

Freedom of Information Policy

1. Introduction

1.1 Chichester College Group (the Group) is a public body and as such is subject to the Freedom of Information Act 2000 (the Act). This policy details the means by which staff, students, an organisation or member of the public may make a freedom of information request (FOI request) to the Group.

1.2 The Act provides a general legal entitlement to all information held by the Group (subject to certain exemptions). Therefore, any individual or organisation has the legal right:

- To access all the information in the Group's Publication Scheme.
- To request all information held by the Group, regardless of when it was created, by whom, or the form in which it is now held.
- To be informed whether the Group holds such information and if so to have that information communicated to them.

1.3 The Act operates in conjunction with the Data Protection Act 2018 and the Environmental Information Regulations Act 2004, with oversight for all three resting with the Information Commissioner's Office. This policy should therefore be read alongside the Group's Data Protection Policy.

1.4 This policy applies to all recorded information that the Group holds, including, information created, received and maintained by Group members of staff in the course of their work. It also includes information which belongs to the Group but has been passed to another public authority; and information which belongs to the Group but is held by another party of the Group's behalf.

2. General compliance principles

2.1 The Group has two duties: to confirm or deny whether it holds the information and to provide the information.

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- 2.2 The Group will comply with a request promptly and in any event within 20 working days (the response period). Where the Group reasonably asks for further details to enable it to comply with the request, the response period does not start until these details are received.
- 2.3 If the Group requires the applicant to pay a fee (see section 5), the response period is suspended until the fee is received.
- 2.4 The Group will proactively publish information as part of its Publication Scheme and will update it regularly.
- 2.5 The Group will always release information requested unless there is a very good reason, allowed by the law, not to.
3. **Responsibilities**
- 3.1 Responsibility for ensuring compliance with this policy and the Act lies with the Chief Operating Officer and the Data Protection Officer.
- 3.2 The Chief Operating Officer is the “qualified person” who has responsibility to respond to the disclosure/non-disclosure of information that would “prejudice effective conduct of public affairs” (Section 36 of the Act).
- 3.3 The Data Protection Officer has the day-to-day responsibilities for co-ordinating the Group’s Freedom of Information function including:
- The overall development and maintenance of Freedom of Information Act compliance throughout the Group and in particular for establishing and promoting good practice.
 - The overall development and maintenance of Environmental Information Regulations compliance throughout the Group and in particular for establishing and promoting good practice.
 - Reviewing this policy and all procedures and guidance
 - Ensuring that the Group’s Publication Scheme, is maintained and updated regularly.

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- Ensuring all information requests have been answered in line with the legislation.
- Providing general guidance and training, as well as specific advice, on any aspect of the Freedom of Information Act and Environmental Information Regulations, including the Publication Scheme, how to handle information requests and how to apply exemptions.
- Liaising with the Information Commissioner's Office.

3.4 All members of staff, whether or not they create or manage information have responsibilities under the Act. They are to ensure that any information request they receive are forwarded to the Data Protection Officer.

4. **Publication Scheme**

4.1 The Group's Publication Scheme is a document which is available on the Group's website (chigroup.ac.uk).

4.2 The Scheme sets out the classes, or categories, of information published. It also clearly states how the information described can be accessed and whether or not charges will be made.

4.3 This document describes the information the Group publishes, or intends to publish and where this information can be found. This may include links to web information and contacts to access other formats.

5. **Fees and charges**

5.1 Under the Act the Group is able to charge fees for the provision of information.

5.2 Fees will not be charged for information available through the Group's Publication Scheme unless there is a charge already included within the scheme.

5.3 An appropriate limit of £450 or 18 working hours has been set in accordance with the guidance issued by the Information Commissioner. The Group may

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refuse the request, make the applicant aware of the Group's Complaints Procedure or charge additional fees where it is estimated that the cost of complying would exceed the appropriate limit. The appropriate limit has to be applied separately to each request.

- 5.4 Where the Group refuse a request, it still has a duty to confirm or deny whether it holds the information, unless the cost of doing this would exceed £450.
- 5.5 In estimating whether the cost of complying with a request for information is likely to exceed £450, the Group can only take account of the costs it reasonably expects to incur in: determining whether it holds the information requested; locating the information; retrieving the information; and extracting the information from a document containing it, or from archives. The labour can be either the Group's own staff or independent contractors engaged by the Group to assist with handling the requests for information.
- 5.6 Where the estimated cost of complying with a request is less than £450, the Group can charge for costs that it reasonably expects to incur in informing the applicant whether the Group holds the information and communicating the information to the applicant, including post, copying and if necessary, converting the information into the format requested by the applicant. The Group will not charge for the labour involved. Further information is available on the Information Commissioner's Office website.
- 5.7 The Group can aggregate the estimated costs of complying with a request for information, for the purposes of assessing whether the £450 limit is exceeded, where the Group receives two or more requests for information which: are from the same person or from different persons who appear to the Group to be acting in concert or in pursuance of a campaign; relate to the same or similar information; and have been received by the Group within a space of 60 consecutive working days.

6. Exemptions

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6.1 The Act provides 23 exemptions that may mean we are not able to disclose the information requested.

6.2 If the Group considers applying a qualified exemption when a request for information is received, the Group is obliged to consider whether there is a greater public interest in providing the information to the requestor or in maintaining the exemption. This is known as the public interest test.

7. Complaints

7.1 The Group has a procedure for dealing with complaints both in respect of its handling of requests for information and in respect of its publication scheme. The complaints procedure allows for a fair and thorough review of the way in which the Group handles requests for information and of decisions taken by the Group pursuant to the Act, including decisions relating to the application of exemptions and the public interest test.

7.2 In response to complaints the Group will:

- Acknowledge the complaint promptly and the complainant given the Group's target date for determining the complaint;
- Ensure the review is undertaken by someone more senior than the person who took the original decision;
- Ensure the review involves a full re-evaluation of the case;
- Disclose the information originally requested as soon as practical, and the applicant informed when this will be, if the outcome of the review is that the information should be disclosed.
- In all cases confirm to the applicant their right to complain to the Information Commissioner

7.3 Complaints should be addressed to

Email: dp@chichester.ac.uk

Address: Data Protection Officer

Chichester College Group
Westgate Fields
Chichester
PO19 1SB

8. Status of this Policy

- 8.1 The Policy was approved by the Group Leadership Team and supersedes all previous documentation.
- 8.2 The operation of this Policy will be kept under review by the Data Protection Officer.
- 8.3 It may be reviewed and varied from time to time to reflect changes in response to revised legislation and applicable standards and guidelines.

Date approved: 19 October 2023
Update by: Data Protection Officer
Approved by: Group Leadership Team
Next review date: October 2025