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## UCL Freedom of Information Policy

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University College London

### Document Summary

<b>Document ID</b>	TBD
<b>Status</b>	Approved
<b>Information Classification</b>	Public
<b>Document Version</b>	Approved by the Information Risk Governance Group 10 April 2017

## 1. Introduction

The Freedom of Information Act 2000 imposes a duty on public authorities such as University College London:

1. To confirm or deny that the information requested is held.
2. If the information is held, to communicate it to the applicant.

Anyone may make a request in writing for recorded information held by or on behalf of UCL, and UCL must comply promptly and within 20 working days. Unless subject to one of 24 exemptions described by the Act, the information must be provided. In some circumstances an additional 20 working days may be permitted to consider the application of qualified exemptions that require a public interest test.

The Information Commissioner's Office is the independent regulatory authority for the Act, and the avenue of appeal for requests that have not been resolved to the applicant's satisfaction.

## 2. Scope

The purpose of this document is to define UCL's Freedom of Information Policy:

- The duties imposed by the Act and how UCL intends to discharge those duties
- Responsibility for ensuring compliance
- Complaints and appeals.

Staff guidance on our procedures and what to do when an FOI request is received is available on the Freedom of Information pages of the UCL website:

***<https://www.ucl.ac.uk/foi>***

## 3. Roles and responsibilities

UCL's Provost and Council have overall responsibility for Freedom of Information at UCL. Operational responsibility is delegated to the Freedom of Information Officer. The Data Protection & Freedom of Information Team will work collectively to respond to requests and ensure compliance with the Act.

The Qualified Person for determining the application of the Section 36 exemption (prejudice to the effective conduct of public affairs) is the Provost.

## 4. Publication Scheme

UCL maintains a Publication Scheme, listing the classes of information and the documents that it routinely publishes or intends to publish. The Publication Scheme is on UCL's website and hard copies of documents can be obtained from the Records Office or from relevant departments. The Scheme is reviewed annually.

## 5. Codes of practice

UCL will comply with the Act, and handle requests in accordance with the Codes of Practice issued by the Secretary of State for Constitutional Affairs under Sections 45 and 46 of the Act.

The purpose of the Section 45 Code is to facilitate disclosure by setting out good administrative practice, and standards for the provision of advice to applicants. It also covers consultation with third parties to whom the information relates or those likely to be affected by a disclosure of information, the implications of confidentiality provisions in contracts, the transfer of requests to other public authorities and the provision of a complaints procedure.

The Section 46 Code promotes good records management, based on the premise that 'Freedom of information legislation is only as good as the quality of the records and other information to which it provides access'. In accordance with the Records Management Policy the Records Manager is responsible for implementing UCL's approach to records management.

## 6. Handling and tracking of requests

The Freedom of Information Officer is responsible for the processing and monitoring of Freedom of Information requests.

The dedicated routes for information requests are:

- The email address: **foi@ucl.ac.uk**
- By post to:  
Freedom of Information Officer  
Legal Services  
University College London  
38-50 Bidborough St,  
Kings Cross, London  
WC1H 9BT

All Freedom of Information requests will be logged and tracked by the Data Protection & Freedom of Information Team. This will aid identification of repeat, similar or vexatious requests. Multiple requests for information on a particular subject will lead to consideration for its addition to the Publication Scheme during the annual review.

Where there is reason to believe that some or all of the information requested is held by another public authority, UCL will contact the applicant and provide information about where to re-direct the request. In some cases, the request may be transferred directly to the other authority.

Please note that UCLH is a separate public authority for the purposes of the Act and the UCL Student Union is a separate organisation which is not subject to the Act.

## 7. Exemptions and the public interest test

There are 24 exemptions from the right of access. Some are designated 'absolute', meaning that if an absolute exemption applies, then the duty to provide the information does not apply. Most are known as 'qualified' exemptions and require a public interest test to be applied, to decide whether the public interest in withholding the information outweighs the public interest in disclosing it.

Where an exemption is deemed to apply to some or all of the information requested, the applicant will be notified in writing. The relevant exemption will be cited and any information that is not exempt will be provided.

Since the Act contains a presumption in favour of disclosure, in cases where there is equal weight between withholding information and disclosing it, the information will be disclosed.

In determining whether disclosure would be likely to prejudice the effective conduct of public affairs (Section 36 of the Act), the designated Qualified Person will decide on the exemption's engagement. In UCL's case this is the Provost.

If legal opinion is thought to be necessary, it will be sought by the Freedom of Information Officer.

## 8. Personal information

Where an applicant makes a request for his or her own personal data, the data is absolutely exempt and the request will be treated as a subject access request under the Data Protection Legislation.

If the information requested includes personal information about a third party, the information will be provided, unless:

1. Disclosure would contravene any of the data protection principles. The key issues in this regard are fairness and lawfulness, and these will be considered fully before disclosure is made.
2. Disclosure of the information is likely to cause damage or distress.
3. The data subject would not be entitled to receive the data.
4. Disclosure would contravene UCL's notification to the Information Commissioner under Section 17 of the Data Protection Act.

## 9. Third party information

In accordance with the Code of Practice, where requests relate to persons other than the applicant and UCL, or disclosure may affect the interests of persons other than the applicant or UCL, UCL will, where appropriate, consult the third party promptly in order to determine whether an exemption applies, and to aid the decision on disclosure. However, the decision will be made entirely by UCL.

