



Freedom of Information Policy

Local Policy

Scope of Policy All Staff/ All Students

Policy Owner: Corporate Development

Date Approved: January 2016

Approved By: Governing Body

Status: CURRENT

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Equality Screening Date: 24 July 2019

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Corporate Development

Belfast Metropolitan College
Building 1, Room 9
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Montgomery Road
Belfast. BT6 9DJ

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Further Information

For further information about the content of this policy, please contact:

Corporate Development

Belfast Metropolitan College
Building 1,
Castlereagh Campus,
Montgomery Road,
Belfast. BT6 9DJ

Policy Compliance details:-

Compliance with Equality Legislation.

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

Equality screening details

Equality Screening date	24 July 2019
Equality Screening outcome	Screened Out
Sector or Local Screening	Local
Consultation date (If applicable)	N/A
Equality Impact Assessment (EQIA) date	N/A
EQIA key outcomes	N/A

Document History

Version Number	Author	Reason for Change	Date
1	Lisa McCartney	Update front cover, include a table of contents and review the history of the document.	21/11/16
2	Corporate Development	Reformatting into college structure. Changes re Data Protection legislation. Removal of reference to Local Government (Access to Information) Act 1985 as this does not apply to the College. Changes re college structure and processes. Changes to terminology e.g. change the Metropolitan College to Belfast Met. Updates made to Section 1 Introduction.	19/07/19

Table detailing changes to this policy when and by whom.

Distribution

This document has been distributed as follows:-

Name	Date
Trade Union	N/A
Senior Leaders for Excellence	N/A
Senior Leadership Team	
Committee	
Governing Body	January 2016
Issued to Corporate Development for publication	July 2019
Issued to staff through Metacompliance/Canvas	

Table which details of who has seen this policy and when

1. Introduction

The Freedom of Information Act 2000 (FOI Act) gives the public the right of access to all recorded information held by all public authorities. It does so in two ways namely:-

- the advance publication of certain information about our activities; and
- the release of information to any member of the public who makes a request for information held and processed by the college.

The FOI Act complements the following legislation:

- General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (collectively referred to in this document as Data Protection Legislation) which gives individuals access to personal information held about them by Belfast Met.
- Environmental Information Regulations 1992 (as amended 1998) gives access to information about the environment held by the Government and public authorities.

This Policy sets out how Belfast Metropolitan College (Belfast Met) will comply with the FOI Act and legislation referenced above.

2. Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- Belfast Met has developed a Publication Scheme detailing the information that is available to the public. A significant amount of routinely published information held by Belfast Met is made available to the public through its website. Other information not available on the website but listed in the Publication Scheme, is available upon request;
- Other information not included in the Publication Scheme can be made available on request. Any person making a request to Belfast Met for information, must be informed, within 20 working days whether or not Belfast Met holds that information and if so, whether or not that information may be released (subject to any exemptions); and
- In cases where information is covered by an exemption or other legislation, consideration is given as to whether or not the information should be released.

3. Responsibilities

The College recognises its corporate responsibility under the Act to provide a general 'right of access' to information held by the Belfast Met.

In line with the Information Commissioners guidance, the Principal and Chief Executive takes overall responsibility for this policy.

Belfast Met's Corporate Compliance Officer is responsible for co-ordinating compliance with the FOI Act throughout the College. This includes responsibility for the development of guidance on freedom of information, 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.

All members of staff will be made aware of the FOI Act and its implications for the College.

4. Relationship with existing policies and schedules

This policy has been formulated within the context of the following policy documents:

Data Protection Policy	(College Website)
Records Management Policy	(Staff Intranet)
Filing and Retrieval Policy	(Staff Intranet)
Belfast Met Publication Scheme	(College Website)
Document Retention Schedules	(College Website)
Freedom of Information	(College Website)

5. Available Guidance

General guidance is available from the Information Commissioners website (www.informationcommissioner.gov.uk) as well as directly from Belfast Met's College Corporate Compliance Officer.

Corporate Development
Belfast Metropolitan College
Building 1
Castlereagh Campus
Belfast
BT6 9JD
Tel: 028 9026 5000
Email: freedomofinformation@belfastmet.ac.uk

6. Belfast Met's Publication Scheme

Belfast Met's Publication Scheme is available on the [FOI webpage](#) of its Internet and hardcopy upon request. The Publication Scheme specifies:

- the information Belfast Met will make routinely available to the public as a matter of course
- how it will do so, and
- whether or not this information will be made available free of charge or on payment of a fee.

7. Specific Requests for Information

Information not already made available in the College's Publication Scheme will be accessible through a specific request for information. In this regard, the FOI Act establishes two related rights:

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

Any person or organisation worldwide can exercise these rights. The Belfast Met Corporate Compliance Officer is responsible for ensuring compliance with specific requests for information not listed in the publication scheme.

