



WEST THAMES COLLEGE

FREEDOM OF INFORMATION POLICY

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Freedom of Information Policy

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1. Aim

The Freedom of Information Act (FOIA) 2000 gives the public a general right to access recorded information held by public authorities including Further Education Colleges. The Act promotes greater openness and accountability across the public sector, therefore facilitating a better understanding of how public bodies carry out their business, why they make the decisions they do and how they spend public money. All institutions are required to issue a publication scheme.

The aim of this policy is to set out how the College will ensure the public, and all other interested parties, are aware of the College's arrangements for publishing information about (and often created by) the College and how we will respond to requests for information under the act. It sets out the types of information available and details how it may be accessed.

2. The Publication Scheme

Under the FOIA it is the duty of every public body to adopt and maintain a publication scheme to facilitate the proactive release of information. In accordance with the legislation, this College will adopt the model publication scheme, which is a document describing the information that the College publishes or otherwise makes available as a matter of routine. This model scheme is in line with Section 20 of the Act and is the new scheme adopted by all public authorities from 1 January 2009. This scheme is that approved by the UK Information Commissioner and is accessible on the College website at: [Model Publication Scheme \(west-thames.ac.uk\)](http://www.west-thames.ac.uk/Model-Publication-Scheme)

The publication scheme shall be reviewed annually to ensure that:

- a) When new information is added by the College, details are added to the scheme
- b) When information becomes obsolete or superseded then the information is removed
- c) Contact details of key staff or teams are accurate and data is accessible.

Any changes to the standard scheme must be approved by the UK Information Commissioner.

3. Handling Information Requests

To ensure requests are handled promptly and contain the information requested, the College will need to be able to record the request, contact the applicant and locate the information.

The request:

- a) Must be made in writing
- b) Should state the name of the applicant and an address for correspondence
- c) Must describe the information required

Requests should be made in writing to:

Executive Assistant to the Principal
West Thames College
London Road
Isleworth
Middlesex
TW7 4HS

or email foi@west-thames.ac.uk

The College undertakes to either to supply the information or to explain why the information cannot be supplied within 20 working days of receipt of the request.

Requests for environmental information must be dealt with according to the Environmental Information Regulations 2004 (EIR), and requests for other information according to the Freedom of Information Act 2000 (FOIA).

4. Timescale for Compliance

On receipt of a request the College is obliged to inform the applicant in writing whether the information requested is held and if so, communicate that information to the applicant, promptly, but not later than 20 working days after receipt of the request. For the purposes of this policy, a College working day is defined as a day that the College is open for its normal working hours and excludes weekends, bank holidays, and scheduled College closures days, e.g. during the Christmas period.

The 20-working-day clock starts:

- a) The day after the College receives the request. The time limit for compliance is the twentieth working day following the date of receipt; or
- b) The day the College receives further information it reasonably requires in order to identify and locate the information requested.

No request can be fulfilled if a fee is required but not paid by the applicant.

A request is received when it is delivered to the College, or when it is delivered to the inbox of a member of staff. The date of receipt is not the date the request is passed to the appropriate person for processing.

In respect of emails, however, where an automated 'out of office' message provides instructions on how to re-direct a message, the request would not be 'received' until it was re-sent to the alternative contact.

The correspondence to the applicant must state:

- a) Whether the College holds the information of the type requested
- b) Whether it cannot be supplied due to the constraints of the Data Protection Act 2018 and GDPR which takes precedence over any FOI rights.

- c) Whether the information is exempt from disclosure (see Exemptions below).

For each request a FOI log must be completed stating:

- a) Date of request (as College date stamp)
- b) Nature of request
- c) Name and address of the individual who submitted the request
- d) College response including any exemptions applied
- e) Date of correspondence with the individual / request completed
- f) Costs incurred/charged

The completion of such a log is necessary to ensure that if referred to the Information Commissioner the College could demonstrate that the process was completed fairly and within the legislation.

5. Exemptions

Some information is exempt from disclosure and so does not have to be provided. In certain circumstances the College may refuse a FOI request:

- a) When the request is vexatious or repeated
- b) When the cost of compliance exceeds the appropriate limit
- c) When the information falls under one of the exemptions.

The Freedom of Information Act provides two distinct but related rights of access to information which impose corresponding duties on the College. These are:

- a) The duty to inform the applicant whether or not information is held by the authority, and, if so,
- b) The duty to communicate that information to the applicant.

The Act refers to the first duty as 'the duty to confirm or deny'. If information has been requested but is not held, it will normally be reasonable to inform the applicant of this fact. However, there may be some exceptional cases where it would not even be right to confirm or deny that information requested was held.

