

Scope: Data Protection	Effective Date: January 2023	Responsible Dept: Governance & Compliance	Equality Analysis Undertaken:
Last updated by/date: Information Governance Assistant; December 2022	Next review date: January 2024	Approved by: Executive Board 17/01/23	Policy ref:

## Freedom of Information Policy

### 1 Introduction

This policy outlines the requirements to which the University must adhere under the Freedom of Information Act 2000. Under the Act, the University has a legal obligation to provide information via public requests and through its publication scheme.

### 2 Publication Scheme

A publication scheme commits an authority to make information available to the public as part of its normal business activities. The University's publication scheme is based on the Model Publication Scheme as defined by the Information Commissioner's Office (ICO) and can be found at <https://www.yorks.ac.uk/policies-and-documents/freedom-of-information-publication-scheme/>.

The scheme sets out the classes of information that the University publishes or intends to publish and the manner in which this information can be accessed. The information listed in the University's publication scheme is available free of charge unless otherwise stated.

### 3 Making a Request

Requests for information which isn't covered by the University's publication scheme should be submitted via email to [foi@yorks.ac.uk](mailto:foi@yorks.ac.uk) or via post to:

Freedom of Information Office  
Governance & Compliance  
York St John University  
Lord Mayor's Walk  
York  
YO31 7EX

Requests for information should be made in writing and the University will have 20 working days to respond. A fee may be charged to cover administration costs; further details of fees can be found in Section 6 of this policy. The University will not be required to release information to which an exemption under the Act legitimately applies. However, the University will be required to explain why it is not releasing the information and it may have to justify this to the Information Commissioner.

The University may need to request clarification about the request from the sender and will ask for clarification as soon as possible and within 20 working days of receiving the request. The request will be placed “on hold” during this time and the 20 working day compliance period will commence from the date clarification is received. If clarification is not received, the request will be closed after a period of three months has elapsed.

#### **4 Environmental Information Regulations (EIR)**

The Environmental Information Regulations (EIR) give members of the public the right to access environmental information held by public authorities. This usually includes, but is not limited to, information about land development, pollution levels, energy production, and waste management.

The University must respond to a request within 20 working days but the process of requesting clarification, outlined in section 3 of this policy, may apply.

Whilst an EIR request can be made verbally, over the telephone or in person, the University advises that requests are made in writing, as outlined in section 3 of this policy, to ensure that the request is fulfilled effectively.

#### **5 Appropriate Limits and Exemptions**

The University may apply exemptions where there is a good reason why it should not make public some or all of the information requested. Details concerning the refusal to comply with a request can be found at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/> and a list of FOIA exemptions can be found at <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/>.

There are a number of appropriate limits which may be imposed when the University is complying with a Freedom of Information request. These include, but are not limited to the following:

- Section 12 of the Freedom of Information Act 2000 allows the University to refuse a request if it estimates that meeting the request would exceed the appropriate cost limit. If the cost limit of £450, which equates to 18 hours’ work, would be exceeded in the process of retrieving the information, the University will issue a refusal notice.
- The University does not usually provide staff contact details as part of Freedom of Information requests because they constitute personal data, which is exempt from disclosure under Section 40 of the Act. Job titles, general office email addresses and telephone numbers may be provided as part of responses.
- If low numbers are included in the requested data, there may be a risk of individuals being identified and provision of this information would therefore breach one or more of the Data Protection Principles, in accordance with Section 40 of the Freedom of Information Act. Figures lower than or equal to 5 will be suppressed in the University’s responses.

- Where disclosure of information requested is likely to prejudice the University's and/or its suppliers' commercial interests, and/or disclosure of information about the University's digital network would compromise the security of the network and risk of damage to the University's IT infrastructure, the University will impose an exemption under Section 43 of the Freedom of Information Act 2000. Information relating to the University's and its suppliers' commercial interests is held by the University on implicit terms which makes it subject to a duty of confidence.
- The University does not usually provide granulated information concerning contract costs as part of Freedom of Information responses as disclosure of this information is likely to prejudice the University's and/or its suppliers' commercial interests. Where possible, totals may be combined to provide an overall figure.
- If a request is deemed to be vexatious under Section 14 of the Freedom of Information Act 2000, the University may decide not to comply and notice will be provided to the sender within 20 working days of receiving the request.

## **6 Fees**

If the University charges a fee for providing information under Section 9 of the Freedom of Information Act 2000, the requested information will be provided on receipt of the fee. A 20 working day compliance period is placed 'on hold' from the date of issue until the fee is received. If no fee is received, the request will be closed after a period of three months has elapsed.

## **7 Formats**

Where possible, information will be provided in the format requested by the sender. In most cases, information is provided in digital format as an email attachment.

