

FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY

Policy / Document Purpose Statement

This document sets out the policy to demonstrate that Cornwall College Group is open and accountable in the conduct of business and decision-making.

Application

The objective of this document is to provide a framework to ensure that the College operates in an open and transparent manner.

Interpretation

Further guidance on the use or interpretation of this policy may be obtained from the responsible post holder.

Legislator / Regulatory Compliance

Compliance with relevant current Health and Safety legislation, Data Protection Act and other legislation / regulations named within the body of the document.

Publication Restrictions

A version of this document is available to view on the Cornwall College Website.

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FREEDOM OF INFORMATION POLICY

1. Policy Summary

- 1.1. The College aims to demonstrate that it is open and accountable in the conduct of business and decision-making. The College has adopted and maintains a Publication Scheme to meet the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). Details are available on the college website or by contacting Customer Services or the Clerk to the Corporation.
- 1.2. The College also complies with the current Data Protection Act and General Data Protection Regulations and ensures that personal data is managed appropriately.

2. Introduction

- 2.1. This policy ensures that the College operates in an open and transparent manner. Openness and transparency provide the public, our learners and staff with the ability to view information about the conduct of the business message and decision making.
- 2.2. Compliance with this policy will ensure that the College meets its obligations under the following Acts:
 - 2.2.1. **Freedom of Information Act 2000.** This provides members of the public with the right to request any information from the College regarding the conduct of its business. Requests are to be made in writing, on receipt of a request the College has 20 working days to respond.
 - 2.2.2. **Environmental Information Regulations 2004.** This provides members of the public with the right to request information from the College relating to the environmental impact of the College. Similar to FOI requests the college is obliged to respond within 20 working days.
 - 2.2.3. **General Data Protection Regulations 2016/679 and Data Protection Act 2018.** This provides data subjects with the right to access their data. Where any FOI request that includes a requirement for personal data is received, the originator will be informed that a different process will need to be followed and the Data Protection Officer notified to assist as appropriate to maintain compliance.

3. Purpose and Scope

- 3.1. This policy applies to the Cornwall College group including all Colleges and subsidiary companies. The phrase 'the College' is used throughout the Policy to refer to all of these entities.
- 3.2. All information and data held by the College is subject to release under one of the Acts but may be subject to some exemptions.

4. Releasing Information

- 4.1. The College must respond and manage requests for information from the public in a timely manner in accordance with the provisions of the appropriate Acts.
- 4.2. Publication Scheme

- 4.2.1. The College has adopted a publication scheme that has been prepared and approved by the Information Commissioner. It has been adopted without modification by the College.
- 4.2.2. This publication scheme commits Cornwall College to make information available to the public as part of its normal business activities. The information covered is included in the following classes of information;
- Who we are and what we do;
 - What we spend and how we spend it;
 - What our priorities are and how we are doing;
 - How we make decisions;
 - Our policies and procedures;
 - Lists and registers; and
 - The services we offer.
- 4.2.3. The classes of information will not generally include:
- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure;
 - Information protectively marked as PROTECT or above. Consideration must be given on the appropriateness of the protective marking.
 - information in draft form;
 - information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

5. Publishing Information

- 5.1. Information contained in the Publication Scheme will be made available through the College Internet site.
- 5.2. In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details are provided. An appointment to view the information will be arranged within a reasonable timescale.
- 5.3. Information will be provided in English. Where the College is legally required to translate any information, it will do so.
- 5.4. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.
- 5.5. Information held by the college that is not published under the Publication Scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.
- 5.6. Some exclusions apply to releasing information, these are detailed in Appendix A.

6. Charges

- 6.1. Freedom of Information.
- 6.1.1. The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the

College for routinely published material will be justified, transparent and kept to a minimum.

- 6.1.2. Charges will be made for actual disbursements incurred such as:
- photocopying
 - postage and packaging
 - the costs directly incurred as a result of viewing information.
- 6.1.3. Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by the college, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public. The College will make these fees available through the College Website, www.cornwall.ac.uk
- 6.1.4. If a charge will be made, a Fees Notice will be issued within 20 working days of receipt of the request. When the Fees Notice is issued, the 20 working day limit for responding is suspended and then will start again when payment is received. If the fee is not received within three months, the College is not obliged to comply with the request. It is important that staff provide an estimate of the time likely to be taken to obtain the information requested so that the requester can be charged accordingly and the College is recompensed for the time taken. The guidance suggest that it is reasonable to charge £25 per hour for locating and retrieving information.

7. Achieving Transparency

7.1. Members and Staff Interests

- 7.1.1. Governors, members of the college councils and senior members of staff are required to complete a declaration of interest form for inclusion in the Register of Interests and to inform the Clerk to the Corporation of any changes during the year. The declarations are renewed annually in the autumn term.
- 7.1.2. The Register of Interests is kept by the Clerk to the Corporation and can be inspected during office hours at Head Office.

