



Freedom of Information (Access to Information) Policy

SECTOR POLICY

Version 2

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Approved By:	Strategic Leadership Team
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Further Information

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PLEASE NOTE: Policies must be equality screened before being submitted to SLT and

Trade Unions:-

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Document History

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1.0	Sector Wide Data Protection Group	This policy was created by the Sector Wide Data Protection Group and supersedes the Belfast Met Freedom of Information Policy. Localised changes have been made to the policy.	28/11/23
2.0	DPO and DPCE	<p>Updates:</p> <p>Section 2 – Purpose - College specific - Localised changes have been made.</p> <p>Section 3 - Legislative Context removed – repetition throughout the policy – links to the legislation have been included instead.</p> <p>Section 4 – Publication Scheme – College specific - localised changes.</p> <p>Section 5 – Requests for information – College specific – localised changes.</p> <p>New Section 6 – Refusals, Vexatious or Repeated Requests – Important to include as a public facing policy – extracts have been taken from the SOP to populate this section – localised changes.</p> <p>New Section 7 – Exemptions and Exceptions - Important to include as a public facing policy – extracts have been taken from the SOP to populate this section – localised changes.</p> <p>New Section 8 – Cost Limitations to Requests - Important to include as a public facing policy – localised changes.</p> <p>Section 9 – Appeals – localised changes – College specific.</p> <p>Section 10 – Charges – Removed as is covered within New Section 8 – Cost Limitations to Requests.</p>	26/02/24

Version Number	Author	Reason for Change and Changes	Date
		<p>Section 10 – Roles and Responsibilities – localised changes – College specific.</p> <p>Section 11 – Communication – localised changes – College specific</p> <p>Section 12 – Related Policies and Codes of Practice (supporting documents) – localised changes – College specific.</p> <p>Section 13 – Review – localised changes – College specific.</p> <p>New Appendix 1 – Exemptions and Exceptions - provides a link to the ICO guidance on exemptions and exceptions - localised changes – College specific.</p>	

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1. Introduction

Belfast Metropolitan College ('the College') embraces the requirement to openly provide information it holds in an accessible manner. The College is committed to complying with the Freedom of Information Act 2000 (FOI)¹, and the Environmental Information Regulations 2004 (EIR)². Both legislations give the public a general right of access to all recorded information held. These general access rights, however, are subject to certain condition, and in circumstances may be withheld from disclosure due to an applicable exemption or exception that may apply (see Section 6).

2. Purpose

The purpose of this policy is:

- To outline the College's approach to adhering to requests received under FOIA and EIR.
- To outline the roles and responsibilities of managers involved in the management of information requests.

3. Scope

This policy applies to all recorded information held by, or on behalf of the College. It excludes requests for personal data under the Data Protection Act 2018 (DPA)/the UK General Data Protection Regulation (GDPR) which are covered separately in the College's Data Protection Policy³.

4. Publication Scheme

The College will be proactive in making information available through its Publication Scheme (Publication Scheme) available on the College website www.belfastmet.ac.uk.

A Publication Scheme is information that the College will routinely make available to the public. The College has adopted a Publication Scheme which is based on the Information Commissioner's definition documents for Colleges of Further Education and Non-Departmental Public Bodies (NDPBs)⁴.

¹ [Freedom of Information Act 2000 \(legislation.gov.uk\)](http://legislation.gov.uk)

² [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)

³ [Public Documents - About Us - Belfast Met](#)

⁴ [Definition Document - Colleges of Further Education \(ico.org.uk\)](http://ico.org.uk)

5. Requests for Information

Requests for information not already made available in the College's Publication Scheme will be dealt with in accordance with the applicable legislation. FOI and EIR establishes two related rights:

- The right to be told whether information exists, and
- The right to receive the information (subject to exemptions/exceptions)

Requests can be made to the College's Data Protection and Complaints Executive (DPCE), Corporate Development department as follows:

- Completing the online Belfast Met Request Form at www.belfastmet.ac.uk
- In writing to Corporate Development, Building 1, Room 9, Castlereagh Campus, Montgomery Road, Belfast, BT6 9DJ.
- Email to freedomofinformation@belfastmet.ac.uk.