Requests can be made by using the [Belfast Met FOI Request Form](#) or can be made in writing or via email. Staff time may not be charged unless the cost of establishing whether the College holds the information requested and collating the same, will exceed the limit set by regulations, currently £450.00. Applicants will not be entitled to information to which any of the exemptions in the Act applies. Only those specific pieces of information to which the exemption applies will be withheld. Anyone who objects to the withholding of this information can ask for an internal review. In such circumstances, the college will establish an Internal Review Panel to consider the request, the exemption and determine if the decision to withhold the information was correct. The requester will be advised in writing within 20 working days of the Panel's decision.

Belfast Met will acknowledge receipt of all FOI requests within 4 working days and respond to them within 20 working days. This period is suspended if it is necessary to request further information or clarification from the applicant in order to deal with the request or awaiting the payment of a fee. The time starts to run again from receipt of the information or fee. If a fee is requested and is not paid within 3 months the College may refuse the request.

In respect to any request for information, Belfast Met reserves the right to:

- Withhold request results until the relevant fee has been paid, and reserves the right to refuse requests when the total administrative cost is greater than £450.00.
- Refuse any vexatious or repetitious request.
- Where the College already publishes the information requested, enquirers will be directed to the public resource in which they may find the information they require.
- Obscure or suppress information that relates to other third parties (under the terms of the Data Protection Act 2018).
- Withhold information if it is subject to an exemption under the Freedom of Information Act 2000 or Local Government Act 1972
- Not provide copies of items subject to copyright restrictions, although these will still be open for inspection under the Act
- For the purposes of clarity, the Principal and Chief Executive of the college (public authority) is defined as the Qualified Person as the highest decision making figure and will assume the role of the qualified person under section 36 of the FOI Act.

8. Charges

No charge will be made for examining information within the Publication Scheme except where the Scheme so specifies. A charge may be made at rates determined from time to time by Belfast Met for any photocopies sought.

9. Complaints

Any complaints about with regard to Freedom of Information or Data Protection should be made in the first instance to:

Corporate Compliance Officer
Corporate Development
Belfast Metropolitan College
Building 1, Room 9
Castlereagh Campus
Montgomery Road
Belfast. BT6 9DJ
Email: complaints@belfastmet.ac.uk

If you are not satisfied with how the college dealt with your complaint, you have the right to complain to the-

Information Commissioners Office at Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF
or

Information Commissioners Office
ICO NI,
3rd Floor,
14 Cromac Place,
Belfast, BT17 2JB

Telephone 028 9027 8757 or 030 3123 1114.

10. Exemptions

There are 23 exemptions under the FOI Act. Some exemptions where the public interest test applies and others that are absolute exemptions. The full list of FOI exemptions are set out below.

Belfast Met may decide that some information it holds could be regarded as exempt information under these Exemptions. Where a request is made for information that may be exempt, the College will apply the prejudice test and/or the public interest test where applicable, and may in some circumstances withhold the requested information on the grounds of the exemption.

The College wishes to conduct its business in an open and honest fashion. When the Belfast Met makes a decision, it is important that the public is informed how these decisions have been made.

List of exemptions under the Freedom of Information Act 2000

A. The absolute exemptions:

If these exemptions apply, it is not necessary to go on to consider whether the disclosure is in the public interest.

- Information, which is accessible to the applicant by other means (for example via the publication scheme, or openly available in public libraries)
- Information supplied by or relating to bodies dealing with security matters
- Court records
- Information, which falls under the parliamentary privilege
- Information which would prejudice the effective conduct of public affairs (central government only)
- Personal information (this should be treated as a data protection request if it related to the applicant unless it relates to unstructured personal data)
- Information provided in confidence, the disclosure of which would constitute an actionable breach of confidence
- Information which has prohibitions on disclosure e.g. by an enactment or where disclosure would be punishable as a contempt of court

11. Linkages to other Policies

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 [Policy section of the Belfast Met website](#):-

- Data Protection Policy;
- FE Sector Retention and Disposal Schedule;
- Exemptions Guidance;
- Contracts for Services Guidance;
- Procurement Information Guidance;
- FE Sector Retention & Disposal Schedule
- Records Management Policy
- FOI Publication Scheme; and
- Disclosure Tendering and Contracts Guidance.

B Exemptions where the public interest test applies:

Does the public interest in maintaining the exemption in question outweigh the public interest in disclosing the information to the applicant?

- Information intended for future publication
- Information prejudicial to national security
- Information prejudicial to international relations and national interests
- Information which prejudicial to the economic interests of the UK or any part of it
- Information prejudicial to legal and criminal proceedings
- Information prejudicial to the prevention or detection of crime
- Information prejudicial to the conduct of public affairs (only if authorised by the qualified person (the Principal and Chief Executive)
- Information prejudicial to internal relations within the UK
- Formulation of Government policy
- Communications within the Royal Family and information relating to Honours
- Legal professional privilege
- Information which may damage the commercial interests of any party including the authority