



GRIMSBY INSTITUTE GROUP

Policy on Freedom of Information



Grimsby
Institute



Yorkshire Coast College
Scarborough



University Centre
Grimsby



The Academy Grimsby
YOUR FUTURE, FOCUSED



Lincolnshire
Regional College



Lincolnshire Rural
Activities Centre

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Version	Type	Date	History
V1	New	May 2012	
V1.1	Replacement	3 September 2013	Changes to incorporate the Framework for the Development of Strategies, Policies and Procedures Removal of section 1.5, section 12 - Action Plan and section 13 - Monitoring Equality Analysis. Amendment to section 3 title.
V2	Replacement	23 May 2014	Inclusion of TAG

Contents

1. Background	4
2. Contact Details.....	4
3. Guide for Submitting Requests.....	5
4. Responsibilities of Staff Members	5
5. Transfer of FOI Requests.....	5
6. Exemptions - Releasing Information and Refusing Disclosure	6
7. Charges	7
8. Consulting with other Public Authorities or Third Parties.....	9
9. How to Complain	9
10. Internal Review	10
11. Appeals to the Information Commissioner’s Office (ICO)	11
Appendix 1 - Procedure for Freedom of Information Requests.....	13
Appendix 2 - Absolute and Qualified Exemptions	14

1. Background

1.1. The Freedom of Information Act (FOIA) establishes the right for the general public to access official information being held by public bodies. The Grimsby Institute Group (GIG) is required to provide any and all information it holds in the public's interest if requested to do so by any person, subject to certain restrictions allowed under the act. The Act allows the public to access information about how public services are developed and delivered. There is a deadline of 20 working days of receipt of any request for information.

1.2. Model Publication Scheme

The GIG model publication scheme has been published on the Internet and is the model scheme recommended for Further and Higher Education Institutions. A more detailed "Guide to information" documents provided under the publication scheme can be accessed through the www.grimsby.ac.uk/foi, this shows examples of the type of information the public can access. The GIG incorporates the Grimsby Institute of Further and Higher Education, Yorkshire Coast College, Lincolnshire Regional College, Lincolnshire Rural Activities Centre and The Academy Grimsby.

1.3. The GIG intends to publish a majority of documents covered by the scheme in electronic format on the GIG website <http://grimsby.ac.uk>. However, at present, some information is available in paper copy only.

1.4. Our Mission Statement is to deliver accessible high quality education and training to all our communities in line with the vision, to be inspiring innovative and outstanding and requires us as an organisation to be committed to the issues of diversity, equality, inclusion and human rights.

2. Contact Details

Freedom of Information Officer
Grimsby Institute of Further and Higher Education
Nuns Corner
Grimsby
North East Lincolnshire
DN34 5BQ

Tel. 01472 311222

Email: foi@grimsby.ac.uk

3. Guide for Submitting Requests

- 3.1 Before submitting FOI requests, individuals should ensure that the information is not already in the public domain.
- 3.2 To ensure a swift response the person requesting the information should:
- Identify the records requested (be as specific as possible, i.e., describe the subject matter of the records, and, if known, indicate the dates of the records, the places where they originated, and the names of the originating persons or offices);
 - Please try to specify as clearly as possible all the information you require. We will make all reasonable efforts to locate this information, though we may need to ask you to provide more detail if your original application does not allow us to identify exactly what you want. If you require advice on how to specify your needs, please contact the FOI Officer.
 - State that the records are requested under the FOIA;
 - Include daytime telephone numbers in case additional information is needed before answering requests; and
 - Forward all requests to the appropriate FOI Officer by the Request Form on the GIG website.

