



**Cheshire College  
South & West**

## Freedom of Information Policy

Key Information	
Policy Reference Number	CCSW - FOI
ELT Post responsible for policy update and monitoring	Assistant Principal - Organisation Development & Learner Services
Date approved by ELT	23 October 2018
Date approved by corporation board (if applicable)	22 November 2018
Date of next policy review	22/11/2021

## **1. Introduction**

- 1.1 The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 are part of the Government's commitment to greater openness in the public sector. Both came into effect on 1 January 2005 and legislate for a general right of access (subject to exemptions/exceptions) to recorded information held by public authorities. This includes information held prior to 1 January 2005.

## **2. Management of Requests**

- 2.1 The College will use all appropriate and necessary means to ensure that it complies with the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 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 2004 and the Freedom of Information Act 2000, in line with this policy.

## **3. Staff Responsibilities**

The College is required by law to respond to requests in a specific way, within the specific time frame.

### **3.1 Staff must:**

- a. Direct requests to the Data Protection Officer within no more than three working day of receipt
- b. Fully assist with requests for information, paying particular attention to the deadline(s) specified for the provision of information
- c. Provide any information requested within the timescales specified.

### **3.2 Staff members should not:**

- a. Attempt to answer requests themselves
- b. 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
- c. Ignore the request
- d. 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 action.

- 3.3 If staff members feel that information should not be released, they must advise the Data Protection Officer, who will apply any exemptions or exceptions.

## **4. Charges and Fees**

- 4.1 In general, a charge cannot be applied to requests. If a charge is to be applied this will be calculated by the Data Protection Officer and agreed by the Assistant Principal – Finance.

## **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 2000, within 20 working days of a request.
- 5.2 The College will respond to a request under the Environmental Information Regulations 2004, 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 makes a decision 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 and Right to Appeal**

- 6.1 A request for information may be refused if:
- a. the information is not held by the College
  - b. the information is exempt under any exemptions
  - c. a fees notice or charge has not been paid within the three-month period
  - d. the cost of responding exceeds the appropriate limit under the Act
  - e. the request is deemed to be a vexatious request
  - f. the request for information is manifestly unreasonable
  - g. the request is formulated in too general a manner
  - h. the request relates to material, which is still in the course of completion, to unfinished documents or to incomplete data; or
  - i. the request involves the disclosure of internal communications
- 6.2 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.
- 6.3 If the applicant remains dissatisfied with the outcome of the review, they may refer the matter to the Information Commissioner.

## Appendix I

### FOI and EIR Process

Request Recieved

Request forwarded by recipient to Data Protection Officer and Legal Advisor (if not recieved directly)  
[within 3 working days]

Data Protection Officer and Legal Advisor logs request on sharepoint site

Acknowledgement issued to requestor

Questions issued to relevant department/staff member

Answers provided to Data Protection Officer and Legal Advisor  
[within 10 working days]

Consideration given to any exemption or exceptions

Response or refusal notice issued (including requestors right of appeal) by Data Protection Officer and Legal Advisor

In the event of an appeal the request will be forwarded to the Principal for review