All information requests will be centrally managed by the DPCE. The College will acknowledge receipt of all requests for information within 4 working days and will normally respond to them within the legislative timeframe of 20 working days. The exception to this is where the College needs to clarify the request, if a fee is being charged or we are considering where an exemption or exception to disclosure may apply.

6. Refusals, Vexatious or repeated requests

The College can refuse to comply with a request for information for the following reasons:

- the information is subject to one of the exemptions or exceptions (see Section 7);
- complying with it would exceed the appropriate cost limits (See Section 8); or
- it is vexatious or repeated.

Section 14 of FOIA places no obligation on the College to respond to a request which is vexatious. Under EIR, the 'manifestly unreasonable' exception, is concerned with the nature of the request and the impact of dealing with it. Factors to assist with this assessment as to whether it meets the vexatious threshold include:

- if it is likely to cause a disproportionate or unjustified level of disruption ie burden placed on the College/staff
- Likely motives
- Value or purpose of the request
- Harassment/distress to staff

Where the College has previously complied with a request to an individual, and it is considered repeated ie 'identical or substantially similar', it can refuse to further respond (unless an appropriate timeframe has elapsed and there may now be new information available).

7. Exemptions and Exceptions

While the public has a right to submit FOI and EIR requests, and the presumption will always be to disclose, there may, however, be occasions where the College in line with the legislations, are unable to provide the information.

Where there are concerns about the disclosure of information to the public, the College will undertake a public interest test, as applicable, which helps to determine whether it is within the public interest maintaining the exemption or exception outweighs the Public Interest in disclosure (see Appendix 1).

The College will also provide reasonable advice and assistance to applicants requesting information and in keeping with our agreed processes.

8. Cost limitations to requests

Under EIR, the 'manifestly unreasonable' exception, is concerned with the nature of the request and the impact of dealing with it. This can be used when the cost of compliance with the request is too great.

Under FOIA, staff time to process a request for information will not be charged or refused, unless the cost of establishing whether the College holds the requested information and collating the same, will exceed the 'appropriate limit' set by regulations, currently £450.00 (calculated at a cost of £25.00 per hour up to a maximum of 18 hours of an officers time spent on determining whether the information is held, locating the information, retrieving the information and extracting the information), then the requested information does not need to be provided.

9. Appeals

If an individual is dissatisfied with the outcome of a response to their information request, they have a right to ask for an internal review.

An internal review is an independent decision making process to determine whether the request was processed in accordance with the legislation. The internal review will be completed within the legislative timeframe upon receipt, normally within 20 working days, however, a further 20 working days may be applied.

To request an internal review, the requester must contact the College in writing within 40 working days of the date of the College's response. Any internal reviews after this time will not be processed.

All requests for information and appeals should be addressed to the College's Data Protection and Complaints Executive, Corporate Development at Building 1, Room 9, Castlereagh Campus, Montgomery Road Belfast, BT6 9DJ or by emailing freedomofinformation@belfastmet.ac.uk

If an individual remains unhappy, following an internal review, the requester may refer the matter to the Information Commissioner's Office (ICO) through their [Online Complaint Form](#), or alternatively they can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by telephoning 030 3123 1114 or 028 9027 8757.

10. Roles and Responsibilities

Principal and Chief Executive

Under Section 36 of the FOIA, the College's Principal and Chief Executive is the designated Qualified Person for the College.

Head of Corporate Development

Head of Corporate Development is the named policy owner and has overall responsibility for the Corporate Development function and adherence to this policy.

Directors and Heads of Departments/Schools

Have responsibility for overseeing the collation of the information to respond to a request in a timely manner. They will ensure that their staff will engage with the Corporate Development team in a timely fashion and will authorise responses as required.

