

**ACCESS TO INFORMATION
(FOI AND EIR) POLICY****Academic Year: 2022/2023 onwards****Target Audience:**Governing Body
Staff and Students**Summary of Contents:**

This policy outlines the commitment of the College and staff to support individuals Right of Access to information about the College and its activities and promote proactive transparency.

Enquiries: Any enquiries about the contents of this document should be addressed to:-

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Castle Park Road
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Final Approval by:

CMT – 28 April 2022

Governing Body – 3 May 2022

Policy Number: 070-2021

Created: February 2021
Revised by RO March 2021
And Gov Body: April 2022
June 2023

Next Review Due: May 2024**Related Documents:**

Access to Information (FOI and EIR)
SOP
Publication Scheme
Data Protection Policy
Subject Rights Request SOP
Retention and Disposal Schedule
SOP

Superseded Documents (if applicable):

FOI Policy 41-2008

Equality of Opportunity and Good Relations Screening Information (Section 75):

Date Policy Screened:

11 March 2021

**Access to Information (FOI and EIR) Policy
Version History**

Version	Description of Changes	Date
1.0	Created	February 2011
1.1	Reviewed and no changes necessary	June 2023
1.2		

Contents

1. Introduction	3
2. Policy Purpose	3
3. Legislative Context	3
Freedom of Information Act (2000)	3
Environmental Regulations 2004	3
Protection of Freedoms Act 2012	3
UK GDPR/Data Protection Act 2018	3
4. Policy Scope	4
5. Publication Scheme	4
6. Requests for information	4
7. Appeals	4
8. Charges	5
9. Responsibilities	5
10. Communication	5
11. Review	5

1. Introduction

SERC (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), the Environmental Regulations 2004 (EIR), and aligns itself with the Open Data Strategy for Northern Ireland 2020 – 2023.

2. Policy Purpose

The purpose of this policy is:

1. To guide the College in its management of requests for access to information under the Freedom of Information Act (2000) and the Environmental Regulations 2004.
2. To outline the roles and responsibilities of managers involved in the management of access to information requests; and
3. To establish the Standard Operating Procedures (SOP) for the management FOI requests and EIR requests.

3. Legislative Context

Freedom of Information Act (2000)

The Freedom of Information Act (2000) gives the public the right of access to recorded information held by public authorities (subject to certain conditions and exemptions) including Further and Higher Education institutions. Compliance with legislation is demonstrated through implementation of the Code of Practice 2018.

The Act makes provision for information to be accessed in two ways:

1. It requires the College to make available certain information about its activities through a Publication Scheme which is usually accessed from the College's website, and
2. It entitles members of the public to request information from the College.

Environmental Regulations 2004

The Environmental Regulations provides a similar right of access to environmental; information held by the College ie

1. The College must make environmental information available proactively; and
2. Members of the public are entitled to request information from the College.

Protection of Freedoms Act 2012

Section 45 of the Freedom of Information Act was amended by Section 102 of the Protection of Freedoms Act 2012 (amended by regulation 21 of the Re-use of Public Sector Information Regulations 2105) and introduced the requirement for a public authority to, so far as reasonably practicable, provide information to an applicant in an electronic form which is capable of re-use.

UK GDPR/Data Protection Act 2018

The Data Protection Act controls how personal information is used by organisations, businesses or the government. Individuals (data subjects) have the right to request information about themselves or about another data subject if the data subject has given explicit consent to release their data. The Freedom of information Act does not apply where requests for information relates to personal information. For more information on handling requests under UK GDPR/Data Protection legislation reference should be made to the Data Protection Policy.

4. Policy Scope

This policy applies to all requests for information made under the Freedom of Information Act (2000) and the Environmental Regulations 2004. It does not apply to requests for personal data under the Data Protection Act 2018.

5. Publication Scheme

The College will be proactive in making information available through its Freedom of Information Publication Scheme (the Scheme) which will be available from the College website. The College will publish FOI compliance statistics.

A publication scheme is a list of the information that the College publishes. The College will adopt a publication scheme which is based on the Information Commissioner's definition documents for Colleges of Further Education and Non-Departmental Public Bodies (NDPBs).

6. Requests for information

Requests for information will be dealt with under the appropriate Standard Operating Procedure and will take cognisance of timelines to be observed for responding, the need for clarification of the request, and whether any exemptions need to be applied. The College will consider if exemptions apply to the requirement to release information.

. The College will also provide reasonable advice and assistance to applicants requesting information and treat all requesters equally.

7. Appeals

If an individual is not happy with how the College has handled their request or exemptions applied to the response, they have a right to ask for an internal review.

All requests for information and appeals should be addressed to:

Records Manager
South Eastern Regional College
Bangor Campus
Castle Park Road
Bangor
BT20 4TD

Informationrights@serc.ac.uk

If the individual is not happy with the Appeal Panel decision, they may contact the Information Commissioners Office at:

ICO
Wycliffe House
Water Lane
Wilmslow, Cheshire
SK9 5AF

8. Charges

The College will not as a matter of course make a charge for the provision of information. However it will consider on an individual basis whether to make a charge for production expenses (eg redacting, printing, photocopying), postage, and supplying the information in the format requested. Any charge made will reflect actual cost and will not include any profit to the College. Where a charge is considered to be appropriate, the person making the request will be informed of the charge. Once the fee has been received the College will endeavour to provide the information as quickly as possible and within the timelines outlined in the relevant Standard Operating Procedure.

9. Responsibilities

Under Section 36, the 'Qualified Person' is the Chief Executive.

The SIRO is responsible for ensuring compliance with legislation.

All staff are responsible for requests for information being forwarded promptly to the Freedom of Information Officer. A member of staff who is requested to supply information as a result of a request should do so within the time frames identified by the Freedom of Information

10. Communication

The College will train staff to recognise requests for access to information and to identify which is the relevant policy and procedure for dealing with a request or how to report receipt of a request.

11. Review

This Policy will be reviewed and amended annually if necessary; or sooner if required to reflect changes in legislation or circumstances.