

Freedom of Information Policy

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Target Audience	
People who need a detailed knowledge of the document	The Data Protection Officer and those monitoring incoming FOIA requests
People who need a broad understanding of the document	Staff at LSTM assisting with FOIA responses
People who need to know that the document exists	All staff at LSTM

Annex of Modifications		
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2.0	14-06-2017	Format change with minor amendments & amalgamation with FOIA Complaints Policy. Clarification to sections around re-use of information and additional notes.
3.0	17-05-2019	Move role from Information Services to DPO, update references to Data Protection Act 2018, update LSTM intranet links, reduce length and repetition

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1 Introduction

- 1.1 The purpose of this 'Freedom of Information Act 2000 Policy' is to build on the national guidance to ensure LSTM's compliance with the FOIA.
- 1.2 This policy does not overturn the common-law duties of confidence or statutory provisions that prevent disclosure of personal data. The release of such information is still covered by the subject access provisions of the Data Protection Act 2018.
- 1.3 The Freedom of Information Act makes it an offence to alter, deface, block, erase, destroy or conceal any information held by LSTM with the intention of preventing disclosure to all or part of the information that an applicant is entitled to. Penalties can be imposed on both LSTM and employees for non-compliance with the Act.

2 Equality and Diversity

- 2 LSTM is committed to promoting equality of opportunity, combatting unlawful discrimination and promoting good community relations. We will not tolerate any form of unlawful discrimination or behaviour that undermines this commitment and is contrary to our equality policy.

3 Safeguarding

- 3 In line with our Safeguarding policy and procedures, LSTM's processes reflect our organisational commitment to keeping children and vulnerable adults safe.

4 Basic Principles and Objectives

- 4.1 The UK Government is committed to greater openness in the public sector, a commitment supported by LSTM. The Freedom of Information Act 2000 deals with access to official information and enables members of the public the right to request information from any public authority (including higher education institutions). implicit is the right for individuals and organisations to learn more about the decisions made by public authorities such as LSTM and to ensure that services provided are efficient and properly delivered. The Act also requires public authorities to have an approved Publication Scheme which is a means of providing access to information which an authority proactively publishes.
- 4.2 In the Act, the term 'information' means any record held by LSTM whether held on paper or electronically. It includes all data sets, draft documents, agendas, minutes, emails, diaries, and rough handwritten notes.
- 4.3 This policy gives staff awareness of their responsibilities with regards to responding to requests for information received by LSTM that fall within the scope of the Freedom of Information Act 2000 (FOIA).

5 Roles and Responsibilities

5.1 The Director

- 5.1.1 The LSTM Director will act as overall 'champion' of freedom of information within LSTM. The day to day responsibility for responding to FOIA enquiries is delegated to the Data Protection Officer (DPO).

5.2 DPO

- 5.2.1 The DPO is responsible for Freedom of Information issues within LSTM and will provide a written response to requests for information received under the Freedom of Information Act.
- 5.2.2 The DPO is accountable to Governance Oversight Committee for the overall administration and implementation of this policy. This responsibility includes:
- Setting out a procedure for processing and responding to information requests, and delegating tasks where necessary.
 - Acknowledging requests received and co-ordinating a response.
 - Ensuring staff awareness of their responsibilities with regards requests for information received under the Act.

- Maintaining LSTM's Publication Scheme and acting as Publication Scheme Co-ordinator.
- Ensuring regular review of policy and procedures associated with requirements of the Act.
- Keeping up to date with any changes in the Act and reflecting this in any policies or procedures relating to Freedom of Information.

5.3 Directors, Heads of Group and Line Managers

3.3.1 Directors and Line Managers are responsible for ensuring that this policy is communicated within their teams and that they have appropriate communication systems in place to support its requirements.

5.4 LSTM Staff

5.4.1 All staff have a legal duty to preserve formal records of their official activities. All staff are responsible for:

- Creating and maintaining records, which are accurate, appropriate and retrievable. This will include adherence to retention schedules and standards for referencing, titling, filing, and authoring documents.
- Ensuring that requests for information are passed in a timely manner to the DPO who will be responsible for responding to them;
- Ensuring that disclosures are not made outside of the defined process, so that inappropriate disclosures are prevented;
- Ensuring that the documents that are within the classes of information of LSTM's Publication Scheme are provided for publication;
- To complete relevant training as authorised by Governance Oversight Committee.

