



Freedom of Information and Publication Policy

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1.0	Replacement	May 2018	Updated to include Publication Scheme and references to new Data Protection Legislation
2.0	Revision	Jan 2021	2 yearly review – external review incl.

Monitoring and review

This policy will be reviewed by the Corporation at least two every years.

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1. Executive Summary

This policy sets out your rights and our obligations under the Freedom of Information Act 2000 (“FOIA”) and Environmental Information Regulations 2004 (“EIR”).

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 FOIA and the 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 EIR or the FOIA. When you make a request, it is for us to decide which law we need to follow.

3. Freedom of Information Act 2000

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. FOIA 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.

Recorded information includes printed documents, computer files, letters, emails, photographs and sound or video recordings. FOIA does not give people access to their own personal data (information about themselves). 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 Regulation and supporting UK legislation (refer to our Data Protection and GDPR Policy).

4. Environmental Information Regulations 2004 (“EIR”)

The EIR provides public access to environmental information held by public authorities. Whilst the FOIA and EIR regimes are similar, there are some subtle differences, namely in the exemptions which can be applied by us in responding to requests for information, the time limits for responses, and that EIR requests can be made verbally, as well as in writing, whereas FOIA requests must be made in writing. Requests received by us will be dealt with in the same way for FOIA requests and EIR requests, and we will ensure we comply with any differences between the two. If you require more information see 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.

6. Model Publication Scheme

Adopting the Model Publication Scheme is a requirement of the FOIA the purpose of which is to promote greater openness and accountability across the public sector by requiring all “public authorities” to make certain 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. Information which is not published by us in accordance with this publication scheme, can be requested in accordance with the FOIA or EIR.

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 FOIA or the EIR, 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 (note that for EIR requests, these requests can also be made verbally as well as in writing);
- Stating your real name or who you are submitting the request on behalf of, if a third-party entity; and stating an address to which we can reply. This can be a postal or email address.

You do **not** have to:

- Mention the FOIA or EIR,
- Know whether the information is covered by the FOIA or the EIR; 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 requested 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;
- 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;

- 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;

- 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 submit your request;
- 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. In any event, we recommend you contact us directly.

Before making a request, it may help to consider the following questions:

- Is the information already available? As mentioned above, we have to make some information routinely available, for example, on the Bradford College Group website – See Appendix 1 – Publication Scheme for more information.
- Is the information your own personal data? If so – visit the Bradford 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 FOIA and EIR 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 under the FOIA or the EIR 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 FOIA. However, there may be a right to see the information under other legislation, and we will advise where this applies and why.
- We will give reasonable advice and assistance to anyone asking for information as required, and we may therefore contact you to gain clarification if needed in order to deal with the request appropriately.

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.

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

Requests can be made:

By post Data Protection Officer (c/o Clerk's Office), Bradford College, David Hockney Building,
Great Horton Road, Bradford BD7 1AY

or

By email foi@bradfordcollege.co.uk

10. Dealing with the request

We will aim to reply within 20 working days after the date of receipt of your request, although in certain circumstances may extend the deadline.

Some requests for information may also involve third parties with whom we contract will. We will ensure that any third parties who either supply us with information or who may deal with us, are made aware of our duties under FOIA and EIR and the potential that information may be released under such regimes unless an exemption applies.

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, although most requests will be dealt with free of charge (we will follow the FOIA rules when working what fee to charge)
- Under EIR, make a reasonable charge, although most requests will be dealt with free of charge (we will follow available guidance available when working out what fee to charge)
- Apply exemptions under FOIA or exceptions under EIR withholding some or all of the information.
- Refuse to give you the information, and explain why for example, the information is exempt under one of the FOIA exemptions or 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.

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 in dealing with the request 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. Where a request is for personal information this is also subject to certain exemptions under Section 40 Exemption for Personal Data and any amendments made by the Data Protection Act 2018.

Where we do issue a refusal notice, requestors have the right to object if they believe we have handled their request improperly (see section 13 below).

12. Charging for requests

We may only charge for expenses incurred in providing the requested information. This is determined 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, unless the time estimated for us to locate and extract the information exceeds 18 hours, in which case we may impose a charge for the staff time spent as well as the costs in communication.

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. If we do not receive payment of the fee within [3 months] of any such fee notice, the request will be refused.