4. Responsibilities of Staff Members

- 4.1 All staff will assist all members of the general public (including other members of staff and students of the GIG) by receiving the Information Request and processing it in accordance with this procedure.
- 4.2 Staff will assist members of the general public in framing an Information Request. Please Note - members of staff are expressly forbidden from seeking the reason(s) for making the request, but may question the Information Requestor to assist the Requestor in forming their Request.
- 4.3 Staff will ensure that all Information Requests are made in via the online request form, in writing, or in some other permanently recordable format, such as e-mail, tape, Braille etc. Requests must also contain the requestor's full name and address;
- 4.4 Where necessary, staff will assist Information Requestors in recording their Request, e.g. assisting those with a disability or learning need who may require assistance to put their request in writing or other permanently recordable format.

5. Transfer of FOI Requests

- 5.1 All staff **must** date stamp and forward any requests under the FOIA to the FOI Officer immediately.
- 5.2 If staff are unsure about a request they must seek clarification from the FOI Officer.
- 5.3 Failure to forward requests to the FOI Officer immediately will result in a delay in responding and the person requesting the information can complain to the Information Commissioner.

6. Exemptions - Releasing Information and Refusing Disclosure

6.1 The releasing of information and refusing disclosure is based on the exemptions for which the institution has a duty to consider whether disclosure is required in the public interest. Where the Institute considers that the public interest in withholding the information requested outweighs the public interest in releasing it, the Institute will inform the information requestor of its reasons, unless providing the reasoning would effectively mean releasing the exempt information.

6.2 Where the Institute decides an exemption applies and withholds information, it will give the reason(s) for its decision and inform the information requestor of his or her right to complain to the Information Commissioner's Office (ICO). Where an exemption applies, but the Institute is nevertheless required to release the information by the ICO, because it is in the public interest to do so, it will disclose the information requested 'within a reasonable time'.

eg.

- Absolute Exemption, if the request is related to personal data and the disclosure would contravene the Data Protection Act the Institute will inform the requestor that the information cannot be disclosed.
- Qualified Exemption, if the request is for information intended for future publication, the Institute will inform the requestor that the information will be published in the future and will provide an approximate date and time of that publication.

6.3 For qualified exemptions the Institute will confirm or deny that such information exists, even if a public interest test exempts such information, unless the statement of confirmation/denial would itself disclose exempt information.

See Appendix 1 for the process for releasing information.

See Appendix 2 for further information on refusing disclosure and Qualified and Absolute Exemptions.

7. Charges

- 7.1 The FOI (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) govern the GIG's ability to charge for information requests under the above act. The GIG is allowed to charge a fee for providing information in response to a FOIA request, and the fee must be determined in accordance with the Fees Regulations.
- 7.2 Copies of publications / information listed in the publication scheme are available free of charge. Printed information on courses and services offered by the GIG are also available free of charge, as are packs issued to people responding to notices of job vacancies. Requests for multiple copies will usually be charged for at a cost amounting to the cost of producing those copies, with a minimum charge of £5.
- 7.3 If requested, we will produce publications in other formats (e.g. audio, Braille etc). In these cases, we will usually make a charge, amounting to the cost of producing the item in the format requested and sending it, with a minimum charge of £5.
- 7.4 There may be a fee for finding and providing the information. If there is a fee we will contact you as soon as possible to inform you of the amount. We will not conduct a search or provide you with the information until you pay the fee. If you do not pay within 30 days of the date of the notification your request will be deemed to be cancelled.
- 7.5 In certain circumstances the GIG may waive the charge.
- 7.6 The GIG does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit as set out in the Fees Regulations. The appropriate limit for the GIG is £450.
- 7.6.1 The GIG must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit.
- 7.6.2 In estimating whether complying with a request would exceed the appropriate limit, the GIG can only take into account the costs it reasonably expects to incur in:
- determining whether it holds the information;
 - locating the information, or a document containing it;
 - retrieving the information, or a document containing it; and
 - extracting the information from a document containing it.
- The four activities are sequential, covering the retrieval process of the information from the GIG's information store.
- 7.6.3 The GIG can take into account the costs attributable to the time that persons (both the GIG's staff and external contractors) are expected to spend on these activities. Such

costs are calculated at £25 per hour per person for all public authorities regardless of the actual cost or rate of pay, which means that the limit will be exceeded if these activities exceed 18 hours.

