SGUL Freedom of Information Policy and Complaints and Appeals Procedure

1. Document Information

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2. Document History

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Freedom of Information Policy

1.0 Introduction

1.1 The Freedom of Information Act, which received royal assent in November 2000, is intended to ensure a greater degree of openness and accountability amongst public authorities. The Act achieves this intention by establishing a general right of access to the information held by public authorities. The Act applies to, amongst others, all further and higher education institutions including St George's, University of London (SGUL).

1.2 SGUL recognises the importance of the Freedom of Information Act 2000 and to assist organisational compliance with the Act will endeavour to ensure that:

1.2.1 The majority of information is made available to the public through the institutional Publication Scheme
1.2.2 Other information is readily available on request
1.2.3 If information requested is subject to an exemption clause within the Freedom of Information Act (FOIA), the institution will implement the public interest test to determine whether the information can be released.

2.0 Scope of the Policy

2.1 This policy is intended to cover all records created in the course of the business of the institution and includes physical and electronic records.

2.2 The policy outlines the responsibilities of SGUL staff relating to FOIA, and should be read alongside the professional Codes of Practice within the Act.

3.0 Responsibility for Freedom of Information

3.1 Ultimate responsibility for Freedom of Information rests with The Principal as Head of the institution. The Principal has designated the Chief Operating Officer (COO) to be FOIA Lead for the institution.

3.2 All staff who record information, whether on paper or by electronic means, also have responsibilities under the Act and under this policy.

3.3 The Freedom of Information Officer has responsibilities as follows:

3.3.1 Ensure organisational compliance with the FOIA and related two Codes of Practice for dealing with requests for information (S.45) and records management (S46)
3.3.2 Maintain the currency of this policy and the FOIA Publication Scheme
3.3.3 Promote FOIA awareness throughout the organisation
3.3.4 Ensure the general public has access to information about their rights under the FOIA
3.3.5 Assist with investigations into complaints and appeals regarding FOIA requests
3.3.6 Liaise and work with other employees responsible for information handling activities, e.g. Data Protection Officer.

3.4 Directors and Senior Managers are responsible for the following:

3.4.1 Ensure information is provided to the FOI Officer for inclusion in the Publication Scheme.
3.4.2 Ensure information not included within the Publication Scheme is created and stored in accordance with procedures and processes, to enable easy location when required.
3.4.3 Ensure information is provided to the FOI Officer in order that formal responses are provided within the statutory time limit.

3.5 Information Services is responsible for ensuring that other policies and procedures relating to information governance are aligned to this Freedom of Information Policy.

3.6 External Relations Communications and Marketing (ERCM) is responsible for ensuring that the SGUL website provides dedicated space to Freedom of Information, in order that the institution is compliant with its duties under the Freedom of Information Act (FOIA).

3.7 The joint Faculty of Health Social Care and Education (FHSCE) will manage FOI requests that relate to Kingston University activity or awarded programmes, in accordance with Kingston University FOI policy and procedure.

4.0 Publication Scheme

4.1 To comply with FOIA the institution must have a Publication Scheme which sets out the following:

4.1.1 The classes of information published, or intended to be published
4.1.2 The manner in which the publication is, or is intended to be made
4.1.3 Whether the information is available free of charge or if payment is required

4.2 The Publication Scheme will be regularly reviewed and updated to ensure the currency of information contained within it.

4.3 Requests for a copy of the Publication Scheme and requests for information contained within the Scheme may be made to the Freedom of Information Officer.

5.0 Specific requests

5.1 The Freedom of Information Act confers two general rights on the public:

5.1.1 To be informed whether a public body holds certain information, and
5.1.2 To obtain a copy of that information

5.2 A request for information not included within the Publication Scheme must be made in writing, this includes via email, and a charge may be made for supply of the information.

5.3 Where possible the information will be supplied in the format requested by the applicant. However, requests can be met by providing a copy of the original document, as a summary of the original or even by allowing the applicant to visit SGUL premises to read the document(s).

