



Freedom of Information Policy

Rev	Date	Purpose of Issue/Description of Change	Equality Impact Assessment Completed
1.	November 2005	Initial Issue	
2.	15 th June, 2012	Revised and Updated	
3.	5 th October 2015	Revised and Updated	1 st December, 2015
4.	1 st February 2016	Minor amendment approved	
5.	3 rd June 2019	Revised and Updated	

Policy Officer	Senior Responsible Officer	Approved By	Date
Head of Governance and Compliance	University Secretary	Compliance Task Group	3 rd June 2019

This Policy will be reviewed in 3 years

Freedom of Information Policy

Bangor University takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which this effective management can be achieved and audited.

1. Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about the University is made available to the public as a matter of course, and indexed through the University's Publication Scheme and Guide to Information;
- other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner; and
- in cases where information is covered by an exemption, consideration is given at the appropriate level within the University as to whether or not the information should be released.

2. Responsibilities

[a] University Responsibilities

The University is responsible for establishing policies and procedures, and for making available appropriate training, in order to comply with the requirements of the Freedom of Information Act 2000.

[i] The Compliance Task Group

The Compliance Task Group is responsible for the development, implementation, monitoring and review of the University's Freedom of Information Policy. The Compliance Task Group is chaired by the University Secretary and reports to the University Executive.

[ii] University's Freedom of Information Officer

- The Compliance Task Group will nominate an appropriate person as the University's Freedom of Information Officer, who will be a person of sufficient knowledge and seniority in the University.
- The nominated University Freedom of Information Officer is the Head of Governance and Compliance in the Governance and Compliance Office.
- The University will make arrangements for the identity of the University's Freedom of Information Officer to be made known to all staff, students, consultants, contractors and volunteers and will also draw to their attention this Policy and associated documentation. The Freedom of Information Officer is responsible for drawing up guidance and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.
- The Freedom of Information Officer has access to all relevant documents (in their original, un-redacted format) relating to a legal compliance request and it is the Freedom of Information Officer (in consultation, when necessary, with the relevant senior officers) that will make the decisions regarding what information is released or exempted.

[b] Responsibilities of Deans of College, Heads of School and Directors of Professional Services

Deans of College, Heads of School and Directors of Professional Services are responsible for ensuring compliance with the Freedom of Information Act within their areas of responsibility, and for ensuring that the requirements of this Policy are made known to staff and appropriate procedures are in place to ensure compliance.

Deans of College, Heads of School and Directors of Professional Services must ensure that all new members of staff receive an introductory briefing on the Freedom of Information Act and that relevant staff members within their areas of responsibility receive refresher courses on freedom of information compliance (available in Welsh or English by contacting the Governance and Compliance Office).

[c] Staff Responsibilities

Compliance with the provisions of the Freedom of Information Act and the requirements of this Policy is the responsibility of all staff, and staff have a duty to ensure they are aware of their obligations under the Act.

Further guidance on the requirements of the Act and the procedures relevant to this Policy are available from the Head of Governance and Compliance or on the Governance and Compliance Office web pages.

[d] Contractors, Casual and Voluntary Staff

Deans of College, Heads of School and Directors of Professional Services, who employ contractors, casual or voluntary staff must ensure that these individuals are made aware of their obligations under the Act and the requirements of this Policy.

The University's standard freedom of information clause (included as an Appendix to this Policy) must be inserted into all University contracts.

3. The University's Publication Scheme

The University's Freedom of Information Officer is responsible for ensuring that the University's Publication Scheme complies with the requirements of the Information Commissioner's Office and that it is regularly updated and reviewed. The University's Publication Scheme is available on the University's webpages.

Bangor University has adopted the Information Commissioner's Model Publication Scheme in drawing together its Publication Scheme.

The Publication Scheme will specify:

- what information the University will make routinely available to the public as a matter of course
- how it will do so, and
- whether or not this information will be made available free of charge or on payment of a fee

4. Specific Requests for Information

Information held, and not already made available in the University's Publication Scheme is accessible by making a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

These rights can be exercised by anyone worldwide. These specific requests for information not listed in the publication scheme are dealt with by the Compliance and Records Manager on behalf of the Head of Governance and Compliance.

Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request, however this will be made known to the requestor at an early stage and the Compliance and Records Manager will offer advice and guidance to assist the requestor in making a request which can be dealt with free of charge. Requestors will not be entitled to information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Head of Governance and Compliance, in discussion with the relevant senior officer.

The University must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

5. Appeals Process

[a] The Code of Practice issued under Section 45 of the Freedom of Information Act places a duty on public authorities to put in place an appeals procedure to ensure that applicants are able to call for an internal review if they are not content with the public authority's handling of their request.

