



## Freedom of Information (FOI) Policy

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<b>Related documents:</b>	Data Protection Act 2018 General Data Protection Regulations 2018, Records Management Policy
<b>University document:</b>	Yes <i>A University document applies across the institution, is approved by a committee of Council or Senate and is held in the University Policy Directory on SharePoint.</i>
<b>Published location:</b>	University of Hull Model Publication Scheme - <a href="https://www.hull.ac.uk/legal/model-publication-scheme">https://www.hull.ac.uk/legal/model-publication-scheme</a> : Staff Portal

- The University has adopted the principles of Designing for Diverse Learners, and all policy documents should be written with reference to these principles. Further information is available at the **Designing for diverse learners' website**.
- An Equality Impact Assessment (EIA) must be considered for all new and amended policies. Further information is available from the **EIA section of SharePoint**.
- This document is available in alternative formats from **[policy@hull.ac.uk](mailto:policy@hull.ac.uk)**.
- All printed or downloaded versions of this document are classified as uncontrolled

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## Freedom of Information (FOI) Policy

### 1 Introduction

- 1.1 The Freedom of Information Act (FOIA) gives the public the right to ask for any information held by a public authority. The University of Hull (University) is subject to the Act as a public authority under Schedule 1 Part IV 53 (1)(b) as a university receiving financial support under s65 of the Further & Higher Education Act. As such the University recognises its responsibility and is committed to promoting a culture of openness and transparency with all information held and ensuring compliance with the requirements of the FOIA.
- 1.2 This document is the Universities policy for meeting its requirements under the FOIA and Environmental Information Regulations (EIR) and will ensure that all staff are aware of the actions required and process to be followed upon receipt of a request for information.
- 1.3 This policy is supported by specific guidance and training material that are made available to all staff and should be read in conjunction with other related policies listed in the related documents section.
- 1.4 Any queries regarding this policy should be directed to the Data Protection Office at - [foi@hull.ac.uk](mailto:foi@hull.ac.uk).

### 2 Purpose & Scope

- 2.1 The purpose of this policy is set out, for the benefit of staff, students and other interested parties, guidance on the publication of information mandated by FOI/EIR and the handling of requests for information.
- 2.2 The legislation entitles individuals to access information.
- 2.3 This policy applies to:
  - **All** recorded information held and processed by the University. This includes information created by the University or its staff during university business stored in any system or format, electronic or manual.
  - All approved users of university records; all members of staff, as well as individuals conducting work at or for the University and/or its subsidiaries with access to university information (such as temporary, honorary, casual, volunteers, agency workers, students employed by the University, etc.).
  - Information held by third parties where that information is a record of services provided to the University/
  - All locations in which University records are held, including off-campus locations.
- 2.4 The University is committed to its obligations under the Act and will operate a transparent and open regime on the presumption that information can be disclosed unless there is a valid reason to restrict access (i.e., exemption applies).

### **3 Responsibilities**

- 3.1 The University is responsible for establishing policies and procedures and providing appropriate training and resources to comply with requirements of FOIA and EIR.
- 3.2 The overall responsibility for this policy and compliance with the Act has been designated to the University Secretary to ensure that the necessary resources are available to ensure staff are able to meet their obligations under the act.
- 3.3 The Data Protection team have responsibility for; -
- To provide training and raise awareness to all employees of their rights and responsibilities under this policy and the FOI procedure
  - Process FOI/EIR requests within legislative limits
  - Maintaining and review of the model publication scheme
  - Promoting good recordkeeping to facilitate timely retrieval
  - Providing advice on FOI matters
  - Apply exemptions and issuing refusal notices
  - Managing internal review requests and liaison with the Information Commissioners Office
- 3.4 All employees of the University are responsible for assisting the Data Protection team were requested in complying with the policy and ensure the university upholds its statutory obligations.
- 3.5 All employees should be aware that under section 77 of the FOI act it is a criminal offence to alter, deface, block, erase, destroy or conceal any record held by the University, with the intention of preventing the disclosure, or any part of the information to the communication of which the applicant would have been entitled. To do so can result in a fine and up to two years in prison.