5.4 Requests for information will be met within 20 working days of receipt of the request or fee.
6.0  Fees

6.1  Ordinarily the institution will charge no fee for documents contained within its Publication Scheme. However, fees may be charged for information outside the Scheme in accordance with the Ministry of Justice Fees Guidance:


7.0  Exemptions

7.1  The rights within the Freedom of Information Act may be limited by the applicability of the exemptions. Several sections of the Act confer an absolute exemption on information. This has the effect of exempting the institution from confirming or denying that the information exists, or from disclosing the information at all.

7.2  Other sections direct the institution to weigh up whether the public interest in maintaining the bar on confirmation/denial or in maintaining the exemption is greater than the public interest in disclosing whether the public authority holds the information, or in disclosing the information at all.

7.3  Requests for exempted information will be considered by relevant staff, to reconsider whether the information can be supplied.

7.4  If SGUL receives a vexatious request or repeated request it is not obliged to comply with the request. Decisions on whether a request is vexatious will be taken by the FOI Officer and/or FOI Lead, with the assistance of legal advice where necessary.

7.5  Repeated requests from the same person for information that has already been supplied to them will not be met unless there has been a “reasonable interval” between the requests. Reasonableness will be determined by the FOI Officer and/or FOI Lead.

8.0  Complaints and Appeals

8.1  The complaint or appeal will be reviewed according to the Freedom of Information Complaints and Appeals Procedure (Appendix A) for informal resolution with the Freedom of Information Officer.

8.2  Complainants will be invited to contact the institutional lead for Freedom of Information should an informal resolution not be possible:

Paul Ratcliffe
Chief Operating Officer
St George’s University of London
Cranmer Terrace
Tooting
London
SW17 0RE

8.3  Complainants will be invited to contact the Information Commissioner directly if they remain unhappy with the institution’s response to a request and a subsequent appeal:

Information Commissioner’s Office
Wycliffe House
Water Lane
9.0 Other relevant documents

- SGUL Data Protection Policy
- SGUL Publication Scheme
- SGUL Freedom of Information (FOI) Policy and Complaints and Appeals Procedure
- SGUL FOI Process for Dealing with requests for Information
- SGUL FOI Frequently Asked Questions
- Kingston University Freedom of Information Policy and Procedure
Appendix A

Freedom of Information Act
Complaints and Appeals Procedure

1. Requesters can complain or appeal about the way that SGUL has handled a Freedom of Information (FOI) request or an issue relating to the FOI publication scheme, by following the procedure set down below.

2. SGUL will endeavour to investigate a complaint fully and resolve the problem internally. Should this not be possible requesters may take the complaint or appeal to the Information Commissioner’s Office (ICO).

3. Complaints and Appeals Procedure:
   (i) The requester will contact the FOI Officer to register a complaint: FOI@sgul.ac.uk
   (ii) The FOI Officer will seek to informally resolve the complaint in correspondence with the requester within five working days of receipt of the complaint.
   (iii) Should the complaint not be resolved to the requester’s satisfaction within five working days, the requester is invited to make an Appeal by writing to the FOI lead of the institution: Mr Paul Ratcliffe, Chief Operating Officer Paul.Ratcliffe@sgul.ac.uk
   (iv) The request for an Appeal will be acknowledged promptly by SGUL, with advice of a target date for determining the complaint.
   (v) The Appeal process will include a thorough review of the handling of the case, decisions undertaken pursuant to the Act, including decisions taken about where the public interest lies in respect of exempt information.
   (vi) A response will be sent to the requester, with advice on the right to appeal to the Information Commissioner should the requester not be content with the outcome of the Appeal:

   Information Commissioner’s Office
   Wycliffe House
   Water Lane
   Wilmslow
   Cheshire
   SK9 5AF

   Tel: 01625 545700
   email: mail@ico.gsi.gov.uk
   (vii) The Information Commissioner’s Office will handle the case from this point onwards according to its own formal processes.