There are two broad categories of exemptions:

a) Absolute exemptions

These are cases where the right to know is wholly disappplied. In some cases, there is no legal right of access at all, for instance information supplied by or relating to bodies dealing with security matters or information covered by parliamentary privilege. In other cases, for instance information available to the applicant by other means or personal information relating to the applicant, it may be possible to obtain the information by alternative means although not under FOI.

b) Qualified exemptions

These are cases where the College, having identified a possible exemption,

must consider whether the public interest in maintaining the exemption is greater than that in confirming or denying the existence of the information requested and providing the information to the applicant.

The full list of exemptions can be found in Appendix A.

Exemptions are subject to the public interest test unless FOI states that they are absolute exemptions.

When applying the test, the College is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information.

Should the College receive a request for information, which is covered by an exemption, the applicant will be informed wherever possible within 20 days of receipt of the request that the information cannot be provided together with an explanation.

However, when considering a qualified exemption, it is reasonable for the twenty-day period to be extended provided an interim response is issued within the timescale together with an estimate of when the final response is expected. In addition, the College must inform the applicant that they have the right to appeal to the Information Commissioner about the information being withheld.

Where the College does not hold the requested information then again this must be communicated within 20 days giving a brief explanation of why this is not held if appropriate and similarly where the applicant may find the information.

6. Vexatious and Repeat Requests

A request can be treated as vexatious where it would impose a significant burden on the College in terms of expense or distraction and meets at least one of the following criteria:

- a) It clearly does not have any serious purpose or value
- b) It is designed to cause disruption or annoyance
- c) It has the effect of harassing the College
- d) It can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Each specific request should be looked at and assessed individually.

Issues of vexatiousness may arise where the College receives requests from individuals who have previously registered a grievance, pursued a complaint or otherwise been involved in a dispute.

In circumstances where requests are used solely for the purpose of going over the same ground raised in a previously closed complaint which has exhausted available procedures, the College will view the request as vexatious.

Any request considered vexatious will be passed to the Executive Director of Finance,

HR & Development and the advice of the Information Commissioner's Office sought as required. Should this be linked to a complaint/dispute this will then be referred to the Principal.

Where the College has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

All refusals for information will be communicated to the applicant in accordance with the paragraph above on exemption.

7. Fees

Much of the information listed under 'Classes of Information' in Appendix B is available on the College's website. The College makes no charge for downloading information from its website. Other requests for information may be chargeable although the College will aim to publish most information free of charge. The charging regime shall be straightforward, transparent and fair and the College will ask you whether you wish to continue with a request before we do work that will attract a charge.

The Government has published the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. In accordance with this legislation, fees are capped at £450. As a result, the College may refuse to accede to a request for information if the cost of doing so is likely to exceed this amount. In estimating this cost, the College shall only account for costs that may reasonably be incurred in determining whether the information is held. Where costs are estimated to exceed the £450 threshold the College will ask the applicant to modify their request. If this is not possible, the College may refuse the request.

8. Comments and Complaints about the Publication Scheme

If you have any comments about our Publication Scheme or suggestions for improvements, we would like to hear from you. If you have a complaint about the operation of this Publication Scheme please write to:

Executive Assistant to the Principal
West Thames College
London Road
Isleworth
Middlesex
TW7 4HS

Or to foi@west-thames.ac.uk

Or contact the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. To contact their helpline, telephone 0303 123 1113.

Appendix A – Exemptions

The College will apply exemptions to disclosures as set out within the Freedom of Information Act (2000). Exemptions will include:

Qualified

Information intended for future publication

National security (s.24) (This exemption should be read in conjunction with “information supplied by, or relating to, bodies dealing with security matters”)

Defence

International relations

Relations within the UK

The economy

Investigations and proceedings

Law enforcement

Audit functions

Formulation of government policy

Prejudice to effective conduct of public affairs

Communications with His Majesty

Health and safety

Some personal information

Legal professional privilege

Commercial interests

Absolute

Information accessible by other means

Information supplied by or relating to, bodies dealing with security matters

Court records

Parliamentary privilege

Personal information

Information provided in confidence

Information whose disclosure is prohibited by law

Appendix B – Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those

means.

In exceptional circumstances, some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

To make a request

To ensure requests are handled promptly and contain the information requested, the college will need to be able to record your request, contact you and locate the information.

Your request:

- a) Must be made in writing
- b) Should state your name and an address for correspondence
- c) Must describe the information you require

Requests should be made in writing to:

Executive Assistant to the Principal
West Thames College
London Road
Isleworth
Middlesex
TW7 4HS

Or to foi@west-thames.ac.uk

In case of absence the Principal should be contacted.