7.6.4 The GIG does not have to make a precise calculation of the costs of complying with a request. Only a reasonable estimate is required. Where the cost of compliance does not exceed the appropriate limit, the request must be complied with and the information released, unless an exemption under the act applies.

7.7 Other requests where charges may be made

- Where there is a specific statutory scheme under which information is provided for a fee, such as information from the local land charges registry.
- Where the information is provided under the GIG publication scheme and the scheme indicates that a charge may be made for information falling within a particular class (this is outlined in Section 1 Publication Scheme, above).
- Educational records: Where the request is for unstructured personal information, the GIG is entitled to ask for a description of the information to help us find it. We do not have to supply the information, or confirm whether or not it exists, if it would cost more than £450 to do either of these things. This cost structure is as set out in The FOI (Appropriate Limit and Fees) Regulations 2004, detailed above.

7.8 Charging Summary

Chargeable Items	Charge £ / p
Photocopies	
A4 black and white	10p per printed side
A3 black and white	20p per printed side
A4 colour	£1 per printed side
A3 colour	£1.50 per printed side (other sheets pro rata)
Fax	
To UK and Ireland (Other destinations by agreement in advance)	£1 per printed side
Printouts from a PC	
Black and White	10p per printed side
Colour	50p per printed side
Photo Quality Paper Prints	£1 per printed side
Postage	At the prevailing Royal Mail rates
Other	
Material which is published and accessed on the website	Free of charge
Request for information in following format; audio, Braille etc	Minimum charge of £5
Staffing costs for accessing, retrieving and extracting Information which is electronic and / or hard copy	£25 per hour – maximum 18 hours

Grimsby Institute Group can refuse to provide information if costs exceed maximum indicated in Fees Regulations	Maximum charge £450
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8. Consulting with other Public Authorities or Third Parties

8.1 If a third party has supplied requested information or has a close interest in it, it may be appropriate for the FOI Officer to consult them when processing the request. When considering the information to be released, the Institute will check whether any third party may have sent or supplied the information, or have a close and direct interest in it. A department may hold third party information concerning:

- contracts
- tendering for contracts
- other commercial information
- information provided by foreign governments
- information provided by other public authorities
- personal information about individuals

8.2 The FOI Officer may consult with third parties in considering whether exemptions apply, particularly those relating to information provided in confidence, commercial sensitivity and relations with devolved and international partners. Even where information is not exempt, the Institute may need to think about informing third parties or obtaining their views on the release of the information.

8.3 Any views expressed by third parties concerning the release of information provided by them to the Institute are not binding on the Institute's authority. The GIG is under the statutory duty to provide access to the information, not the third party.

8.4 The only real exception to this is when the third party considers that the release of the information would be an actionable breach of confidence. If this is the case, the FOI Officer will take legal advice. The department has to take the final view as to whether information should be released and a refusal by a third party to consent to the release of information is not binding on the Institute.

8.5 If a request is in relation to Member of Parliaments' (MP) correspondence, the MP concerned should be consulted in all cases.

8.6 If another public authority has an interest in the requested information then it may also be appropriate to consult that public authority about the release of the information

9. How to Complain

- 9.1 The FOI Officer is responsible for dealing with all FOI requests. The GIG will do its best to meet information needs. If you believe that the GIG has not dealt with your request in accordance with the FOIA, you have a right to appeal via the GIG's internal complaints department. Please send a letter detailing your concerns to the address in Section 2.
- 9.2 If the GIG is unable to resolve any complaint and this procedure has been exhausted then a complaint can be made to the ICO, the independent body which oversees the implementation of the FOIA.
- 9.3 Complaints can be made on the following grounds:
- a. Failure to provide the information you requested
 - b. Failure to respond to your request within 20 working days (or failure to explain why longer than 20 working days is needed)
 - c. Failure to give you proper advice and assistance
 - d. Failure to give information in the form in which you requested it
 - e. Failure to properly explain any reasons for refusing the request
 - f. Failure to correctly apply an exemption under the Act

10. Internal Review

If you are unhappy about our response to your information request you may ask in the first instance for an "internal review".