Data Protection Officer and Compliance Manager (DPO)

The DPO is responsible for overseeing the FOIA and EIR compliance function within the College. They are responsible for ensuring there are robust processes in place to enable requests to be dealt with in a timely manner. This includes responsibility for the development of guidance on Freedom of Information and EIR, monitoring its implementation and promoting compliance with this policy in such a way as to assist in the easy, appropriate and timely retrieval and release of information.

Data Protection and Complaints Executive (DPCE)

The DPCE is responsible for providing a centralised function for the management of requests received under FOI and EIR. They will provide advice and guidance to

departments on matters relating to best practice and handling of requests.

All Staff

All staff are responsible for recognising and ensuring requests for information under FOI and EIR are forwarded promptly to the DPCE.

11. Communication

The College will make this policy available to external and internal stakeholders through the public facing website and staff intranet.

12. Related Policies and Codes of Practice (supporting documents)

This policy should be read in conjunction with all policies and procedures relating to the College's internal controls referenced below and available on the Public Documents page of the Belfast Met website to include but not limited to:

- Data Protection Policy;
- FE Sector Retention and Disposal Schedule;
- Records Management Policy;
- Section 45 Code of Practice FOIA⁵

13. Review

This Policy will be reviewed every three years; or sooner if required to reflect changes in legislation or circumstances.

⁵ Section 45 – Code of Practice, request handling (1) | ICO

Appendix 1 – Exemptions and Exceptions

See below list of exemptions and exceptions, including links to ICO guidance for further information.

Exemptions – Freedom of Information Act 2000

- [Section 21: Information reasonably accessible to the applicant by other means](#)
- [Sections 22 and 22A: Information intended for future publication and research information](#)
- [Section 23: Security bodies](#)
- [Section 24: Safeguarding national security](#)
- [Section 26: Defence](#)
- [Section 27: International relations](#)
- [Section 28: Relations within the UK](#)
- [Section 29: The economy](#)
- [Section 30: Investigations and proceedings](#)
- [Section 31: Law enforcement](#)
- [Section 32: Court, inquiry or arbitration records](#)
- [Section 33: Public audit](#)
- [Section 34: Parliamentary privilege](#)
- [Section 35: Government policy](#)
- [Section 36: Effective conduct of public affairs](#)
- [Section 36: Record of the qualified person's opinion](#)
- [Section 37: Communications with Her Majesty and the awarding of honours](#)
- [Section 38: Health and safety](#)
- [Section 39: Environmental information](#)
- [Section 40: Personal information](#)
- [Section 40: Access to information held in complaint files](#)
- [Section 40: Requests for personal data about public authority employees](#)
- [Section 41: Information provided in confidence](#)
- [Section 42: Legal professional privilege](#)
- [Section 43: Commercial interest](#)
- [Section 44: Prohibitions on disclosure](#)

Exceptions – Environmental Information Regulations 2004

- [Regulation 12\(4\)\(a\) Information not held](#)
- [Regulation 12\(4\)\(b\): Manifestly unreasonable requests](#)
- [Regulation 12\(4\)\(c\): Requests formulated in too general a manner](#)
- [Regulation 12\(4\)\(d\): Material in the course of completion, unfinished documents and incomplete data](#)
- [Regulation 12\(4\)\(e\): Internal communications](#)
- [Regulation 12\(5\)\(a\): International relations, defence, national security or public safety](#)
- [Regulation 12\(5\)\(b\): The course of justice and inquiries exception](#)
- [Regulation 12\(5\)\(c\): Intellectual property rights](#)
- [Regulation 12\(5\)\(d\): Confidentiality of proceedings](#)
- [Regulation 12\(5\)\(e\): Confidentiality of commercial or industrial information](#)
- [Regulation 12\(5\)\(f\): Interests of the person who provided the information to the public authority](#)
- [Regulation 12\(5\)\(g\): Protection of the environment](#)
- [Regulation 12\(9\): Information on emissions](#)
- [Regulation 13: Personal information](#)