



# **BSix Brooke House Sixth Form College Policy Document**

## **Freedom of Information and Publication Policy**

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Person Responsible:	Vice Principal Finance & Resources
Approved by:	Board of Corporation
For Action by:	All Staff, Students and Stakeholders
For Information to:	All Staff, Students and Stakeholders

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## 1. Executive Summary

This policy sets out your rights and our obligations under the Freedom of Information Act (“FOIA”), Environmental Information Regulations (“EIR”) and INSPIRE Regulations.

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.

## 2. Background

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.

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.

## 3. Freedom of Information Regulations Act 2000 (“FOIA”)

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.

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).

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).

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.

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.

#### **4. Environmental Information Regulations 2004 ("EIR")**

The EIR provide public access to environmental information held by public authorities. If you require more information see [www.ico.org.uk/EIR](http://www.ico.org.uk/EIR).

#### **5. Inspire Regulations**

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 [www.ico.org.uk/Inspire](http://www.ico.org.uk/Inspire).

#### **6. Model Publication Scheme**

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.

**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.

#### **7. Legal requirements for a request**

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.

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

## **8. Getting the most out of a request**

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.

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 BSix College Group website – See Appendix 1 – Publication Scheme for more information.
- Is the information your own personal data? If so – visit the BSix 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.

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. 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).

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.

## 9. Making a request for information under the Freedom of Information Act

Requests can be made:-

**By Post** Data Protection Officer  
BSix Brooke House Sixth Form College  
Kenninghall Road  
London E5 8BP

**Or Email [foi@bsix.ac.uk](mailto:foi@bsix.ac.uk)**

## 10. Dealing with the request

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.

## **11. Refusing Requests**

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. 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. We are not obliged to deal with vexatious or repeated requests or in some cases if the cost exceeds an appropriate limit. 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

## **12. Charging for requests**

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. 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.

## **13. Complaints or concerns**

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** Data Protection Officer  
BSix Brooke House Sixth Form College  
Kenninghall Road  
London E5 8BP

**Or Email** [foi@bsix.ac.uk](mailto:foi@bsix.ac.uk)

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.

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/>.



#### **14. Requesting your own personal information**

Under the General Data Protection Regulation (GDPR), individuals (Data Subjects) e.g. Staff, students and other users of BSix College 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.

#### **15. Feedback**

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. We also welcome suggestions as to how this policy might be improved.

#### **16. Sensitive Information**

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

#### **17. ESFA Conditions of Funding Agreement**

The ESFA Conditions of Funding Agreement (GFE & Sixth Form Colleges) sets out specific clauses in relation to Freedom of Information and Confidentiality.

#### **18. Further Information**

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

#### **19. Related Policies:**

Data Protection (GDPR) Policy

Complaints Procedure

CCTV Policy



<p><b>3 What we spend and how we spend it.</b></p> <p><b>4</b> Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.</p>	<ul style="list-style-type: none"> <li>✓ Financial Statements year ending July 2021</li> <li>✓ Financial Statements year ending July 2020</li> <li>✓ Financial Regulations</li> </ul>	<p>Website</p>	
<p><b>5 What our priorities are and how we are doing.</b></p> <p><b>6</b> Strategy and performance information, plans, assessments, inspections and reviews.</p>	<ul style="list-style-type: none"> <li>✓ Mission Statement</li> <li>✓ Strategic objectives</li> <li>✓ Most recent Ofsted inspection report</li> <li>✓ Estates Strategy</li> </ul>	<p>Website</p>	

<p><b>7 How we make decisions.</b></p> <p><b>8</b> Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.</p>	<ul style="list-style-type: none"> <li>✓ Financial Regulations</li> <li>✓ Structure and Membership of Corporation</li> <li>✓ Structure and Membership of Senior Management Team</li> <li>✓ Corporation Committee structure</li> <li>✓ Corporation Committee Terms of Reference</li> <li>✓ Corporation papers</li> <li>✓ Minutes of meetings of Corporation and its Committees</li> <li>✓ Remuneration of senior staff – detailed in the annual accounts</li> <li>✓ Travel and Subsistence – included in the Financial Regulations and detailed in the annual accounts</li> <li>✓ Planning and budgeting procedures – Included in the Financial Regulations and Financial Procedures</li> <li>✓ Mission Statement</li> </ul>	<p>Website</p>	
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<p><b>11 Lists and registers.</b></p> <p><b>12</b> 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"> <li>✓ Asset Register</li> <li>✓ Register of Interests</li> <li>✓ Register of Gifts and Hospitality</li> </ul>		
<p><b>13 The services we offer.</b></p> <p><b>14</b> Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.</p>	<ul style="list-style-type: none"> <li>✓ Prospectuses</li> <li>✓ Course leaflets</li> <li>✓ Reports/returns to funding agencies, inspectorates, standards bodies, professional bodies, government departments etc.</li> <li>✓ Information about our workshops, meeting rooms and exhibition spaces</li> <li>✓ Student Welfare and Support services</li> <li>✓ Careers Advice</li> </ul>	Website	

## Appendix 2 –FOI Procedure Flowchart

