

FREEDOM OF INFORMATION POLICY

SLG Owner	Stacey Malone
Department/Area	Freedom of Information
Date of review	28/03/2025
Date of approval	01/07/2025
Approved by	Corporation
Next review date	27/03/2027
Date of EIA if appropriate	01/04/2025
Status (delete as appropriate)	Internal/Website

SCOPE

The objectives of this policy are to ensure the college complies with the Freedom of Information Act 2000.

1. Background & Context

Dudley College is considered a Public Authority and must comply with the Freedom of Information Act 2000 (referred to as FOIA hereafter). FOIA provides a general right of access to all types of recorded information held by public authorities at the time of the request, subject to various exemptions and to a public interest test where the exemptions are qualified. Access to information must be provided in two ways: through proactive publication (Publication Scheme); and through responses to Freedom of Information Requests. This policy also covers the Environmental Information Regulations 2004, which gives the public a right of access to environmental information (EIR). Oversight of the FOIA and EIR rests with the Information Commissioner's Office (ICO).

2. Ownership

The college Senior Leadership Group (SLG) is responsible for approving the Freedom of Information Policy.

The college Data Protection Officer is responsible for advising with respect to overall compliance with the Data Protection and Freedom of Information Acts. In cases where there is a conflict of interest the Data Protection Officer will defer authority to the Vice Principal Curriculum and Data

3. Publication Scheme

The college publishes routine information on its website www.dudleycol.ac.uk

Classes of information include:

- Who we are and what we do?
- What we spend and how we spend it?
- Our strategic priorities and how we are doing.
- How we make decisions?
- Our policies and procedures.
- Lists and registers.
- The services we offer.

4. Freedom of Information Requests

Freedom of Information Requests (FOIR) and requests under the EIRs need to be made in writing to the Data Protection Officer:

Email: DPO@dudleycol.ac.uk

Data Protection Officer Dudley
College of Technology
The Broadway
Dudley
West Midlands
DY1 4AS

Any written request received by the college will be responded to within 20 working days following receipt of the request. Where it is possible considering, for example, cost and complexity, we will provide the information in the manner you request.

Some information may be exempt from disclosure under one of the exemptions outlined in the FOIA. Where this is the case, we will try to explain clearly which exemption we have applied and why, unless this would release the information intended to be protected by the exemption. All requests for information will be carefully considered on their own merits and with close regard to the public interest. Where appropriate, the college may exceed the 20-working-day deadline in order to consider the public interest. The length of the extension will depend on the circumstances, for example taking account of information that is particularly complex or voluminous. The extension will be no longer than 20 working days. The college will write to the requester informing them of the extension but also identifying the exemptions on which it intends to rely and why. You should provide your real name with your request. We encourage you to be as specific as possible when describing the information you are requesting, to help us in our search. This will also speed up our response, and ensure we provide you with all the relevant information you request.

The college is not obliged to comply with FOIRs that are vexatious or repeated (i.e., where the college has already complied with an identical or similar FOIR and a reasonable interval has not elapsed).

Requests for a person's own personal data are dealt with separately under the General Data Protection Regulation and the Data Protection Act 2018 [*and should be sent to the Data Protection Officer, whose contact details are above*].

5. Fees and costs

The college will generally not charge a fee for an FOIR. Where the estimated cost of compliance is greater than £450 (approximately 2.5 staff days at a cost of £25 per hour) we will endeavour to provide advice and assistance to help you to refine the FOIR such that it falls under £450. The college is not obliged to comply with FOIRs that are estimated to cost more than £450 in accordance with Section 12(1) ('excessive costs') of the FOIA.

6. Reviews and complaints

The college takes its obligations under the Freedom of Information Act (2000) and the Environmental Information Regulations 2004 very seriously. If you are not satisfied with the College's response or the process by which the initial response was managed, you may request an internal review by the Director of Corporate Governance. Director of Corporate Governance to the Corporation will act independently of the college on behalf of the Corporation in the conduct of the review. General complaints will be dealt with outside of the review process and will be dealt with as general correspondence.

To request a review of the original decision and/or the process by which it was managed, write to:

Director of Corporate Governance
Dudley College of Technology
The Broadway Dudley
West Midlands DY1 4AS

Requests for an internal review should be made in writing and should usually be submitted to the College within 40 working days from the date on which the College issued the initial response. Reviews will usually be conducted within 20 working days of receipt of the request. If you remain dissatisfied thereafter, you may apply to the Information Commissioner for a decision whether your request has been dealt with in accordance with the FOIA. Please see <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Complaints can be sent to <https://ico.org.uk/global/contact-us>. Alternatively write to:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

7. Reviews and complaints

Where information is held by college, the information will not be withheld unless:

- an exemption to disclosure under Part II of the FOIA applies;
- it would cost too much to comply with the request;
- the request is considered vexatious; and/ or
- the request is repeated.

The exemptions to disclosure set out in the FOIA include non-disclosure in matters of a sensitive commercial nature or where disclosure would prejudice the effective conduct of public affairs.

Some of the FOIA exemptions are absolute exemptions, for example, if the information is personal data. If an absolute exemption applies, then college does not need to release the information. The remaining exemptions are qualified exemptions that require college to

apply the public interest test in deciding whether to release the information. In considering the public interest, the college will take into account:

- whether the public interest in maintaining the exclusion of the duty to confirm or deny that information is held outweighs the public interest in disclosing whether holds the information; and/or
- whether the public interest in withholding information outweighs the public interest in releasing it.

Where the public interest test is relevant, the college will apply it separately to each piece of potentially exempt information.

Where a document cannot be released in its entirety, the college will endeavour to release what it is able to, in as intelligible a format as possible.

Where information is not held, the college will seek to provide appropriate advice and assistance to the requester.

Associated Documents

- Data Protection & Information Security.docx
- Privacy Notice