### **4 FOI Procedure**

- 4.1 Under the terms of the Act individuals may submit request for information to the University.
- Requests must be in writing and be legible.
  - A name and return address must be provided.
  - A request can be made from anywhere in the world.
  - Must clearly identify the information being requested.
  - The FOI act is applicant and purpose blind, applicants do not have to give a reason for seeking the information
- 4.2 The contact details for submitting a request are as follows:
- Information Compliance Officer  
115a Venn Building  
The University of Hull  
Hull

HU6 7RX

Or via our email: [foi@hull.ac.uk](mailto:foi@hull.ac.uk)

- 4.3 A request for information may be received by any member of staff within the University. It is therefore important it is recognised as such and forwarded to the FOI team to process. If appropriate, assistance in making a written request should be provided to the requestor.
- 4.4 A request can also be made by social media e.g. Facebook, X, however it must contain a return address for response.
- 4.5 Requestors have the right to be informed within 20 working days whether the University holds the requested information and if so, subject to exemptions, to receive a copy of the information.
- 4.6 A requestor may ask for any information that is held by a public authority. However, this does not mean the public authority is obliged to provide the information. In some cases, there may be a valid reason why the University should not make public, some or all, of the information requested.

An entire request can be refused under the following circumstances:

- The request is vexatious (Section 14)
  - The request repeats a previous request from the same person
  - It would cost too much or take too much staff time to retrieve the relevant information (Section 12 – Over fee limit of 18 hours work)
- 4.7 Section 16 of the act places a duty on public authorities to provide advice and assistance to someone making a request. This means when the university refuses a requested based on exceeding the cost limit, they must advise the applicant how they can refine their request so that it can be answered within the appropriate cost limit (if possible, to do so).

## **5 Exemptions and the Public Interest Test**

- 5.1 The Freedom of Information Act accepts that there may be valid reasons for withholding information. There are [23 exemptions](#) under the act.
- 5.2 The most common exemptions considered by Universities are -
  - Information about living individuals the processing of which is covered by General Data Protection Regulation (the GDPR) or the Data Protection Act 2018 (the DPA 2018).
  - Information that might jeopardise the health and safety of staff, students or the public.
  - Information that might prejudice the universities commercial interests.
  - Information that would prejudice the prevention or detection of crime or the prosecution of offenders.
  - Information concerning legal proceedings or investigations being carried out by

the university that might lead to criminal or civil proceedings.

- Information held under obligation of confidentiality.
- Information that is published elsewhere or that is intended for publication at a later date (e.g. draft versions of documents, information subject to amendment or approval by an appropriate university body).

5.3 Some of the exemptions are subject to a harm and or public interest test, to determine whether there is a strong public interest in release or withholding the information.

5.4 The Data Protection team are trained to conduct this with liaison with faculties/information owners and will document a summary of the outcome in any response. They can extend the timescale for response when a public interest test is required.

5.5 In some cases, a neither confirm nor deny approach will be used as to whether the university holds the requested information.

## **6 Internal Review and Complaints**

6.1 Any dissatisfaction with the university's maintenance of the publication scheme or disclosure log will be treated as a complaint and dealt with by the university Data Protection Officer (DPO)

6.2 Requestors have the right to ask for an internal review of how their FOI request has been handled, if they are dissatisfied with the university response, this includes responses where the information has been withheld.

6.3 Such requests need to be submitted in writing to [foi@hull.ac.uk](mailto:foi@hull.ac.uk) or via the post to the address in section 3.

6.4 The internal review will be carried out by the DPO or University Secretary and responded to within 20 working days from receipt of request.

6.5 If the requestor remains dissatisfied after the outcome of the internal review, they can then appeal the decision to the Information Commissioners Office (ICO), the UK's independent body set up to uphold information rights.

## 7 Version Control

Version	Author	Date approved	Relevant sections
1.0	Kayleigh Wilson	June 2019	
2.0	Ellie Marshall/ Angela Clement	Sept 2022	
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