



**Cheshire College  
South & West**

## Freedom of Information Policy

Key Information	
Policy Reference Number	CCSW - DPP
Published on Website	Yes
ELT Post Responsible for Update and Monitoring	Chief Financial Officer
Date Approved by ELT	07 September 2021
Date Approved by Committee	21 October 2021
Approved by	Finance and Resources Committee
Date of next review	31 October 2024

## **1. Introduction**

- 1.1. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 form part of the Government's commitment to openness in the public sector. They provide a general right of access (subject to exemptions/exceptions) to recorded information held by the College.

## **2. Management of Requests**

- 2.1. The College will comply with the Environmental Information Regulations and the Freedom of Information Act and will endeavour to provide advice and assistance to the public to ensure that they receive the information they are seeking.
- 2.2. The Data Protection Officer will manage requests made under the Environmental Information Regulations and Freedom of Information Act in line with this policy.
- 2.3. As well as responding to requests for information, the College must publish information proactively. The Freedom of Information Act requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme. The College publication scheme is available on the College website at: <https://www.ccs.ac.uk/>. The College publication scheme will be reviewed at least annually by the Data Protection Officer.

## **3. Staff Responsibilities**

- 3.1. The College is required by law to respond to requests in a specific way, within the specific time frame.
- 3.2. All staff must:
  - 3.2.1. Direct requests to the Data Protection Officer within no more than three working days of receipt,
  - 3.2.2. Fully assist with requests for information, paying particular attention to the deadline(s) specified for the provision of information,
  - 3.2.3. Provide any information requested within the timescales specified,
  - 3.2.4. Advise the Data Protection Officer, of any reasons why information should not be released. The Data Protection Officer will consider whether any exemptions or exceptions should be applied.
- 3.3. Staff must not:
  - 3.3.1. Attempt to answer requests themselves,
  - 3.3.2. Ask the person requesting the information to explain the aims or the motivation for their request (the Act generally requires that all requests are treated equally, regardless of who is making the application),
  - 3.3.3. Ignore the request,
  - 3.3.4. Alter, deface, block, erase, destroy or conceal any information to prevent it being released in response to a request, as this may lead to disciplinary or in some cases legal action.

## **4. Charges and Fees**

- 4.1. In general, a charge cannot be applied to requests. In cases when the College is permitted to apply a charge this will be calculated by the Data Protection Officer and the Chief Financial Officer.

## **5. Time Limits for Compliance with Requests**

- 5.1. The College will comply with the duty to confirm or deny and to provide the information requested under the Freedom of Information Act, as soon as possible and within 20 working days of a request.
- 5.2. The College will respond to a request under the Environmental Information Regulations, as soon as possible and within 20 working days, or within 40 working days (*where the College reasonably believes that due to the complexity and volume of the information requested it is not possible to comply with the request within the earlier*

*period or to make a decision as to whether to refuse to do so*). If the information requested by the applicant incurs a charge or a fee; charges will be advised in advance and payment will be required before the information is released.

## **6. Refusal of a Request**

- 6.1. A request for information may be refused if:
  - 6.1.1. the information is not held by the College,
  - 6.1.2. the information is exempt under any exemptions or exceptions,
  - 6.1.3. it would cost too much or take too much staff time to deal with the request,
  - 6.1.4. the request is vexatious,
  - 6.1.5. the request repeats a previous request from the same person.
- 6.2. The College can automatically withhold information because an exemption applies only if the exemption is 'absolute'. However, most exemptions are not absolute but require the College to apply a public interest test. This Data Protection Officer in consultation with appropriate Executive Leadership will consider the public interest arguments before deciding whether to disclose the information. The College may disclose information even where an exemption is applicable, where it is in the public interest to do so.
- 6.3. There is also an exemption for personal data if releasing it would be contrary to the UK General Data Protection Regulation (*the UK GDPR*) or the Data Protection Act 2018.
- 6.4. Where the College is refusing all or any part of a request, the Data Protection Officer will send the requester a written refusal notice; either, refusing to say whether the College holds the information or confirming that information is held but refusing to release it.

## **7. Right to Appeal**

- 7.1. If a request for information has been refused or the applicant is not satisfied with the information disclosed to them, they have the right to appeal. In the first instance, the applicant should write to the Principal, who will review the decision.
- 7.2. If the applicant remains dissatisfied with the outcome of the review, they may refer the matter to the Information Commissioner Officer (<https://ico.org.uk>).

# Appendix I

## Process for complying with requests made under the Freedom of Information and Environmental Information Regulations