10.1 Who you Complain to

You need to contact the FOI Officer directly if you wish to complain. Details can be found in Section 2 – Contact Details.

10.2 What Should you put in Your Complaint

You will be advised that a complaint must be in writing, although emails are acceptable. You will need to ask for an "internal review" and explain the reason for your complaint.

You should quote the FOI reference number, which will be shown on any previous correspondence relating to the original information request. However, the GIG will still respond to your request in the event that a reference number is not available.

10.3 Who Carries out the Review

The GIG will pass your complaint details to a Senior Manager. The internal review will be carried out independently by that Senior Manager. If you are not content with the outcome of the internal review, you have the right to appeal directly to the ICO, whose address can be found in Section 11.4.

10.4 How Impartial is the Review

The internal review is independently carried out by another Senior Manager, it is not appropriate for the other Manager(s) to liaise with, or be seen trying to influence their findings.

We will provide the reviewer with all the emails and letters that have been produced by you and the GIG. Other than that we will not interfere. For this reason the reviewing Senior Manager will, as necessary, keep you informed about the progress of the review. When it is complete they will contact you directly about their decision.

10.5 How Long can you Expect a Review to Take?

The GIG will send the reviewing Manager your complaint details as soon as possible after receiving the complaint and will inform you that this has been done.

The GIG will endeavour to complete an internal review within 20 working days from the date you made the review request.

There may be a small number of cases involving exceptional circumstances that may take longer. The GIG will notify you should an additional period be required. This should never exceed 40 days in total.

10.6 What Happens Afterwards?

The GIG will abide by the final ruling of the reviewing authority, regardless of whether they instruct to disclose information wrongly withheld, or indeed to confirm that the GIG had acted correctly from the outset.

11. Appeals to the Information Commissioner's Office (ICO)

11.1 You may appeal to the ICO if you are unhappy with the outcome of the internal review. They will assist you in every stage of your appeal and if necessary will act on your behalf to protect your rights.

11.2 Complaints are treated as confidential by the ICO, and they will not necessarily let the GIG know that you have made an appeal.

