

## FREEDOM OF INFORMATION

### SUMMARY OF PRINCIPAL CHANGES

<b>General changes</b>	
This document has been subject to the annual review process led by the Chief Information Officer and has been re-issued with amendments, effective 1 September 2014.	
<b>Section</b>	
5.2.2	Heads of Strategic Business Units – refer to text

(Amendments to version 02.0, UPR IM09 are shown in italics.)

#### Structure

- 1 INTRODUCTION
- 2 SCOPE
- 3 INFORMATION
- 4 POLICY
- 4.3 Publication Scheme
- 5 ROLES AND RESPONSIBILITIES
  - 5.1 Secretary and Registrar
  - 5.2 Director of Legal Services and University Solicitor
  - 5.2.2 Heads of Strategic Business Units
- 6 REQUESTS FOR INFORMATION
  - 6.4 Exemptions
  - 6.5 Charges
- 7 COMPLAINTS AND APPEALS
  - 7.1 Internal Review Panel
- 8 Copyright

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- 1 INTRODUCTION
    - 1.1 The Freedom of Information Acts ('the Act') imposes a number of obligations on all public bodies, including the University of Hertfordshire, and provides a general entitlement to the information held by the University subject to certain exemptions. Specifically, the Act provides the public with the right to be informed of whether information exists and the right to receive that information, subject to certain exemptions.
    - 1.2 *This policy and its supporting procedures were first approved by the Vice-Chancellor with effect from 1 September 2007 and have been amended further by the Secretary and Registrar with effect from 1 September 2014.*
  - 2 SCOPE
    - 2.1 This policy and its supporting procedures apply to all members of staff and to all information held across the University, for example, by Strategic Business Units, staff, the wholly-owned subsidiary companies, *their wholly-owned subsidiaries*, and agents, irrespective of its format, storage medium or age.

2.2 The University must be legally compliant with, and has a corporate responsibility to implement, the provisions of the Act, to support a general right of access to the information in its possession and to maintain its records in compliance with legislation.

2.3 The University is accountable to the Information Commissioner for compliance with the Act.

### 3 **INFORMATION**

Information held by the University is not confined to information generated by University employees and agents but encompasses any information in its possession, including information that the University has received or purchased or that is held by third parties on its behalf.

### 4 **POLICY**

4.1 The University will operate an access regime which presumes that information is open and is committed to proactively publishing popular information.

4.2 The key principles of the Freedom of Information Act 2000 will remain central to the University's access to information regime, information strategies and record keeping.

#### 4.3 **Publication Scheme**

4.3.1 The University's Publication Scheme, as defined in the Act, will be made available on the University's website and in hard copy on request to the Records Manager.

4.3.2 The University is committed to keeping its Publication Scheme up-to-date.

4.3.3 The Publication Scheme will specify:

- i the classes of information that the University routinely makes available;
- ii the format in which this information is made available for example, electronically, on paper or through other media;
- iii information about how to obtain the information and relevant contact details;
- iv whether this information is available free of charge or on payment of a fee.

### 5 **ROLES AND RESPONSIBILITIES**

#### 5.1 **Secretary and Registrar**

5.1.1 The Secretary and Registrar has overall responsibility for the implementation of this policy and for ensuring compliance with the Act.

5.1.2 The Secretary and Registrar is the Monitoring Officer who will act as the qualified person, as defined in the Act, responsible for making decisions on the application of a section 36 exemption. In the absence of the Secretary and Registrar, such decisions will be the responsibility of the Vice-Chancellor.

#### 5.2 **Director of Legal Services and University Solicitor**

5.2.1 The Director of Legal Services and University Solicitor has overall responsibility, for:

- i promoting best practice and compliance with the Act and this policy, including Records Management procedures in line with Section 46 of the *Lord Chancellor's Code of Practice on Records Management*;

- ii the formulation and publication of guidance;
- iii monitoring compliance with the Act;
- iv advising on the legal aspects of the legislation including the application of exemptions;
- v co-ordinating all appeals from the Information Commissioner;
- vi acting as the link between the University and the Information Commissioner's Office.

Certain of these functions will be carried out by the Records Manager on behalf of the Director of Legal Services and University Solicitor.

## 5.2.2 Heads of Strategic Business Units

Heads of Strategic Business Units are responsible for:

- i ensuring a designated key point of contact between their respective Strategic Business Units and the Contracts and Compliance Information Officer, Legal and Compliance Services Office;*
- ii ensuring the implementation of agreed procedures and guidance concerning Freedom of Information*
- iii by the deadlines stipulated, the collation and validation of information required in response to Freedom of Information requests, including, as necessary, liaising with the relevant Data Stewards (Appendix I, UPR IM16<sup>1</sup>, refers).*

## 6 REQUESTS FOR INFORMATION

- 6.1 Information not made available through the Publication Scheme may be accessed by making a written request to the Contracts and Compliance Information Officer whose contact details are as follows:

Contracts and Compliance Information Officer  
University of Hertfordshire  
College Lane  
Hatfield  
Herts  
AL10 9AB

Tel. 01707 285264

Email: [foi-request@herts.ac.uk](mailto:foi-request@herts.ac.uk)

- 6.2 Individual requests will be dealt with in accordance with the Act and the Lord Chancellor's 'Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Freedom of Information Act 2000 (issues under section 45 of the Act)'.

- 6.3 Whether information is provided or withheld, the Contracts and Compliance Information Officer will provide the individual making the request with contact details for the Internal Review Panel (section 7, refers).

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<sup>1</sup> Appendix I, UPR IM16 'Data Management Policy – Master Sources and Assigned Data and Document Steward Responsibilities'

## 6.4 Exemptions

6.4.1 There will be occasions where the University will have to claim one or more of the **23** exemptions provided by the Act and will be unable to provide the information requested. Information will only be withheld in accordance with the exemptions specified by the Act. The University will have particular regard for:

- i the public interest in maintaining an exemption;
- ii the Data Protection Act 1998 and the University's obligation to maintain the security and confidentiality of personal information;
- iii legal and contractual obligations;
- iv the health, safety and security of students and staff.

## 6.5 Charges

6.5.1 For information provided in response to specific requests, charges will be calculated in accordance with the Lord Chancellor's Fee Regulations and *will be* applied according to sections 9, 13 and 19 of the Freedom of Information Act 2000.

6.5.2 Fees guidance will be published and amended as appropriate. Where payment is not received within **60** working days, the request will be closed.

## 7 COMPLAINTS AND APPEALS

### 7.1 Internal Review Panel

7.1.1 The Panel is responsible for reviewing all complaints about the handling of Freedom of Information requests and adjudicating between the department and the requester.

7.1.2 The Panel will be established by the Secretary and Registrar on an ad hoc basis and its membership will be appropriate to the request under review. The proceedings of the Internal Review Panel will be minuted.

7.1.3 Should the individual requesting the information be dissatisfied with the decision made by the Internal Review Panel, he or she has the right to appeal to the Information Commissioner. The University will respond to any complaints made to the Information Commissioner and comply with the resulting decision.

## 8 Copyright

Information released under the Publication Scheme and in response to specific requests is protected by copyright in accordance with the Copyright, Design and Patents Act 1988. Therefore, it may not be used by third parties for any purpose not permitted by copyright law and the University of Hertfordshire.

Mrs S C Grant  
Secretary and Registrar  
Signed: **1 September 2014**