## **8 Advice and Assistance**

Under Section 16 of the Freedom of Information Act 2000, the University has a duty to provide advice and assistance, so far as it would be reasonable to expect the University to do so, to persons who propose to make, or have made, requests for information.

## **9 Complaints and Appeals**

If a sender is dissatisfied with the response they have received from the University, they may ask for further clarification. If further questions are submitted based on this further request, the University will treat them as a new request.

If the sender is still not satisfied with the response, they may request an Internal Review. This request should be made in writing to [foi@yorksj.ac.uk](mailto:foi@yorksj.ac.uk) or via the University's postal address. The University will comply with the request within 20 working days.

If the sender is not satisfied with the outcome of the Internal Review, a complaint can be made to the ICO. Details can be found at <https://ico.org.uk/make-a-complaint/>.

## **10 Information Commissioner's Office (ICO)**

The Information Commissioner's Office is the UK's independent body set up to uphold information rights. You can find out more about the organisation and its responsibilities at <https://ico.org.uk/>.

## **11 Responsibilities of YSJU Staff**

The Information Governance Assistant, whose role forms part of the Governance and Compliance Team, is responsible for compiling and submitting responses to requests made under the Freedom of Information Act 2000. Each response is approved by the Director of Governance, Compliance and Assurance with support from the Data Protection Officer where required.

It is the responsibility of the University's Directorates and Schools to provide the information requested in a clear and comprehensive manner. University staff should familiarise themselves with the University's responsibilities under the Freedom of Information Act 2000, including the University's publication scheme, and assist with any relevant requests within the timescales provided.

Details of the kinds of information covered by the Freedom of Information Act 2000 can be found at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>.

University staff will only be provided with the questions posed in the request and will not be provided with details of the sender. If requests are received from journalists or press organisations, the University's Press Office will be alerted to ensure that the most effective response is provided.

## **12 Compliance Reports**

Under the requirements of the Cabinet Office's *Freedom of Information Code of Practice*, the University publishes annual Freedom of Information compliance reports at <https://www.yorks.ac.uk/policies-and-documents/freedom-of-information-publication-scheme/>.

## Appendix 1: Examples of Exemptions Imposed

The following table provides a selection of examples of Freedom of Information requests received by the University which were refused (in full or in part), citing an exemption as outlined in Part II of the Freedom of Information Act 2000. Please note that these are examples where exemptions have been considered and used – all requests should be evaluated individually.

Nature of Request	Exemption Applied	Explanation
<p>Sender requests a list of all providers of goods and services along with annual spends with providers for the previous five financial years.</p>	<p>Section 12(1) exemption (cost Limit)</p>	<p>Retrieving the information is estimated to take over 18 hours of staff time as the full list is not centralised and some of the data would require manual retrieval.</p> <p>The University's position on providing data is always to be as transparent and accommodating as possible, and if the data is not considered to pose a genuine risk or exceed 18 hours of staff time, it will usually be supplied.</p>
<p>Sender requests the annual contract spend with a cloud hosting provider.</p>	<p>Section 43(2) exemption (commercial interests)</p>	<p>Providing the contract spend is likely to prejudice the University's and/or its suppliers' commercial interests. Furthermore, disclosure of information could compromise the security of the network and risk damage to the University's IT infrastructure.</p> <p>The University will only provide details of contracts where the data is not considered commercially sensitive and does not pose a risk to security.</p>
<p>Sender requests the name, email address and telephone number of the member of staff responsible for procurement.</p>	<p>Section 40(2) exemption (personal information)</p>	<p>The University does not provide the personal data of its staff as part of Freedom of Information requests. If the information is publicly available on the University website, a link will be provided. A job title will always be provided along with a general office email address.</p>

<p>Sender requests the number of employees who have declared a disability during the last academic year.</p>	<p>Section 40(2) exemption (personal information)</p>	<p>In this instance, some of the figures were less than or equal to 5 and were, therefore, suppressed. Low numbers are more likely to aid in the identification of individuals which is why the University suppresses figures below or equal to 5.</p>
<p>Sender requests a list of services and products procured via an IT provider and the cost for each service/product.</p>	<p>Section 43(2) exemption (commercial interests)</p>	<p>The University refuses to provide granulated information relating to this contract as exposure of the data is likely to prejudice the University's and/or its suppliers' commercial interests, as well as compromising the security of the University's digital infrastructure.</p>
<p>Sender requests the University's Statement of Cash Flows for the most recent financial year.</p>	<p>Section 22(1) exemption (intended for future publication)</p>	<p>The University refuses to provide the information as it is scheduled for publication in the forthcoming Annual Financial Report. A link is provided to the webpage at which the report will be available, along with a propose date for publication.</p>