11.3 It is the ICO stated policy to consider only complaints that have gone through the internal review procedure.

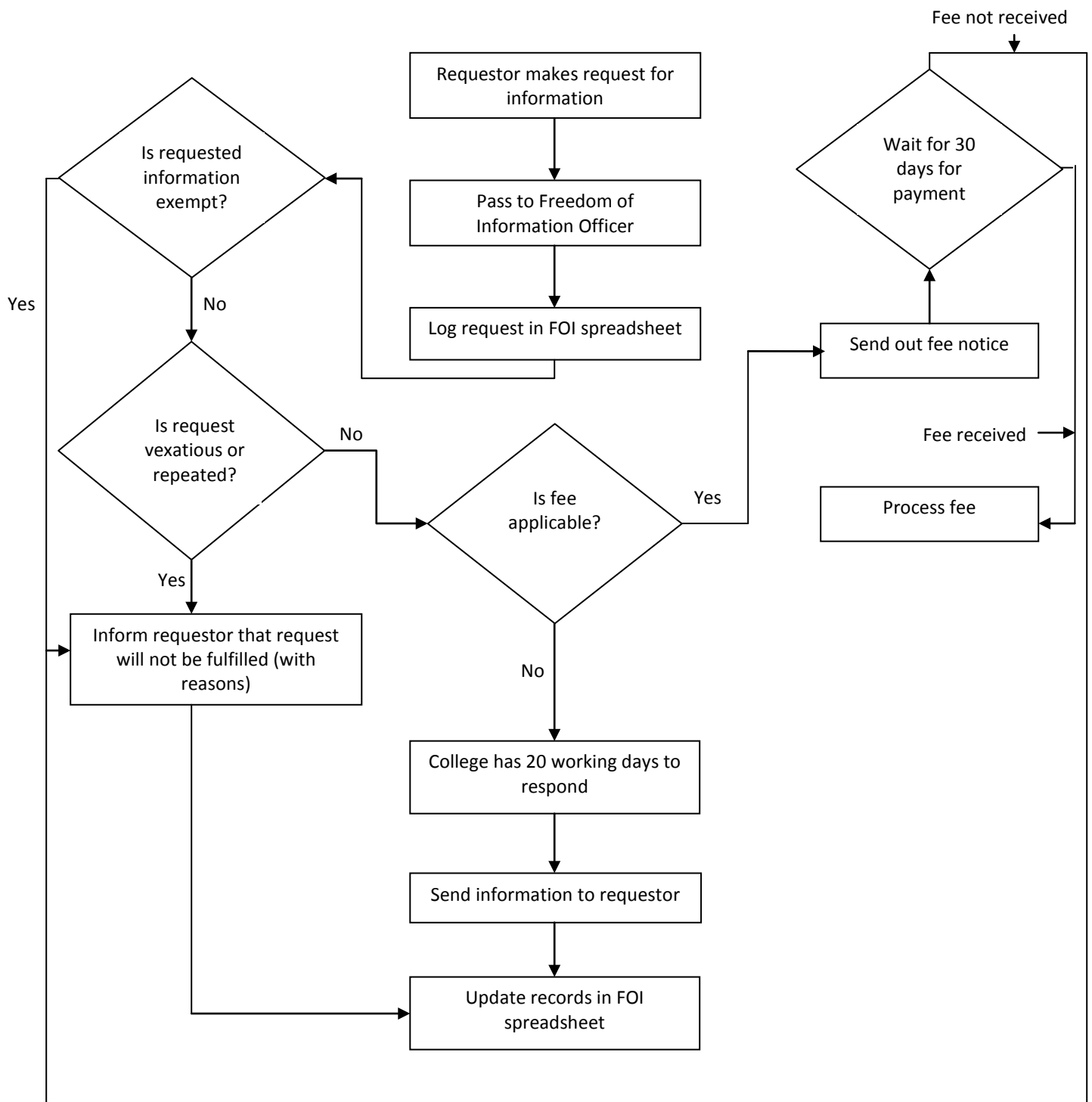
11.4 How to Contact the ICO

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK9 5AF

<http://www.ico.gov.uk>

Appendix 1 - Procedure for Freedom of Information Requests



Appendix 2 - Absolute and Qualified Exemptions

The Act creates a general right of access to information held by public bodies, but also sets out 23 exemptions where that right is either not allowed or is qualified. The exemptions relate to issues such as national security, law enforcement, commercial interests, and data protection. In particular, information is exempt from the Act if it is accessible to the applicant by other means, such as from the Funding Councils or DfES. Therefore, information already accessible under an institution's publication scheme need not be provided in response to an individual request.

Apart from vexatious or repeated requests, to which an institution need not respond, there are two general categories of exemption: those where, even though an exemption exists, an institution has a duty to consider whether disclosure is required in the public interest, and those where there is no duty to consider the public interest.

The public interest test requires an institution to determine whether the public interest in withholding the exempt information outweighs the public interest in releasing it, by considering the circumstances of each particular case and the exemption that covers the information. The balance will lie in favour of disclosure, because information may only be withheld if the public interest in withholding it is greater than the public interest in releasing it, for example where disclosure of institutional information would harm a police investigation.

In some cases you can apply the exemption separately to whether you confirm that you hold the information and whether you disclose it.

