



FREEDOM OF INFORMATION ACT POLICY

MISSION STATEMENT

Holy Cross, founded by the Daughters of the Cross, is a Catholic Sixth Form College and University Centre, which exists to provide a high quality education within a community based on Gospel values. The College provides the opportunity for each person spiritually, morally and intellectually and welcomes students and staff of all faiths

The Freedom of Information Act (the Act) came into force on 1st January 2005. The Act provides the public with a general right to access all types of recorded information held by public authorities. The Act does not give the right for all information to be released if any of the exemptions under the Act apply.

POLICY STATEMENT

Holy Cross College University Centre (UC) fully supports the underlying principle of the Act, namely to provide a right of access to information held by public authorities. It is fully committed to meeting its obligations under the legislation. Within reason, the UC will endeavour to make information considered in the interest to the broader public available through our Publication Scheme. Where a request is received for access to information that is not included in the publication scheme, the requests will be processed and responded to as promptly as practicable, and in accordance with the requirements of the legislation.

OBLIGATIONS UNDER THE ACT

Right of access

The Act places a number of obligations on the UC, subject to any exemptions, as follows:

- a. Any person who makes a request must be informed whether the UC holds the information they have requested and whether there will be a cost involved.
- b. The final response to the request must be given in 20 working days (unless there are exemptions such as waiting for a payment fee, or waiting for clarification from the requester, etc.)
- c. The information must be supplied in an accessible format acceptable to the applicant and there is a duty to provide advice and assistance should anyone need it.

Exemptions

The Act sets out a number of exemptions to the right of access to information; this limits circumstances in which information can be held. All exemptions likely to apply are set out below. Whilst the Act contains a number of exemptions to the right of access to information, some are not relevant to the UC i.e. s.36 Conduct of Public Affairs. Any information included in the Publication Scheme is exempt from access (under s.21, as it is accessible by other means).

The 'Public Interest' Test

A number of exemptions under the Act are qualified in that they will only apply where the public interest in maintaining the information outweighs the public interest in disclosing it. The UC would ask whether maintaining the secrecy of the information serves a greater public good than permitting that information to be released. In practice, the public interest test involves considering the circumstances of each particular case and the exemption that covers the information, but generally the balance will lie in favour of disclosure. The Act does not define what the 'public interest' is,

although it seems clear that the term is not necessarily synonymous with 'things the public are interested in'.

Charging

The UC has the right to charge applicants for supplying the requested information but is under no obligation to provide information if the cost of doing so would be in excess of an 'appropriate limit'. The appropriate limit is specified as £450 in the Act. This represents the estimated costs of one person spending 18 hours in determining whether the UC holds the information, locating, retrieving and extracting the information. The UC is required by law to calculate the time spent responding to requests at no more than £25 per person per hour, regardless of who does the work. The UC may believe that either the cost of disbursements, plus the time taken to search for the information (£25 per hour) will be more than £450 or it will take more than 2 ½ days to respond to the request. In such a case the UC is entitled either to refuse the request altogether or to charge for all the time taken to respond.

Publication Scheme

Section 19 places a duty on public authorities to adopt and maintain a publication scheme outlining types of information the UC publishes, the form which it is published and any charges that would be incurred in releasing it.

Enforcement

If the requestor is not happy with the outcome of their complaint, under s50 of the Act, they can complain to the Information Commissioner for a decision on whether their request for information to the UC has been dealt with in accordance with the Act.

Information Commissioner

The Act establishes the office of the Information Commissioner with responsibility for the implementation and observance of the Act. The Commissioner has a responsibility for approval of publication schemes, the promotion of good information handling and the encouragement of codes of practice for data controllers.

Implementing the FoIA

The formalisation of current practice and procedures for effective administration has been agreed and all requests to the UC under the Act should be forwarded to, and coordinated by, the Director of the University Centre who will log enquiries and their outcomes.

Complaints

Where a request for information under the Act has been denied, or the requestor is not happy with the response to their request, and would like to make a complaint or comment, they can appeal by writing to the Principal of the College.