6 Publication Scheme Management

6.1 Section 19 of the Freedom of Information Act makes it a duty for every public authority to adopt and maintain a 'publication scheme' relating to the publication of routine information by that authority, which is approved by the Information Commissioner. It is also a duty to publish routine information detailed in the scheme and to review it on a regular basis.

6.2 Information within the scheme will be grouped into 'classes of information' as

defined by the Information Commissioner. These are:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

6.3 LSTM's Publication Scheme and the associated information will be viewable on the organisation's website and/or in LSTM publications. In exceptional circumstances, it may be necessary for a requestor to consult the information on site. Where this manner is specified, contact details will be provided and an appointment to view the information will be arranged within a reasonable timescale. Following completion of a response to a request for information that is not covered by the publication scheme, consideration will be made as to whether this information should become part of the publication scheme. The DPO is responsible for informing the Information Commissioner of new classes of information added to the scheme.

6.4 The response to an FOIA enquiry can only be re-used for the enquirer's own personal use and for non-commercial purposes.¹ Permission to re-use this information does not extend to any material which is identified as being the copyright of a third party. Authorisation to reproduce such material must be obtained from the copyright holders.

6.5 The DPO is responsible for facilitating a review of the scheme on at least an annual basis, seeking revised approval from the Information Commissioner's Office if classes are added or deleted from the scheme. The scheme will also state what sort of information is regarded as exempt, outlining the nature of the exemption applied.

7 General Rights of Access

7.1 The public has a general right of access to information held by LSTM, subject to certain conditions and exemptions as detailed in the Act. Any person may request

¹ As an "educational and research establishment" LSTM is excluded from the "Public Sector Information: the re-use of public sector information regulations, 2015" No.1415 which places an obligation on public sector bodies to allow "re-use" of public sector information, although the regulation does apply to information emanating from the LSTM Library. See <https://ico.org.uk/for-organisations/guide-to-rpsi/> and <http://www.legislation.gov.uk/uksi/2015/1415/contents/made>

information in writing (this includes emails and social media messages), stating the name of the applicant, an address for correspondence and a description of information requested and how information is to be supplied.

7.2 The applicant has the right:

- to be informed in writing whether LSTM holds the information, and
- if LSTM holds the information, to have that information communicated to them.

7.3 These provisions apply to all information both current and retrospective, subject to the certain conditions and exemptions.

7.4 There is no need for the applicant to refer to the Freedom of Information Act when making requests for information.

7.5 The Act requires that requests are responded to within 20 working days. If LSTM decides to make use of a condition or exemption to withhold information, the applicant will be informed within 20 working days.

7.6 LSTM also reserves the right, as per the Act, to seek clarification from the requestor, if any part of the request is unclear, or to seek longer time to provide a response to the request, if necessary.

8 Procedure for Dealing with Requests

8.1 The DPO is responsible for ensuring that LSTM has a full and efficient procedure for responding to requests received. This includes awareness for all staff of LSTM's Publication Scheme and how LSTM manages requests for information.

8.2 Most incoming enquiries will be via the Foi@lstmed.ac.uk e-mail address. However, if individual staff receive a request for information, they should pass it to the DPO (or nominated deputy) for processing, within 24 hours of receiving the request. All requests will be acknowledged, logged and the response process and outcome documented. Logs of requests and responses will be reviewed by the DPO at least annually, to see if any classes of information should be added to the publication scheme.

8.3 LSTM will endeavour to fulfil any request that:

- is received in a permanent form, such as in writing or email;
- contains the name and correspondence address for the applicant;
- includes sufficient information to enable LSTM to identify the information requested.

8.4 LSTM is under a duty to provide advice and assistance when responding to a

request and will take all reasonable steps to advise anyone whose request does not fulfil the above criteria, what is required by LSTM to progress their request. The timing for response does not commence until LSTM has sufficient detail to consider its response. Any communications to clarify a request will be undertaken without unnecessary delay.

8.5 LSTM will publish its procedures for dealing with requests for information under the Freedom of Information Act. These procedures will include what LSTM's procedure will be where it does not hold the information requested.