7.2. Confidential Minutes

- 7.2.1. Where information has been recorded in the confidential minutes of a meeting, the Clerk to the Corporation will review these prior to the preparation of the papers for the meeting at which the confidential minutes would be approved. In consultation with the Chair of the Board or relevant committee, a decision will be made regarding the criteria for maintaining confidentiality of the minutes.
- 7.2.2. Prior to the last Board meeting of the academic year, the Clerk to the Corporation will review the remaining confidential minutes and make a recommendation to the Board to ensure that minutes are released into the public domain unless there are still grounds for confidentiality.

7.3. Attendance at Board, College Council and Committee Meetings by Members of the General Public and the Media /Press

- 7.3.1. The Board has decided that attendance by the public or by the media / press at meetings of the Board, College Councils and committees is not allowed. In exceptional

circumstances the Board may decide (by a majority vote) to allow members of the public or media / press to attend for all or a specific part of a particular Board, college councils or committee meeting.

7.4. Freedom of Information Statement

7.4.1. A statement giving details of the college's Freedom of Information Policy and Publication Scheme has been prepared for issue to any member of the public enquiring about the availability of information related to the college. This is produced at Annex B to this policy. It is available on the college website.

8. Roles and Responsibilities

8.1. **Principal or CE;** is responsible for maintaining an overview of FOI requests and deciding when information will be deemed exempt from disclosure after consultation with the Head of Regulatory Compliance / Data Protection Officer.

8.2. **Head of Regulatory Compliance;** is responsible for:

- 8.2.1. Co-ordinating the scheme and ensuring that timescales are met
- 8.2.2. Responding to FOI & EIR requests
- 8.2.3. Periodic review for FOI & EIR Procedures.
- 8.2.4. Monitoring compliance with this policy.

8.3. **Clerk to the Corporation;** is responsible for:

- 8.3.1. Maintaining a register of Governor's interests.

8.4. **Executive Assistant to Principal or CE;** is responsible for:

- 8.4.1. Maintaining a register of staff interests.

8.5. **Executive Leadership Team (ELT) and other College Managers;** are responsible for:

- 8.5.1. Ensuring prompt action within timescales when information is request.
- 8.5.2. Suggesting where exemptions could be considered.

8.6. **Individual Members of Staff;** are responsible for:

- 8.6.1. Keeping their work records, including those held electronically, in good order and accessible.
- 8.6.2. Filing and deleting records on a regular basis in line with retention schedules.
- 8.6.3. Ensuring any requests for information received are forwarded to the appropriate member of staff in accordance with this policy and associated procedures.
- 8.6.4. Responding quickly if in receipt of or part of a request covered by this policy.
- 8.6.5. Adhering to the Records Management Policy thereby reducing the effort required to respond to FOI and EIR requests.

9. Related Documents

- Freedom of Information Publication Scheme
- Freedom of Information Charging Policy and Scale of Charges
- General Data Protection Policy

APPENDIX A

1. FREEDOM OF INFORMATION EXCLUSIONS

1.1. The categories for determining exclusion from an FOI release include (list is not exhaustive):

1.1.1. Absolute Exemptions

- Information that is already accessible by other means e.g. already in the public domain (Section 21)
- personal information relating to an individual (Section 40);
- information provided in confidence by a third party who has not authorised its disclosure (Section 41);

1.1.2. Qualified Exemptions – where the Public Interest Test applies

- financial or other information relating to procurement decisions, including information relating to the college negotiating position, during the course of those negotiations (Section 43);
- information relating to the negotiating position of the college in employment relations matters, during the course of those negotiations (Section 43);
- information relating to the financial position of the college where the Corporation is satisfied in good faith that disclosure might harm the college or its competitive position (Section 43);
- legal advice received from or instructions given to the college legal advisors (Section 42);
- information planned for publication in advance of that publication (Section 42); and/or
- information not otherwise covered above, but considered to be commercially sensitive (Section 43).

1.2. Where it is not clear whether an exception applies, the CEO will provide the final decision on whether information will be deemed exempt from disclosure

APPENDIX B

1. FREEDOM OF INFORMATION STATEMENT PUBLISHED ON WEBSITE

- 1.1. It is a legal requirement under the Freedom of Information Act 2000 for all public bodies to have information available through a Publication Scheme. The Scheme describes the information routinely published by the College. It is set out in groups and 'classes', which indicate the type of information published and how this can be accessed.
- 1.2. The purpose of the Scheme is to ensure that information is readily available to the general public. Information can be accessed through the college website but also as paper copy or sent out by e mail. The College is using the Model Publication Scheme for further education colleges approved by the Information Commissioner.
- 1.3. Specific requests from the public for any information held by the College can also be made. Individuals have the right to ask if the information exists and to receive it, subject to exemptions which are legitimately applicable such as information covering personal data, security or commercial sensitivity.
- 1.4. Requests must be put in writing or made by e mail and there may be a charge for the information. The contact address is FOI requests, Cornwall College Head Office, Tregonissey Road, St Austell PL25 4DJ or foi@cornwall.ac.uk.
- 1.5. The College has a wholly owned subsidiary company, CCES Ltd, trading as Concorde, which also has a Publication Scheme.