



Freedom of Information Policy

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Purpose

Introduction

- 1.1 South Essex College is a public body and as such is subject to the Freedom of Information Act 2000. This policy details how staff, organisations or members of the public may make a freedom of information request (FOI request) to the College.
- 1.2 The Act provides a general legal entitlement to information held by the College (subject to certain exemptions). Therefore, any individual or organisation has the legal right:
 - To access information (subject to certain exemptions).
 - To request information held by the College, regardless of when it was created, by whom, or the form in which it is now held.
 - To be informed whether the College holds such information and if so to have that information communicated to them.
- 1.3 The Act operates in conjunction with the Data Protection Act 2018 and the Environmental Information Regulations Act 2004, and the College's Data Protection Policy.
- 1.4 This policy applies to all recorded information that the College holds, including printed documents, computer files, letters, emails, photographs, video and sound recordings.
- 1.5 The College cannot release all the information it holds. A decision by the College to withhold information will be based on reasons relating to data protection, commercially sensitivity, confidentiality, health and safety or safeguarding.
- 1.6 All Freedom of Information requests should be addressed to FOIgroup@southessex.ac.uk

2. Policy

- 2.1 The College will respond to a request within 20 working days following the receipt of the request. Where the College reasonably asks for further details to enable it to comply with the request, the response period does not start until these details are received.
- 2.2 If the College requires the applicant to pay a fee, the response period is suspended until the fee is received.
- 2.3 The College will proactively publish information as part of its Publication Scheme and will update it regularly.

- 2.4 The College will always release information requested provided it is not exempt under the FOIA or there is any other reason as set out in 1.5 above..

3. Roles and Responsibilities

- 3.1 Responsibility for ensuring compliance with this policy and the Act lies with the Chief Operating Officer and the Data Protection Officer.

- 3.2 The Data Protection Officer has the day-to-day responsibilities for co-ordinating the College's Freedom of Information function including:

- The overall development and maintenance of Freedom of Information Act compliance throughout the College and for establishing and promoting good practice.
- Reviewing this policy and all procedures and guidance
- Ensuring that the College's Publication Scheme, is maintained and updated regularly.
- Ensuring all information requests have been answered in line with the legislation.
- Providing general guidance and training, as well as specific advice, on any aspect of the Freedom of Information Act and the Publication Scheme.
- Liaising with the Information Commissioner's Office.

- 3.3 All members of staff, whether or not they create or manage information have responsibilities under the Act. They are to ensure that any information request they receive are forwarded to the Data Protection Officer.

4. Fees and charges

- 4.1 Under the Act the College can charge fees up to £450 for 18 hours of work as set out by the ICO.

- 4.2 Where the College refuse a request, it still has a duty to confirm or deny whether it holds the information, unless the cost of doing this would exceed £450.