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, Bradford College, Great Horton Road, Bradford BD7 1AY

or

By email foi@bradfordcollege.co.uk

We will aim to carry out the internal review as soon as possible or within 20 working days. 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. Register of requests

We maintain a register of requests and complaints received, along with the outcomes and timescales in responding to such requests as part of our obligations under the FOIA and EIR. This is in the event that the ICO seeks to investigate our handling of any requests received by data subjects to ensure that we are responding effectively and meeting our obligations.

15. Feedback

It is important that this policy meets your needs. If you find this 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. EFSA Conditions of Funding Agreement

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

18. Further information

More information about FOIA and EIR is available on the Information Commissioner's website at <http://www.ico.gov.uk>.

19. Related documents

Data Protection (GDPR) Policy

Complaints Procedure

Data Subject Access Request Procedure

Appendix 1 – Publication Scheme

Bradford College Guide to Published Information

**Information published on the College website is available in other formats on request*

Class of information	Name of document/description	How to access	Fee
<p>1. Who we are and what we do.</p> <p>2. Organisational information, locations and contacts, constitutional and legal governance.</p>	<ul style="list-style-type: none"> • Site locations and key contact details • Map • College calendar • Vision, mission and values <ul style="list-style-type: none"> • Instrument & Articles of Government • Standing Orders <ul style="list-style-type: none"> • Organisational Chart • Staff job descriptions • Information about the Executive Team • Equality and Diversity Annual Report <p>Information about current or former associated and subsidiary companies, including:</p> <ul style="list-style-type: none"> • Forster College • Inprint and Design • City Training Services • Beacon Recruitment & Placement Services • Bradford College Education Trust • Apprenticeship Training Agency (ATA) Bradford <p>Bradford College Students' Union Constitution</p>	<p>Website*</p> <p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p> <p>Request from HR</p> <p>Request from HR</p> <p>Website</p> <p>Website</p> <p>Request from data officer</p> <p>Student Services</p>	
<p>3. What we spend and how we spend it.</p> <p>4. Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.</p>	<ul style="list-style-type: none"> • Financial statements • Financial Regulations • Annual budget – available as three-year forecast 	<p>Website</p> <p>Website</p> <p>Request from data officer</p>	
<p>5. What our priorities are and how we are doing.</p> <p>6. Strategy and Performance information, plans, assessments, inspections and reviews.</p>	<ul style="list-style-type: none"> • Strategic Plan • Mission Statement – included in Strategic Plan • Quality Assurance Handbook (guide to quality policies, procedures and practice) • Internal Verification Handbook (IV procedures and practices) • Operating and Financial Reports • Self-Assessment Reports • Teaching and learning strategy • Most recent Ofsted inspection report • Estates Strategy and Plan 	<p>Website</p> <p>Website</p> <p>Request from data officer</p>	

14. Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.	<ul style="list-style-type: none"> • Reports/returns to funding councils, inspectorates, standards bodies, research councils, professional bodies, government departments etc. • Information about our incubator space, workshops, meeting rooms and exhibition spaces • Student Welfare and Support services • Careers Advice 	Request via data officer Request via Facilities Request via Student Services Request via Student Services	
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Appendix 2 – FOI Procedure

Step 1

Freedom of Information requests should be emailed to foi@bradfordcollege.ac.uk or posted to: Data Protection Officer c/o Clerk's Office, Bradford College, David Hockney Building, Great Horton Road, Bradford BD7 1AY

Step 2

On receipt of request, the Data Protection Officer will record on the FOIA Register

Step 3

The Data Protection Officer will check the validity of the request and either:

- Acknowledge receipt
- Request further information
- Advise of the refusal

or

- Advise of a necessary extension to the 20-working day deadline

Step 4

- If a valid request, the Data Protection Officer will forward to the relevant member of the Executive Leadership Team.
- Notify the Clerk to the Corporation of 'sensitive' requests

Step 5

The member of Executive will:

- Arrange for the information to be collated
- Check the collated information
- Return to the Data Protection Officer within 15 working days or advise of any likely delays

Step 6

Upon receipt, the Data Protection Officer will:

- Check the provided information
- Respond to the request within 20- working days (unless an extension has been agreed)
- Update the FOIA Register