

Freedom of Information Act and Publication Scheme

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1.0	Republished policy	CFO	Dec 2020
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Approval

Approved By	Meeting Date	Next Review
Senior Leadership Team	15 December 2020	10 November 2022
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Related Policies

Ref.	Policy
DP-01	Data Protection (GDPR) Policy
SLT-01	Complaints Procedure
FM-03	CCTV Policy

Equality Impact Assessment

Equality Impact Assessment
An Equality Impact Assessment is not required for this policy.

Freedom of Information Act and Publication Scheme

Overview

1. This policy sets out your rights and our obligations under the Freedom of Information Act ("FOIA"), Environmental Information Regulations ("EIR") and INSPIRE Regulations.
2. It provides information that we publish as a matter of routine under the compulsory [Model Publication Scheme](#) for publicly funded organisations. This policy also sets out how requests should be made for information that is not published under the scheme and how we will deal with those requests.

Background

3. Under the Freedom of Information Act ("FOIA") and the Environmental Information Regulations ("EIR") you have a right to request any recorded information held by a public authority, such as a government department, local council or state school. Environmental information requests can also be made to certain non-public bodies carrying out a public function.
 - You can ask us for any information that you think we may hold. The right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings.
 - You should identify the information you want as clearly as possible.
 - Your request can be in the form of a question, rather than a request for specific documents, but we do not have to answer your question if this would mean creating new information or giving an opinion or judgment that is not already recorded.
 - There may be some information that we do not have to give you as it may be exempt, for example because it would unfairly reveal personal details about somebody else.
4. You don't have to know whether the information you want is covered by the Environmental Information Regulations or the Freedom of Information Act. When you make a request, it is for us to decide which law we need to follow.

Freedom of Information Regulations Act 2000 ("FOIA")

5. The FOIA provides public access to information held by public authorities. It does this in two ways:
 - Public authorities are obliged to publish certain information about their activities; and
 - Members of the public are entitled to request information from public authorities.
6. The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002).
7. Recorded information includes printed documents, computer files, letters, emails, photographs and sound or video recordings. The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them they should make a Data Subject Access Request under the General Data Protection Regulations and supporting UK legislation (refer to our Data Protection and GDPR Policy).

8. Public authorities spend money collected from taxpayers and make decisions that can significantly affect many people's lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed and more productive.
9. Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

Environmental Information Regulations 2004 ("EIR")

10. The EIR provide public access to environmental information held by public authorities. If you require more information see www.ico.org.uk/EIR.

Inspire Regulations

11. The INSPIRE Regulations require public authorities that hold spatial or geographic information to make it available so that it can be searched in a particular way. If you require more information, see [Guide to the INSPIRE Regulations | ICO](#)

Model Publication Scheme

12. Adopting the Model Publication Scheme is a requirement of the Freedom of Information Act 2000 ("FOIA"), the purpose of which is to promote greater openness and accountability across the public sector by requiring all "public authorities" to make information available proactively. The Publication Scheme describes the information that a public body publishes or intends to publish. It is not a list of the actual publications as this will change as new material is published or existing material revised. Rather it is the public authority's commitment to make available the information described.
13. **Appendix 1** to this Policy contains a list of information we publish, which is predominantly available via our public website. Where it is impracticable to make information available on the website or if you prefer not to access the information via the website, a written request should be made as follows.

Legal requirements for a request

14. For a request to be dealt with according to the Freedom of Information Act, requests must be made:
 - Directly to us, the ICO are unable to make requests on your behalf;
 - In writing, for example in a letter or an email or verbal or written requests for environmental information;
 - Stating your real name; and
 - Stating an address to which we can reply. This can be a postal or email address.
15. You do **not** have to:
 - Mention the Freedom of Information Act or Environmental Information Regulations,
 - Know whether the information is covered by the Freedom of Information Act or the Environmental Information Regulations; or
 - Say why you want the information, although it is helpful to us if you let us know what you intend to do with the information