[b] In line with guidance from the Information Commissioner's Office, an appeal request must be submitted within two months of the University's final response to a Freedom of Information Act request. A request for an appeal should be made, in the first instance, to the Governance and Records Manager, who will discuss the appeal with the Head of Governance and Compliance and a decision made as to whether the appeal is dealt with by a senior member of staff who has not had previous knowledge of the request (normally the University Secretary) or whether the appeal will be dealt with by the Review Panel (as detailed in Section [c] below). The decision on whether the appeal is dealt with by a senior officer or by the Panel is made by the University Secretary based on the complexity and nature of the request. On receipt of the request for an appeal the requester will receive an acknowledgment and an indication of when they will expect a response.

[c] Review Panel

A review panel may be convened to consider any appeal following the University's response to a Freedom of Information Act response. The review panel would normally consist of three senior members of staff, one of whom would normally be the University Secretary, and should provide a fair and impartial means of reviewing decisions made during the original consideration of whether to release information.

- [d] Internal reviews, by whichever method, will consider the information released against the information requested and will undertake a review of the papers associated with the original application, this may include discussing the original decision with members of staff who were involved with the application.
- [e] In accordance with recommendations from the Department for Constitutional Affairs, the University aims to deal with straight forward requests for an appeal within 20 working days of receiving the request, whilst aiming to deal with more complex reviews, such as reconsidering the public interest test, within 40 working days of receiving the complaint.
- [f] If applicants are dissatisfied with the outcome of the appeals process they may seek an independent review from the Information Commissioner's Office.

6. Charges

Unless otherwise specified information made available through the University's Publication Scheme will be free of charge.

In accordance with the Act the University reserves the right to charge a fee for dealing with a request for information not listed in the publication scheme, if it is likely that this request will take more than 2.5 days to find, sort and edit the documents (a cost of £450 calculated at £25 per hour). However in cases where the request may attract a fee the University will offer advice and guidance in the first instance.

7. Exemptions under the Act

The University may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the University will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix 1 of this policy.

8. Contacts

Head of Governance and Compliance / Nominated Freedom of Information Officer

Governance and Compliance Office
Bangor University
College Road
Bangor
Gwynedd LL57 2DG

Tel: (01248) 38 2413

E-mail: info-compliance@bangor.ac.uk

APPENDIX 1

List of exemptions under the Freedom of Information Act 2000

A. Exemptions where the public interest test applies:

- s22 Information intended for future publication
- s24 National security
- s26 Defence
- s27 International relations
- s28 Relations within the United Kingdom
- s29 The economy
- s30 Investigations and proceedings conducted by public authorities
- s31 Law enforcement
- s33 Audit functions
- s35 Formulation of government policy, etc.
- s36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- s37 Communications with Her Majesty, etc., and honours
- s38 Health and safety
- s39 Environmental information
- s40 Personal information (Only where the information concerns a third party and a s.10 notice under the Data Protection Act 1998 applies to that information)
- s42 Legal professional privilege
- s43 Commercial interests

B. The absolute exemptions

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

- s21 Information accessible to applicants by other means
- s23 Information supplied by, or relating to, bodies dealing with security
- s32 Court records, etc.
- s34 Parliamentary
- s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- s40 Personal information (where the applicant is the subject of the information)
- s41 Information provided in confidence
- s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

Appendix 2

Bangor University Freedom of Information Clause

Definitions

“EIR” the Environmental Information Regulations 2004 (as amended from time to time);

“FOIA” the Freedom of Information Act 2000 (as amended from time to time);

Clauses

1. EIR & Freedom of Information

1.1 The Company acknowledges that the University is subject to requirements under the EIR and FOIA and shall assist and cooperate with the University to enable the University to comply with any information disclosure requirements.

1.2 Where the University receives a request to disclose any information that, under this Agreement, is the Company’s Confidential Information, it will notify the Company and will consult with the Company. The Company shall respond to the University within 5 working days after receiving the University’s notice of the request. In the event that the Company fails to respond within the requisite period, the University reserves the right to disclose any such information it deems appropriate.

1.3 The University shall be responsible for determining at its absolute discretion whether the information is:-

1.3.1 exempt from disclosure in accordance with the EIR or FOIA;

1.3.2 to be disclosed in response to a request for information under the EIR or FOIA and in no event shall the Company respond directly to a request for information unless expressly authorised to do so by the University.

1.4 The Company acknowledges that the University may be obliged under the EIR or FOIA to disclose information following consultation with the Company and having taken its views into account.