8.6 The procedures will also include an address or addresses (including an e-mail address where possible) to which applicants may direct requests for information or for assistance. A telephone number will also be provided of a named individual who can assist. Where a request has been made, but the requestor has not asked to reuse the information, a standard response will be included to say that if they wish to reuse the information, then a separate request must be made.

8.7 Recording information requests:

8.7.1 When processing a request, the following information will be recorded:

- Initial date received by LSTM;
- Name of manager coordinating response;
- Name of the applicant;
- Contact details of the applicant;
- Description of the information requested;
- Follow up action taken in necessary;
- Decision completed and sent to applicant;
- Response time.

8.8 Vexatious/ repeat requests:

6.8.1 Should an applicant make 'vexatious' or 'repeated requests' for identical or substantially similar information, LSTM will inform the applicant that they will not fulfil the request. When responding in this manner, LSTM will help the individual by indicating why they consider the request is 'vexatious' or a 'repeat'.

8.9 Fees:

8.9.1 LSTM may charge a fee for dealing with a request, in line with the 'fees regulations' set by the Information Commissioner's Office. Where the cost of the work to respond is estimated to be less than the £450, then no fee can be charged. Where the cost is more than this amount, LSTM will correspond with the applicant either to reduce the requirement (and therefore cost) below the threshold or to agree a fee. If agreement cannot be reached, LSTM may decide not to respond to the request. When LSTM is in receipt of a request

that fulfils the criteria above, it will respond within 20 working days. Within this time, LSTM will:

- identify what information it holds and whether any exemption applies in full or part to the information;
- advise the applicant on any exemptions it believes apply (in full or part) to the information and inform them of their right to complain to the Information Commissioner's Office;
- provide any information not covered by an exemption to the applicant in any manner specified by the applicant;
- inform the applicant of any fee to be charged. Once agreed, if the fee is not paid within the 20 working days, the period for response can be extended by up to 3 months (from receipt of the full request) or until the fee is paid. If an exemption applies, but the 'public interest test' deems the information should be released, then it will be provided 'within a reasonable time'. For reuse of information actively published, no charge will be raised.

8.10 Information provided from another organisation:

8.10.1 If the response to a request will contain information provided by another organisation, LSTM will ensure that it is clear to the applicant where this information has come from, so that they can, if they require, raise a request to the 'source' organisation. In deciding whether to disclose information provided by another organisation in response to a request, LSTM will apply the same process regarding exemptions, and will if required, involve staff from the source organisation in discussion about possible exemptions. If the response to a request is that LSTM does not hold any relevant information, LSTM will endeavour to direct the applicant to organisations who may hold the information they seek. If there is a request to reuse information provided by another organisation, the requestor will be directed to the other organisation as they are likely to be the copyright holders.

8.11 Environmental Regulations and public access to environmental information:

8.11.1 The Environmental Information Regulations 1992 require public authorities to make environmental information progressively available electronically. As the regulations do not state how information should be released, LSTM's Publication Scheme will be used for this material.

9 Exemptions and the Public Interest

9.1 The Freedom of Information Act sets out 23 exemptions to the general right of access to information. Decisions about whether to apply an exemption will be made

by the DPO following discussion with senior managers affected by the request and may require outside advice to be taken. Most exemptions are subject to the public interest test, where LSTM must determine if public interest in disclosure outweighs the reason for exemption. This will be decided on a case by case basis by the DPO, and will, where necessary, require applying the ‘test’ to multiple items of information in a request. Exemptions can be applied in full or part to information related to a request.

10 Complaints and Internal Review Handling

- 10.1 If a requestor is not satisfied with the outcome of their FOIA request, then they must contact the DPO in writing or e-mail within two months of the date of our response letter.
- 10.2 LSTM will endeavour to carry out the internal review within a reasonable period which will not normally exceed twenty working days. The complainant will receive updates as to the progress of their complaint if the matter cannot be resolved in the twenty-day period.
- 10.3 A panel will be convened to review the complaint and to oversee the review. The panel will consist of:
- Director of LSTM;
 - Chair or Deputy Chair of the Governance Oversight Committee;
 - A senior “investigator” who is independent of the original response.
- 10.4 All e-mails and information concerning the original request will be passed to the above Panel.
- 10.5 The complainant will receive a standard acknowledgement letter, confirming receipt of the request and providing the investigator’s contact details. This letter is to be sent within five working days of the request being received.
- 10.6 A formal response will be provided to the request giving:
- Full details of the actions taken to investigate the request;
 - The decision taken by LSTM with regards to the request, and the reasons for it;
 - If deciding in favour of the requester, the remedial action being taken to correct the problem and the timescales for this;
 - Contact details for the Information Commissioner in case the requester is not satisfied.