Getting the most out of a request

16. The more information given to us will help us deal with the request more efficiently and help us provide guidance and advice where necessary, for example:
- Describe the information required as clearly as possible;
 - Put a date on the request so that we can reply within the 20-day timescale;
 - Only ask for any information that you think we may hold - identify the information you want as clearly as possible;
 - Be aware that the right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings (some information may be exempt, for example, because it would be unfairly reveal personal details about somebody else);
 - Be aware that if your request is in the form of a question, rather than a request for specific documents, we do not have to answer your question if this would mean creating new information or giving an opinion or judgment that is not already recorded;
 - If you are planning to ask for a large volume of information, or make a very general request, we would ask you to assist us by considering whether you could narrow or refocus the scope of the request, as this may help us deal with your request more efficiently allowing us to provide the information you really want and reduce any unnecessary burden or costs on college resources. The ICO advise that the amount of time and resources that we have to expend in responding to a request should not be out of all proportion to that request's value and purpose, please do not hesitate to contact us for advice and assistance to help you reduce the scope of your request and cut down the cost of compliance.
 - Where you find it impossible or unreasonably difficult to make a request in writing please do let us know so that we can consider making a reasonable adjustment for you under the Equality Act 2010 (or Disability Discrimination Act 1995 in Northern Ireland);
 - If you wish to receive information in a particular format due to a disability or because English is not your first language please make this clear when you apply;
 - Some websites allow you to contact public authorities and make a request through a website. Please check that the website will allow us to upload a response, otherwise it's not a valid request.
17. Before making a request, it may help to consider the following questions:
- Is the information already available, we have to make some information routinely available, for example, on the Moulton College website.
 - Is the information your own personal data? If so – visit the Moulton College Data Protection and GDPR Page for information on how to make a Data Subject Access Request.
 - Are we likely to have the information?
 - Is the information suitable for general publication? The aim of the Freedom of Information Act is to make information available to the general public. Only information that would be given to anybody who asked for it, or would be suitable for the general public to see can be obtained, we therefore may refuse your request based on certain exemptions available to us through the Information Commissioners' Office – see [ICO/Freedom of Information/Refusing a request](#).
 - Some information, such as records about a dead relative or documents needed for legal purposes may not always be available under the Act. However, there may be a right to see the information under other legislation, we will advise where this applies and why.
 - We will give reasonable advice and assistance to anyone asking for information as required.

18. If a request lacks any serious or clear purpose or if it is not focused on acquiring information then the FOIA and EIR are probably not an appropriate means through which to pursue a concern.
19. The ICO have published a list of dos and don'ts as a quick reference tool to help users make effective freedom of information requests – see [www.ico.org.uk/Official Information/Making a request](http://www.ico.org.uk/Official%20Information/Making%20a%20request).
20. Where the information requested is readily available, we aim to provide this within a few days. Where it takes longer to gather the information we aim to supply the information you want within 20 working days.

Making a request for information under the Freedom of Information Act

21. Requests can be made:-

- By Post: Head of Governance, Moulton College, West Street, Moulton, NN3 7RR
- Or Email: GDPR@moulton.ac.uk

Dealing with the request

22. We will aim to reply within 20 working days. We may:
 - Give you the information you've asked for
 - Tell you we don't have the information
 - Tell you the information is readily and publicly available from an external website; such information may have been provided either by us or on our behalf, we may provide a direct link to that information
 - Tell you that another authority holds the information or transfer the request on your behalf
 - Tell you if the information is archived, out of date or otherwise inaccessible: or that it would be impractical or resource-intensive to prepare the material for routine release
 - Under FOIA, say that we have the information and offer to provide it, but a fee will be payable (we will follow the FOIA rules when working what fee to charge)
 - Under EIR, we may make a reasonable charge (we will follow available guidance available when working out what fee to charge)
 - Under FOIA refuse to give you the information, and explain why for example, the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions or its release is prohibited under another statute;
 - Say that we need more time to consider the public interest in disclosing or withholding the information and tell you when to expect a response. This should not be later than 40 working days after the date of your request. It can only extend the time limit in certain circumstances and it must explain why it thinks the information may be exempt
 - Under EIR, say that we need more time as the information requested is particularly complex and there is a lot of information to provide. In such cases the time limit can be extended by a further 20 working days as long as the authority respond within the initial time limit stating when it believes it will be able to respond in full.