1. Qualified Exemptions (where the public interest test applies)

Exemptions for which the institution has a duty to consider whether disclosure is required in the public interest are listed below. Where an institution considers that the public interest in withholding the information requested outweighs the public interest in releasing it, the institution must inform the applicant of its reasons, unless providing the reasoning would effectively mean releasing the exempt information.

s22	Information intended for future publication
s24	National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not arise)
s26	Defence
s27	International relations
s28	Relations within the United Kingdom
s29	The economy
s30	Investigations and proceedings conducted by public authorities
s31	Law enforcement

s33	Audit functions
s35	Formulation of government policy, and so on
s36	Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
s37	Communications with Her Majesty, etc. and honours
s38	Health and safety
s39	Environmental information
s40	Personal information ¹
s42	Legal professional privilege
s43	Commercial interests

1 If the institution believes that disclosure would not breach any of the data protection principles, but the individual who is the subject of the information has properly served notice under s.10 DPA 1998 that disclosure would cause unwarranted substantial damage or distress, or the individual who is the subject of the information would not have a right to know about it or a right of access to it under the DPA 1998, there is no absolute exemption, and the institution should consider the public interest in deciding whether to release the information.

2. Absolute Exemptions

Absolute exemptions are the exemptions for which it is not necessary to go on to consider disclosure in the public interest.

s23	Information supplied by, or relating to, bodies dealing with security matters
s32	Court records, and so on
s34	It is required for the purpose of avoiding an infringement of the privileges of either House of Parliament
s36	Prejudice to effective conduct of public affairs ²
s40	It is personal data the disclosure of which would contrive the Data Protection Act ³
s41	Information provided in confidence
s44	Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

2 Applies only to information held by House of Commons or House of Lords

3 There is an absolute exemption from the provisions of the FoIA if an applicant making a request for information under the FoIA is the subject of the information requested and they already have the right of 'subject access' under the DPA 1998. There is also an exemption from the provisions of the FoIA if the information requested under the FoIA concerns a third party and disclosure by the institution would breach one of the Data Protection Principles

3. Whole Category Exemptions

These are exemptions where the institution concerned must consider whether particular information falls within a particular category (or class) of information, such as:

s30	Information relating to investigations and proceedings conducted by public authorities
s32	Court records
s35	Formulation of government policy

If information falls into the category described in one of these exemptions, the institution is not required to release it. There is no requirement to consider whether releasing the particular information requested would prejudice a particular activity or interest.

The information therefore only becomes exempt if disclosing it would, or would be likely to, prejudice either of these factors.

4. Applying Exemptions

An institution wishing to rely upon a specific exemption must therefore ask itself a series of questions:

- Is the information potentially covered by an exemption?
- Does the exemption apply to all or part of the information requested?
- If an exemption does apply, does it require consideration of whether disclosure should be made in the public interest, irrespective of the exemption?
- If an exemption does apply, does it require consideration of whether disclosure would be prejudicial to a particular activity or interest?

Institutions are advised to read the exemptions with care when determining whether they can be relied on. Only the information to which an exemption applies can be withheld. For example, if a requested document contains some exempt information, only those specific pieces of exempt information can be withheld and the rest of the document has to be released.

Where an institution decides an exemption applies and withholds information, it must give reasons for its decision and inform the applicant of his or her right to complain to the Information Commissioner. Where an exemption applies, but an institution is nevertheless required to release the information by the Information Commissioner, because it is in the public interest to do so, it must disclose the information requested 'within a reasonable time'.

Guidance as to how exemptions might apply in particular circumstances will be developed by the office of the Information Commissioner in time and in the light of case by case experience.

Information protected by absolute exemptions is not made available to applicants, and the GIG is not obliged to confirm or deny that such information is held.

For qualified exemptions the Institute must confirm or deny that such information exists, even if a public interest test exempts such information, unless the statement of confirmation/denial would itself disclose exempt information.

There are two other general exemptions:

- The legislation makes provision for vexatious or repeated requests, to which the GIG is not obliged to respond.
- If the costs of retrieval, photocopying and postage involved in supplying the requested information come to more than £450 then the request does not have to be satisfied.