

# Kingston University London

## Freedom of Information Policy

The Freedom of Information Act 2000 ('the Act') came in to 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 principle 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.

### 1. Publication Scheme

The University's publication scheme (together with those of its subsidiary companies) is available on the external website:

([http://extranet.kingston.ac.uk/freedom\\_of\\_info/index.html](http://extranet.kingston.ac.uk/freedom_of_info/index.html)). It is maintained by the Vice-Chancellor's Advisory & Support Department (VCASD), in conjunction with Information and Technology Services, and is reviewed on an annual basis. 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.

### 2. Responding to Individual Requests for Information

#### 2.1 Format of requests

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.

#### 2.2 Exemptions

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.

### **2.3 Responsibilities and Accountability**

- The FOI Officers supported by the Resources & Compliance Team based in Information & Technology Services, runs the arrangements for responding to requests on a day to day basis;
- The Legal & Regulatory Policy Compliance Manager, based in the VCASD, oversees the process, providing legal advice and escalating queries as necessary;
- The Director of VCASD (or their nominee):
  - considers and decides upon any complaints and review requests following the University's substantive response.
- Each University faculty/department shall appoint a Data Owner with responsibility for co-ordinating responses in accordance with 2.5.4.

### **2.4 Key principles**

The following key principles guide the work of information Services and the VCASD in relation to Freedom of Information 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;
- No personal information – defined as including personal data as specified by the Data Protection Act 1998, plus individual e-mail addresses, direct dial and mobile telephone numbers, salary or any other financial data relating to individuals – will be released without prior consultation by the VCASD with the person(s) involved;
- Nothing directly relating to a member of the University Operations Board, the Academic Board or the Board of Governors or the papers of these bodies will be released without the approval of the Head of Secretariat, and/or the University Secretary if deemed appropriate;
- Where it is proposed to release any data, the Legal & Regulatory Policy Compliance Manager (or their nominee) will advise if the Senior Management Group member responsible for the area in question, should be made aware of this and offered the opportunity to comment;
- The FOI Officers supported by the Resources & Compliance Team will in all cases work closely, where appropriate, with the Directors or Heads of Sections who are data owners;
- The Press Office and Director of Marketing & Communications will be advised of FOI requests from journalists and offered the opportunity to comment before the information is released.

## 2.5 The Process

### 2.5.1 Receipt of Requests – All Staff

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 requests information which is not made routinely, should be regarded as falling under the Act, as should any request where there is doubt over the appropriate course of action.

It is essential that all requests which may fall under the Act are forwarded immediately to the FOI Officers supported by the Resources & Compliance Team ([FREEDOMOFINFORMATION-INFO@kingston.ac.uk](mailto:FREEDOMOFINFORMATION-INFO@kingston.ac.uk)). **No faculty or department should attempt to respond to an FOI request itself.** Where enquiries are received by telephone in relation to information that may fall under the Act, the enquirer should be provided with the above e-mail address and advised to make a request in writing as per 2.1 above. Where the enquirer does not have access to e-mail, they should be advised to send their request to:

Resources & Compliance Team, Information & Technology Services, Kingston University, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2EE.

### 2.5.2 Role of the FOI Officers supported by the Resources & Compliance Team

The FOI Officers supported by the Resources & Compliance Team will:

- Log the request and allocate a reference number;
- Prepare and send the applicant an acknowledgement letter/e-mail, specifying the date by which they will receive a substantive response;
- Ask the applicant to clarify their request if it is vague or unclear;
- Forward the request to the appropriate person at the University who is the data owner, asking them to provide the requested information within 10 working days; the Press Office, Director of Marketing & Communications, Director of VCASD and the Legal & Regulatory Policy Compliance Manager will be copied in to this email if the information requested relates to a member of the Senior Management Team, Academic Board or the Board of Governors, or the papers of these bodies;
- Contact the applicant to advise them that the deadline for response has been extended by an additional 20 working days if the Legal & Regulatory Policy Compliance Manager has advised that it is necessary for the public interest test to be applied;
- Prepare a draft response;
- Include within the response details of any exemption that is cited, the reasons for this, and the factors for and against disclosure that were considered as part of the public interest test, where a qualified exemption is cited;

- Forward the draft response to the Press Office, Director of Marketing & Communications (journalist requests only) and the Legal & Regulatory Policy Compliance Manager for their comments. The draft response will also be forwarded to the Director of VCASD where the requested information relates to a member of the Operations Board, the Academic Board or the Board of Governors, or the papers of these bodies for his/her approval;
- Send the final response to the applicant.

The FOI Officers supported by the Resources & Compliance Team will seek advice from the Legal & Regulatory Policy Compliance Manager when:

- The information requested includes personal information as defined in 2.4 above;
- The FOI Officers supported by the Resources & Compliance Team or data owner is of the view that an exemption may apply;
- There are any other issues relating to the request which require resolution;
- The appropriate wording for the response is unclear.

### **2.5.3 Roles of the Director of VCASD and the Legal & Regulatory Policy Compliance Manager (or their nominees)**

The Legal & Regulatory Policy Compliance Manager will:

- contact the individual concerned when the information requested includes personal data as defined in 2.4 above;
- provide advice when the FOI Officers supported by the Resources & Compliance Team or data owner is of the view that an exemption may apply;
- notify the FOI Officers supported by the Resources & Compliance Team if it is necessary to apply the public interest test in relation to a qualified exemption that is being considered;
- notify the FOI Officers supported by the Resources & Compliance Team of the factors for and against disclosure that were considered as part of the public interest test, where a qualified exemption is cited;

The Director of VCASD will:

- Discuss with the SMT 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 considered necessary; and
- consider and decide upon any complaints and review requests following the University's substantive response to the requestor.

### **2.5.4 Role of Data Owners**

It is the responsibility of each Faculty/Department to nominate a data owner to advise the FOI Officers supported by the Resources & Compliance Team of any changes to personnel.

Data Owners will:

- Acknowledge receipt of any request for information from the FOI Officers supported by the Resources & Compliance Team;
- Either, provide the requested information as quickly as possible, and in any event, within 10 working days, or, notify the FOI Officers supported by the Resources & Compliance Team as quickly as possible if they believe that an exemption may apply or they have concerns over disclosure of the information that has been requested;

### **3. Charges**

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.

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).

The University reserves the right to amend this charging policy at any time. Any charges payable will be notified to the applicant by the IS Resources and Compliance Team, and payment required, prior to the request being fulfilled.

### **4. Reviews and Appeals**

If an applicant is dissatisfied with the service that they have received in response to their request, and wishes to make a complaint, request a review about how a request was handled or a review of the University’s response/decision, the applicant should contact the Director of VCASD at:

- Kingston University, River House, 53-57 High Street, Kingston upon Thames, Surrey, KT1 1LQ.

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. The Information Commissioner can be contacted at:

- The Information Commissioner's Office, Wycliffe House, Water Lane, Wimslow, Cheshire, SK9 5AF.

## **5. Web links**

Kingston University Publications Scheme:

[http://extranet.kingston.ac.uk/freedom\\_of\\_info/index.html](http://extranet.kingston.ac.uk/freedom_of_info/index.html)

Freedom of Information Act 2000: <http://www.legislation.gov.uk/ukpga/2000/36/contents>

Information Commissioner's Office: <http://www.ico.gov.uk/>