Refusing Requests

23. We are committed to being open and transparent, however, the FOIA recognises that there will be valid reasons why some kinds of information may be withheld, such as if its release would prejudice national security or damage commercial interests.

24. For some exemptions we must consider whether the public interest in withholding the information outweighs the public interest in releasing it. If we decide that the information cannot be released we will explain why.
25. We are not obliged to deal with vexatious or repeated requests or in some cases if the cost exceeds an appropriate limit.
26. In addition, the FOIA does not provide the right of access to personal information about yourself or others. This is instead available under the General Data Protection Regulation (GDPR) and Data Protection Act 2018, and is known as a Data Subject Access Request and again, subject to certain exemptions under Section 40 Exemption for Personal Data and any amendments made by the Data Protection Act 2018

Charging for requests

27. We may make a charge on a case by case basis to recover the cost of communicating information to you including reproducing documents, postage or providing the information in a particular way. We make no charge for the related use of staff time.
28. There is no charge for accessing or downloading information from our website. Where charges apply, we will ask you to make payment before we process your request.

Complaints or concerns

29. If you are not satisfied with our response to an FOIA or EIR information request, complaints or concerns should be made in writing with a request for an internal review and sent to:-
 - By Post: Head of Governance, Moulton College, West Street, Moulton, NN3 7RR
 - Or Email: GDPR@moulton.ac.uk
30. We will aim to carry out the internal review as soon as possible or within 20 working days for FOIA reviews and 40 working days for EIR reviews. We will not make a charge for conducting an internal review.
31. If dissatisfied with our response or if we fail to review your case, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner provides an online facility for reporting complaints which you will find at <https://ico.org.uk/concerns/>.

Requesting your own personal information

32. Under the General Data Protection Regulation (GDPR), individuals (Data Subjects) e.g. Staff, students and other users of Bradford College and the Bradford College Group have the right to access personal data that is being kept about them and should refer to the Data Protection and GDPR Policy and website information for details on how to make a Data Subject Access Request.

Feedback

33. It is important that this policy meets your needs. If you find the policy or the Publication Scheme difficult to understand please let us know.
34. We also welcome suggestions as to how this policy might be improved.

Sensitive Information

35. Where a decision-maker reasonably considers that particularly sensitive information is being sought, Governors will be informed prior to release of the information.

EFSA Conditions of Funding Agreement

36. The EFSA Conditions of Funding Agreement (GFE & Specialist Colleges) sets out specific clauses in relation to Freedom of Information and Confidentiality.

Further Information

37. More information about the Freedom of Information Act 2000 is available on the Information Commissioner's website at <http://www.ico.gov.uk>.

Appendix 1 – Publication Scheme

Class of Information	Name of Document/Description	How to Access	Fee
<p>1 Who we are and what we do.</p> <p>2 Organisational information, locations and contacts, constitutional and legal governance.</p>	<ul style="list-style-type: none"> • Our Locations and Contact Details • Map of Main Site • College Calendars • Our Vision Mission and Values • Instrument & Articles of Government; • Standing Orders; • Financial Memorandum; • Organisational Chart • Staff job descriptions • Information about the Executive Team • Equality and Diversity Monitoring Report 	Website*	
<p>3 What we spend and how we spend it.</p> <p>4 Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.</p>	<ul style="list-style-type: none"> • Financial Statements • Financial Regulations • Annual budget – available in the three-year financial forecast 	Website	
<p>5 What our priorities are and how we are doing.</p> <p>6 Strategy and performance information, plans, assessments, inspections and reviews.</p>	<ul style="list-style-type: none"> • Mission Statement – included in Strategic Plan • Quality Improvement Handbook (guide to quality policies, procedures and practice) • Internal Verification Handbook (IQA procedures and practices) • Strategic Plan • Members' Report • Operating and Financial Review • Self-Assessment Report • Teaching and learning strategy • Most recent Ofsted inspection report • Estates Strategy and Plan 	Website	

