recorded information held by public authorities.

POLICY

PUBLICATION SCHEME

4. The University's publication scheme is available on the [Freedom of Information page on the external website](#). It is maintained by the Compliance and Information Governance team and is reviewed on an annual basis.
5. 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

6. The Act gives the right to any individual to request information held by the University. A request must be made in writing (postal or email), state the name of the applicant, provide an address for correspondence, and describe the information requested. It need not explicitly state the request is being made under the Act, 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

7. Any information that is held by the University is in principle viewable by a member of the public under the Act. However, information can be withheld from disclosure if an exemption specified by the Act applies, 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.

RESPONSIBILITIES AND ACCOUNTABILITY

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

KEY PRINCIPLES

10. The following key principles guide the work of the Compliance and Information Governance team in relation to FOI requests:
 - Exemptions and the public interest test will be applied robustly in line with the Act
 - Where information is currently available elsewhere, we will refer applicants to this
 - 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 Act. However, any request that explicitly refers to the Act, or that asks for information which is not made routinely available, should be regarded as falling under the Act, as should any request where there is doubt over the appropriate course of action.

ROLES AND RESPONSIBILITIES

11. The Head of the Compliance and Information Governance and the University's Legal Counsel provide advice on FOI requests as and when necessary.
12. The Head of the Compliance and Information Governance may:
 - Provide advice when an exemption may apply
 - Notify staff if it is necessary to apply the public interest test in relation to a qualified exemption 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 is cited

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- 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

13. Documents provided electronically via an e-mail attachment 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.
14. Under the Act, 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 Act 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).
15. 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

16. If an applicant is dissatisfied with the service they have received in response to their request, and wishes to make a complaint, request an internal review about how a request was handled or a review of the University's response/decision, the applicant should contact the Data Protection Officer at Kingston University, Compliance and Information Governance Unit, Holmwood House, Grove Crescent, Kingston upon Thames, KT1 2EE or dpo@kingston.ac.uk.
17. In the event that an applicant is not content with the outcome of their complaint, or the University's 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 complaints procedure provided by Kingston University.
18. The Information Commissioner can be contacted at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

RELATED LEGISLATION, REGULATIONS AND POLICIES

19. Related legislation:
 - The Freedom of Information (FOI) Act 2000
20. This policy should be read in conjunction with other relevant University policies and documents which can be viewed in the [Information regulations](#) section of the University website.

BREACH OF POLICY

21. 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, or possible legal action.