

Freedom of Information Policy

The Freedom of Information Act 2000 came into effect in January 2005, for the purpose of increasing the operational transparency of public authorities. Kingston University is defined as a public authority under the Act, and is committed to managing the associated obligations in an effective manner. The two principal responsibilities set out in the Act are to:

- Maintain a publication scheme which functions as a guide to information that is routinely published by the University;
- Respond to individual requests for information.

1. Publication Scheme

The University's publication scheme (together with those of its subsidiary companies) is available on the external website

(http://extranet.kingston.ac.uk/freedom_of_info/index.html). It is maintained by the University Secretary's Department, in conjunction with Information Services, and is reviewed on an annual basis. Individual departments are responsible for ensuring that information posted elsewhere on the website is kept up to date, so that the scheme functions as an effective guide to accurate information about the University.

2. Responding to Individual Requests for Information

2.1 Format of Requests

The Act gives the right to any individual to request information held by the University. A request must be made in writing, state the name of the applicant, provide an address (postal or e-mail) for correspondence, and describe the information requested. It need not explicitly state that the request is being made under the Act, nor explain why the information is being requested. Requests submitted electronically (i.e. by e-mail or fax) are acceptable provided that they satisfy the above criteria, are legible, and are capable of being used for subsequent reference. Upon receipt of a request the University is required to provide a substantive response within 20 working days.

2.2 Exemptions

Any information that is held by the University is in principle viewable by a member of the public under the Act. However, information can be withheld from disclosure if an exemption specified by the Act applies, although in some cases these are subject to a public interest test, which requires disclosure if the public interest in releasing the information outweighs any argument for non-disclosure.

2.3 Responsibilities and Accountability

- The Copyright Officer, based in Information Services, runs the arrangements for responding to requests on a day to day basis;
- The Head of Secretariat, based in the University Secretary's Department, oversees the process, providing advice and escalating queries as necessary;
- The University Secretary arbitrates in circumstances where no agreement is possible.

2.4 Key Principles

The following key principles guide the work of Information Services and the University Secretary's Department in relation to Freedom of Information requests:

- Exemptions and the public interest test will be applied robustly in line with the Act;
- Where information is currently available elsewhere we will refer applicants to this;
- No personal information – defined as including personal data as specified by the Data Protection Act 1998, plus individual e-mail addresses, direct dial and mobile telephone numbers, salary or any other financial data relating to individuals – will be released without prior consultation by the USD with the person(s) involved;
- Nothing directly relating to a member of the Executive Board, the Academic Board or the Board of Governors or the papers of these bodies will be released without the approval of the University Secretary;
- Where it is proposed to release any data the Senior Management Group member responsible for the area in question will be made aware of this and offered the opportunity to comment;
- The Copyright Officer will in all cases work closely with the Directors or Heads of Sections who are the data owners;
- The Press Office and the Pro Vice-Chancellor for External Affairs will be advised of all FOI requests and offered the opportunity to comment before information is released.

2.5 The Process

2.5.1 Receipt of Requests – All Staff

Requests for information that can be fulfilled in the course of routine University business (e.g. prospectus requests etc) need not be treated as requests made under the Act. However, any request that explicitly references the Act, or that requests information which

is not made available routinely, should be regarded as falling under the Act, as should any request where there is doubt over the appropriate course of action.

It is essential that all requests which may fall under the Act are forwarded immediately to the Copyright Officer (freedomofinformation@kingston.ac.uk). **No faculty or department should attempt to respond to an FOI request itself.** Where enquiries are received by telephone in relation to information that may fall under the Act, the enquirer should be provided with the above e-mail address and advised to make a request in writing as per 2.1 above. Where the enquirer does not have access to e-mail facilities, they should be advised to send their request to:

Copyright Officer, Information Services, Kingston University, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2EE

2.5.2 Role of the Copyright Officer

The Copyright Officer will:

- Log the request and allocate a reference number;
- Prepare and send the applicant an acknowledgment letter/e-mail, specifying the date by which they will receive a substantive response;
- Ask the applicant to clarify their request if it is vague or unclear;
- Forward the request to the appropriate Director or Head of Section who is the data owner, asking them to provide the requested information within 10 working days; the Press Office and PVC for External Affairs will be copied into this e-mail, as will the University Secretary if the requested information relates to a member of the Executive Board, the Academic Board or the Board of Governors, or the papers of these bodies.
- Contact the applicant to advise them that the deadline for response has been extended by an additional 20 working days if the Head of Secretariat has advised that it is necessary for the public interest test to be applied;
- Prepare a draft response;
- Include within the response details of any exemption that is cited, the reasons for this, and the factors for and against disclosure that were considered as part of the public interest test, where a qualified exemption is cited;
- Forward the draft response to the SMG member responsible for the area in question, the Press Office and the PVC for External Affairs, for their comments. The draft response will also be forwarded to the University Secretary where the

requested information relates to a member of the Executive Board, the Academic Board or the Board of Governors, or the papers of these bodies, for his approval.

- Send the final response to the applicant.

The Copyright Officer will seek advice from the Head of Secretariat when:

- The information requested includes personal information as defined in 2.4 above;
- The Copyright Officer or data owner is of the view that an exemption may apply;
- There are any other issues relating to the request which require resolution;
- The appropriate wording for the response is unclear.

2.5.3 Role of the Head of Secretariat

The Head of Secretariat will:

- Contact the individual concerned when the information requested includes personal information as defined in 2.4 above;
- Provide advice when the Copyright Officer or data owner is of the view that an exemption may apply;
- Discuss with the SMG member responsible for the area in question any issues relating to the request which require resolution;
- Notify the Copyright Officer if it is necessary to apply the public interest test in relation to a qualified exemption that is being considered;
- Notify the Copyright Officer of the factors for and against disclosure that were considered as part of the public interest test, where a qualified exemption is cited;
- Ask the University Secretary to make a final decision as to how the University will respond if an issue cannot be resolved or there is serious doubt about the appropriate course of action.

2.5.4 Role of Data Owners

Data owners will:

- Acknowledge receipt of any request for information from the Copyright Officer;
- Either, provide the requested information as quickly as possible, and in any event, within 10 working days, or, notify the Copyright Officer as quickly as possible if they

believe that an exemption may apply or they have concerns over disclosure of the information that has been requested.

3. Charges

Documents provided electronically via an e-mail attachment will be supplied free of charge. A charge of £1 per CD-ROM will be made where the size(s) of electronic file(s) requested is sufficiently large for it not to be possible to send the requested information by e-mail, or where the information has been specifically requested in this format. A charge will not be made for hard copy paper documents, except where a total of 100 or more pages has been requested, in which case a charge of 2p per page will be made to cover photocopying costs. The University reserves the right to amend this charging policy at any time. Any charges payable will be notified to the applicant by the Copyright Officer, and payment required, prior to the request being fulfilled.

4. Complaints

If an applicant is unhappy with the service that they have received in response to their request, and wishes to make a complaint or request a review of the University's decision, they should contact the Head of Secretariat at:

Kingston University, River House, 53-57 High Street, Kingston upon Thames, Surrey,
KT1 1LQ

In the event that the applicant is not content with the outcome of their complaint, they may apply directly to the Information Commissioner for a decision. Generally the Information Commissioner cannot make a decision unless the applicant has exhausted the complaints procedure provided by Kingston University. The Information Commissioner can be contacted at:

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

5. Web Links

Kingston University Publication Scheme: http://extranet.kingston.ac.uk/freedom_of_info/

Freedom of Information Act 2000: www.opsi.gov.uk/Acts/acts2000/ukpga_20000036_en_1

Information Commissioner's Office: <http://www.ico.gov.uk/>

Donald Beaton, University Secretary, 3 March 2009.