<p>7 How we make decisions.</p> <p>8 Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.</p>	<ul style="list-style-type: none"> • Scheme of Delegation • Financial Regulations • Structure and Membership of Corporation • Structure and Membership of Executive Team • Structure and Membership of Senior Leadership Team • Corporation Committee structure • Corporation Committee Terms of Reference • Academic Board and its Committee structure • Academic Board and its Committees Terms of Reference • Corporation papers • Governor Appointment Procedure • Minutes of meetings of Corporation and its Committees • Minutes of meetings of Academic Board and its Committees • Remuneration of senior staff – detailed in the annual accounts • Travel and Subsistence – included in the Financial Regulations and detailed in the annual accounts • Planning and budgeting procedures – Included in the Financial Regulations and Financial Procedures • Corporate Plan/Mission Statement – included within the Strategic Plan 	Website	
<p>9 Our policies and procedures.</p> <p>10 Current written</p>	<ul style="list-style-type: none"> • Governors Code of Conduct • Admissions and enrolment policies and procedures 	Website	

<p>protocols for delivering our functions and responsibilities.</p>	<ul style="list-style-type: none"> • Student policies and procedures including the disciplinary procedures and student complaints procedures, Mobile Phone Policy, Drugs Policy, Attendance policy, Freedom of Speech Code of Practice, Parental Contact Policy • HR policies and procedures, including the staff grievance procedure, disciplinary procedure and capability procedure • Health and Safety Policy • Public Interest Disclosure Policy and Procedure • Sick pay and sick leave schemes • Equality and Diversity Policy • Disability Statement • Staff Development Policy • Staff Development Schedule • Environmental Policies and Plans • Tendering Policy • Data Protection and FOI policies • Safeguarding Policies • Fees Policy • Careers Strategy / Policy • Student records policies and procedures • Security and data protection – included in the data protection policy, risk management plan and disaster recovery plan □ Exams policy • ILT & Telephony Policy • Data protection (GDPR) Policy 	<p>Request from HR</p>	
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<p>11 Lists and registers.</p> <p>12 Information held in registers required by law and other lists and registers relating to the functions of the authority.</p>	<ul style="list-style-type: none"> • Asset Register • Details of the locations of overt CCTV surveillance cameras • Register of Interests • Register of Gifts and Hospitality 		
<p>13 The services we offer.</p> <p>14 Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.</p>	<ul style="list-style-type: none"> • Prospectuses • Course leaflets • Reports/returns to funding councils, inspectorates, standards bodies, research councils, professional bodies, government departments etc. • Information about our, workshops, meeting rooms and exhibition spaces • Student Welfare and Support services • Careers Advice 	Website	

Equality Impact Assessment (EIA)

Please complete both sides of this Equality Impact Assessment and ensure that the latest copy of this is recorded as part of the appendices of the specific policy.

Policy Reference and Name	
Assessment date	
Completed by	
What are the aims of the policy?	
Who does the policy affect?	
Who is involved in implementing the policy?	
What information is currently available about the impact of this policy and its associated procedures?	
Do you need more information to help you make an assessment about the impact of this policy and its associated procedures?	
Do you have any examples that show how this policy will have a positive impact on any of the equality characteristics listed in the table below?	
Which other policies does this policy link with?	
What consultation has taken place in the development of this policy?	

Use the table below to assess the impact of this policy on each of the listed characteristics. Your decision must be evidence based. Sources of evidence might include success rates, achievement gaps, application and enrolment data, student voice, consultation outcomes, recruitment and employment data, customer feedback or complaints, meeting minutes.

Characteristic (These characteristics are protected under the Equality Act 2010)	Negative impact? Y / N	Evidence to support your impact assessment decision	Requires further action? Y/N
Age			
Disability			
Race			
Gender, inc. re-assignment			
Sexual orientation			
Religion / belief			
Pregnancy / maternity			
Marriage / civil partnership			
Socio-economic			

Overall EIA judgement

Select	
✓	No change required - The assessment is that the policy is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review
	Adjust the policy or practice - This involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the policy that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact
	Continue the policy - This means adopting/continuing with the policy despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded
	Stop the policy - If there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated