

## **University of Westminster Freedom of Information Policy (2019)**

### **For Compliance with the Freedom of Information Act 2000**

#### **1. Background**

1.1 The Freedom of Information Act 2000 (FOIA) gives the public a general right of access to information held by public authorities, subject to the conditions and possible exemptions of the Act. The University is defined under Schedule 1 S53 of FOIA as a Governing body and therefore the activities it undertakes as a public authority are subject to the Act.

1.2 Anyone, anywhere, may request information from a public authority subject to the Act, for any reason. It does not have to be specified as a request under FOIA to be a valid freedom of information request. The FOIA covers all information held by a public authority in any form or format. The aim of the FOIA is to foster a culture of openness and accountability across the public sector.

1.3 The University of Westminster is fully committed to compliance with the FOIA and its principle of public access to official information, wherever lawful, feasible and in the public interest.

#### **2. Scope and Requirements**

2.1 The FOIA applies to all information held by the University and its associated bodies, in whatever format, both current and historical.

2.2 The FOIA imposes a number of requirements on the University, which the University endeavours to ensure are met to the best of its capabilities:

2.2.1 - To adopt and maintain a Publication Scheme. (A Publication Scheme is a commitment to publish categories of University information proactively into the public domain. This includes information made readily available on the University website.)

2.2.2 - To provide advice and assistance to anyone seeking information about the University.

2.2.3 - On the receipt of a written request with return name and address, to provide access to University information which has not been published or otherwise made available. The request should accurately describe the information required.

2.2.4 - To acknowledge the receipt of any written request and to raise any need for clarification or other aspects of the request that may require discussion with the requestor as soon as possible.

2.2.5 - To inform the requestor, in writing, whether the information requested is held by the University. If it is held, subject to any applicable exemptions or fees, to communicate the requested information to the requestor before or no later than 20 working days has elapsed from the receipt of the request.

2.2.6 - Where information is exempt from disclosure, to send to the requestor a notice which specifies any exemption applied and explaining the reason why.

2.2.7 - Where clarification has been sought by the University, to issue the requestor with a refusal notice if no clarification has been received within a reasonable period.

2.2.8 - If any fee is deemed chargeable, to send to the requestor a fees notice stating the amount required.

2.2.9 - To internally review any complaint or appeal made in relation to the University's decisions on the FOIA disclosure.

2.2.10 - To inform the requestor of the ICO appeals process

### **3. The FOIA in Practice**

3.1 The University will ensure that appropriate management systems and procedures are in place to enable these policy requirements to be met in practice. In support of which, the University will:

3.1.1 - Establish and maintain a records management programme which will strive to be compliant with the requirements of the ICO's Section 46 Code of Practice – Records Management, made under the FOIA.

3.1.2 - Manage requests for information in accordance with the Lord Chancellor's Code of Public Authorities' Functions, also made under the FOIA, and in keeping with any relevant guidance issued by the Information Commissioner's Office and the Ministry of Justice.

3.1.3 - Manage a disclosure log on the University website, providing a selection of information releases for reference where possible.

#### **4. FOIA Awareness and Training**

4.1 The University will provide accessible awareness guidance, support and training on the FOIA to all staff and those acting for, or on behalf of, the University as required.

#### **5. Reviews and Continuous Improvement**

5.1 Processes for managing FOIA requests and any associated complaints will be periodically reviewed, and any recommendations implemented as part of a continuous process of improvement.

5.2 Compliance to the FOIA will be monitored on a monthly basis by the Information Compliance Manager and appropriate metrics recorded and reported on a timely basis to the Information Management Business Group (Information Governance).

5.3 The University will supply metrics, information and views to external bodies such as JISC or Committees of Parliament, to support the understanding and impact that the FOIA has on the HEI and wider information management sectors, when requested, and if necessary resources are available.

#### **6. FOIA Policy Roles and Responsibilities**

6.1 The University Freedom of Information policy is agreed by the Information Management Business Group (Information Governance) and formally approved by the University Information Management Group.

6.2 The Archive Services Team, reporting to the Head of Library and Archives Service, is responsible for maintaining the University records management programme and associated policies and training.

6.3 The Information Compliance Team, reporting to the Director of Strategy, Planning & Performance, are responsible for:

6.3.1 - Maintaining this policy.

6.3.2 - Maintaining the University Publication Scheme.

6.3.3 - Managing and reporting FOIA requests.

6.3.4 - Managing the process of a complaint and appeal against its decisions on FOIA requests and information disclosures.

6.3.5 - Providing guidance, support and training on the FOIA.

6.3.6 - Maintaining the disclosure log on the University website.

6.3.7 - Liaison with the Information Commissioner's Office on FOIA matters.

6.3.8 - Supplying metrics, information and views to internal and external bodies in relation to FOIA as thought appropriate.

## **7. Wider Personal FOIA Roles and Responsibilities**

7.1 All University staff must:

7.1.1 - Ensure that requests for University information are handled in accordance with this policy and any associated guidance and procedures.

7.1.2 - Pass on requests for University information that either name the FOIA, or are such that public disclosure is not usual, promptly to the Information Compliance Team at [foi@westminster.ac.uk](mailto:foi@westminster.ac.uk)

7.1.3 - Provide advice and assistance to requestors in line with this policy and any associated guidance, or refer any enquiries to the Information Compliance Team at the above email address.

7.2 Staff involved in an FOI request should ensure requested information is accurate and made available to the Information Compliance Team in a timely manner.

7.3 Mishandling of requests for University information could lead to a disciplinary investigation and additionally could be a breach of the law. If staff have any concerns relating to information requests, they are advised to seek assistance and guidance from the Information Compliance Team at the above email address.

7.4 Additionally all staff should be aware that it is a criminal offence to intentionally conceal, destroy or alter information that is the subject of a Freedom of Information request, to prevent it from being released.

## **8. For Information**

8.1 Staff in senior management or public facing roles can reasonably expect more personal information to be disclosed about them due to the nature of their role in a public authority. Disclosures will be made in consideration of current data protection legislation.

**Authorised by: Information Management Business Group (Information Governance)**

**Date: April 2019**

**Version Record**

Version	Date	Author	Description
1.0	26/03/2014	M. Bacon - Information Compliance Manager	UIGG Approved Version 1.0
2.0	16/11/2017	Information Compliance Team	Draft
2.0	10/01/2018	Information Compliance Team	IMBG (IG) Approved Version 2.0
2.1	22/01/2019	Information Compliance Team	Draft update of internal group names
2.1	17/04/19	Information Compliance Team	IMBG(IG) Approved Version 2.1