11 Contracts and Other Organisations

- 11.1 Each contract LSTM has with another organisation will have a clause detailing that information may be disclosed under the terms of the Freedom of Information Act and LSTM Policy. For existing contracts, the clause will be inserted at the next review.

12 Education, training and awareness

- 12.1 LSTM will ensure that appropriate training is available and will be provided, as appropriate, to maintain awareness of FOIA requirements. This will be made mandatory to selected members of staff who may regularly be involved in the process of managing requests or are in senior positions which require a general awareness of the Act.

13 Enforcement

- 13.1 LSTM will ensure in any communications with applicants that they are informed they can lodge a formal complaint, in line with LSTM's complaint procedure. The applicant will also be made aware of their right to appeal to the Information Commissioner's office, if they are unhappy with the conduct of LSTM in responding to their request, or the outcome of their request.
- 13.2 LSTM will have an internal process in place to review any complaints prior to referral to the Information Commissioner's Office, and will endeavour to ensure, where possible that the complainant is satisfied with the review process.
- 13.3 Should LSTM be in receipt of any notices served by the Information Commissioner it will make best endeavours possible to comply unless it feels the need to make an appeal to the Information Tribunal.

14 Requests for Personal Data

- 14.1 If an individual is seeking information about themselves, then it is exempt from Freedom of information, but is covered by the LSTM Subject Access Request Procedure.
- 14.2 Data Protection does not provide a right of access to information about third parties, however depending on applicable exemptions, the Freedom of Information Act may provide this, provided:
- That the information would be disclosed to the subject of the information if he/she were to apply under the Data Protection Act
 - That disclosure would not contravene the Data Protection Act principles set out in schedule 1 of the Act.
 - That the subject of the data has not exercised his/her rights to prevent processing likely to cause damage or distress

- The information requested is not special category or is about an individual's personal life Information about public servants in their capacity as public servants e.g. responsibilities, grade, work contact details are likely to be disclosed. However, if the information would enable another individual to contact them (via work contact details etc.) then the subject will be informed prior to disclosure, in case they have reasonable objection.

14.3 Members of the public requesting access to records or information that relate to themselves under the Data Protection Act should be directed to the DPO for processing of their application.

14.4 Employees (current and previous) requesting access to their personal records should be directed to the Human Resources Department for processing.

15 Policy Review and Awareness

15.1 LSTM acknowledges that information is of value and an asset, therefore, it is wholly in its interest to ensure that the information it holds, in whatever form, is appropriately governed, protecting the interests of all its stakeholders.

15.2 All staff, contractors and other relevant parties will ensure that these are observed in order that we may contribute to the achievement of LSTM's aims and objectives. This Policy will be reviewed every 2 years, except in the event of any major changes in the Act which will be reflected in an immediate update of this policy.

15.3 Any changes to Freedom of Information legislation will automatically lead to a review of this policy.

15.4 All staff are required to read, understand and abide by the principles laid down in LSTM policy documentation. Any incident where LSTM policy and procedure has been violated by staff (either maliciously or accidentally) may be subject to formal disciplinary proceedings.

16 Further Information

16.1 A copy of the Freedom of Information Act 2000 in full is available via the following link. <http://www.legislation.gov.uk/ukpga/2000/36/contents>

16.2 Further information regarding the FOIA can be found on the ICO website here http://www.ico.org.uk/for_organisations/freedom_of_information

16.3 Related LSTM policies, procedures and guidance, including the [Data Protection Policy](#), [Subject Access Request Procedure](#), [Records Retention](#), [Version Control](#), [Managing Email](#).

Appendix 1: Abbreviations

DPO – Data Protection Officer
FOIA – Freedom of Information Act 2000
ICO - Information Commissioner's Office