## 10. Fees

UCL will follow the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Accordingly, all requests that cost less than £450 to process (the 'appropriate limit') will be complied with free of charge.

If the estimated cost of compliance exceeds £450, the duty to comply with the request does not arise. Such requests may be refused. However, mindful of the duty to provide advice and assistance, where the cost of complying with a request would exceed the appropriate limit, the applicant will be helped, if possible, to modify or re-focus the request in order to bring the cost below the limit.

In calculating the cost of a request, UCL may only take into account the time taken to determine whether it holds the information, and to locate and retrieve it. It may not take into account the time taken to consider exemptions and to seek and obtain legal advice, to consider whether a request is vexatious, to obtain authorisation to provide the information, to calculate fees or to perform any redactions. Costs are calculated at an hourly rate of £25, the equivalent of two and a half working days.

Where communication costs (such as postage, photocopying, printing, CDs etc.) are less than £35 the information will be provided free. The applicant may be charged in full for these costs above that level. In these circumstances a fees notice will be issued, which must be paid within three months. During this period the 20 working day clock is stopped, and re-starts when the fee is received. If the fee is not paid, UCL is released from its obligation to provide the information.

UCL will not charge for information listed on its Publication Scheme except where specifically indicated on the Scheme.

## 11. Complaints

Any written reply from the applicant expressing dissatisfaction with UCL's response to a request will be treated as a complaint, whether or not the applicant has expressly stated a wish to have the decision reviewed. This includes appeals against decisions to withhold information. The Vice-Provost, Operations is responsible for handling complaints. UCL will endeavour to provide a response within 20 working days.

Complaints received more than two months after the initial decision will not be considered.

If dissatisfied with the outcome of the review, the applicant may seek a review by the Information Commissioner, who has powers to uphold or overturn the decision. UCL will abide by the decisions of the Information Commissioner's Office, unless it considers itself to have grounds for an appeal to the First-Tier Tribunal (Information Rights).

## Document Control Sheet

### Revision History

Date of this revision: 10.03.2017

Date of next revision: TBD

Revision date	Summary of Changes
10.03.2017	<p><b>1. Introduction</b>  <i>Deleted "in any case"</i>  <i>Replaced "23" with "24"</i>  <b>Added</b>  <i>"In some circumstances an additional 20 working days may be permitted to consider the application of qualified exemptions that require a public interest test."</i></p> <p><b>2. Scope</b>  <b>Added</b>  <i>"Staff guidance on our procedures and what to do when an FOI request is received is available on the Freedom of Information pages of the UCL website: <a href="https://www.ucl.ac.uk/foi">https://www.ucl.ac.uk/foi</a>"</i>  <b>Deleted</b>  <i>"The procedure for responding to requests is described in the Procedure for Handling Requests under the Freedom of Information Act 2000."</i></p> <p><b>3. Roles and Responsibilities</b>  <b>Replaced</b> word "in" <b>with</b> "at"  <b>Added</b> <i>"The Data Protection &amp; Freedom of Information Team will work collectively to respond to requests and ensure compliance with the Act."</i>  <b>Inserted</b> words "the", "exemption"</p> <p><b>4. Publication Scheme</b>  <b>Replaced</b> "will be" <b>with</b> "is"  <b>Deleted</b> <i>"A disclosure log will also be maintained on the website where documents provided in response to requests will be published for viewing or downloading."</i></p> <p><b>6. Handling and tracking of requests</b>  <b>Updated Address of</b> "Freedom of Information Officer"  <b>Deleted</b> <i>"By fax to 020 7679 2009."</i>  <b>Replaced</b> "Records Office" <b>with</b> "Data Protection &amp; Freedom of Information Team"</p>

<p><b>Added</b> “Please note that UCLH is a separate public authority for the purposes of the Act and the UCL Student Union is a separate organisation which is not subject to the Act.”</p>
<p><b>7. Exemptions and the public interest test</b>  <b>Replaced</b> “23” with “24”  <b>Added</b> “then” to “... an absolute exemption applies, the duty to provide the ..”  <b>Deleted</b> “and the balance of the public interest”  <b>Added</b> “on the exemption’s engagement.” to “... Qualified Person will decide.”  <b>Replaced</b> “UCL” with “UCL’s case”</p>
<p><b>8. Personal Information</b>  <b>Added</b> “under the Data Protection Act” to “... information requested <b>under the Data Protection Act</b> includes personal ...”</p>
<p><b>10. Fees</b>  <b>Added</b> “or to perform any redactions.” to “... calculate fees”  <b>Replaced</b> “will” with “may”  <b>Replaced</b> “A” with “In these circumstances”</p>
<p><b>11. Complaints</b>  <b>Replaced</b> “The Director of Estates &amp; Facilities is responsible for handling complaints.” with “The Vice-Provost, Operations is responsible for handling complaints.”  <b>Replaced</b> “A response will be provided within 20 working days.” with “UCL will endeavour to provide a response within 20 working days.”</p>

## Approvals

Endorsed by the Chair of the Information Strategy Committee	19-Mar-2012
Endorsed by the Security Working Group	20-Mar-2017
Endorsed by the Information Risk Management Group	30-Mar-2017
Approved by the Information Risk Governance Group	10-Apr-2017