

Freedom of Information Act (FOIA) & Environmental Information Regulations (EIR) Policy

Version 3.0
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Introduction

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) are laws passed to do two things.

- Ensure public authorities proactively publish certain information about how they operate.
- Allow members of public the right to request information from public authorities.

For the purposes of the legislation, the University of Liverpool is deemed a public authority.

The legislation was created to promote better openness and transparency around decisions and actions taken by public authorities and to increase public trust.

Both laws allow public access to any recorded information held by a public authority. Recorded information includes printed documents, emails, photos, CCTV and a wide range of information held in other formats.

All requests must be answered within 20 working days, subject to exemptions and limits placed on time and cost of response.

1. Purpose & Scope

The purpose of this policy is to ensure that the provisions of the FOIA and EIR are adhered to and in particular that:

- Routinely published information about the University is made available to the public as a matter of course, and indexed through the Publication Scheme.
- Information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner.
- Advice and assistance is provided to anyone seeking information about the University.
- If information is covered by an exemption, consideration is given as to whether or not the information should be released.
- All staff are aware of how FOIA and EIR applies to their day to day work.

All information held by the University of Liverpool is covered by the right of access. The legislation entitles individuals to have access to information, not to documents per se. This policy applies to:

- All recorded information held and processed by the University. This includes any information created by the University or its staff in the course of University business held in any system or format, electronic or manual.
- All approved users of University records including all members of staff, as well as individuals conducting work at or for the University and/or its subsidiaries, who have access to University information (such as temporary, honorary, casual, voluntary and 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.

The University has adopted the Information Commissioner's Model Application Scheme for universities. The University's Publication Scheme is available at www.liverpool.ac.uk/legal/freedom-of-information/publication-scheme/. It is maintained by Legal & Governance and 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. Responsibilities under this Policy

The University is responsible for establishing policies and procedures, and for making available appropriate training, in order to comply with the requirements of FOIA and EIR.

2.1 Vice Chancellor

For the purposes of the Act, the Vice Chancellor is the nominated “qualified person” responsible for considering whether a section 36 exemption applies to any requested information which would prejudice the effective conduct of public affairs. Should the Vice Chancellor be away from the office, or a request concern the Vice Chancellor, when a section 36 approval is required, it would fall to University Secretary/Director of Legal & Governance to determine whether the exemption applies to the requested information. This responsibility cannot be delegated to anyone other than to the Vice Chancellor or University Secretary/Director of Legal & Governance.

2.2 Information Governance Committee

Information Governance Committee is responsible for the development, internal monitoring and review of the University’s Freedom of Information Policy. The Information Governance Committee reports to the Senior Leadership Team, referring matters to Audit Committee as appropriate.

2.3 Legal & Governance

The Legal & Governance Team is responsible for logging, coordinating and monitoring the University’s response to FOIA and EIR requests. This duty also includes overseeing internal review requests and complaints made to the Information Commissioner’s Office.

The Legal & Governance Team is also responsible for providing procedures, guidance and training to staff across the University with regards to the legislation, as required. This includes providing appropriate advice on exemptions and public interest tests, where necessary.

2.4 Heads of Department, School, Faculty and Central Professional Services

Heads of Department, School, Faculty and Central Professional Service departments are responsible for ensuring that their department is complying with the requirements of the legislation and this policy.

This includes supporting FOI Co-ordinators to provide information promptly, in order to ensure the University meets the statutory time limit for responding to the request.

2.5 FOI Co-ordinators

FOI Co-ordinators are responsible for organising how their department’s response to the requests received. This includes gathering information in a prompt manner and where, appropriate raising questions regarding disclosure or exemptions with the Legal & Governance Team.

A [list of FOI Co-ordinators](#) is held on the Legal & Governance intranet site.

2.6 Individual Members of Staff

FOIA or EIR requests are generally received directly by Legal & Governance. However, they can be made to the University through any department. It is important that all staff know what to do if they receive a request and act quickly so the response is not delayed.

- Requests must be forwarded immediately on receipt to the [Legal & Governance Team](#).
- Requests will often not state they are an FOIA or EIR request specifically.
- If you are unsure whether the correspondence you have received is an FOI or EIR request, send it to the [Legal & Governance Team](#) anyway for assessment.

3. Charges

The spirit of the legislation is for the University to be as open and transparent as possible. With this in mind, the majority of responses are provided free of charge via email.

Where information is requested in other forms, such as on CD or in physical documents, the University may impose an appropriate charge to reimburse the costs of providing the information. Any charges payable will be notified to the requester and payment must be made prior to the information being disclosed.

4. Complaints

Any requester who is unhappy with the outcome of their request for information is entitled to an internal review by the University. This review must be requested within 40 working days of receiving the University's initial disclosure. Internal reviews must be carried out by staff with appropriate seniority that was not involved in the original request. All requests for internal review must be logged by the Legal & Governance Team in the first instance.

An individual who is unhappy with the outcome of an internal review may make an appeal and apply directly to the Information Commissioner for a decision. Generally the Information Commissioner cannot make a decision unless the applicant has exhausted the complaints and review procedure provided by the University. The Information Commissioner can be contacted at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303 123 1113 www.ico.gov.uk. There is no charge for making an appeal.

5. Policy Compliance

Failure to comply with this Policy and associated guidance in protecting University information (or that entrusted to us by a third party) puts the University at risk of reputational damage as well as a breach of legal and regulatory requirement. It may also lead to disciplinary action in accordance with the relevant Disciplinary Policy (staff or student) or misconduct investigation in accordance with relevant Misconduct Policy.

Mishandling of requests for University information is a breach of the law and could lead to disciplinary investigation. All staff should be aware that is a criminal offence to intentionally conceal, destroy or alter information that is the subject of FOIA or EIR requests to prevent it from being released.

6. Who to Contact

If you need further advice about FOIA or EIR legislation, please see the [staff intranet pages](#) for guidance and processes. These pages will be updated periodically with FAQs and other documents. Please contact the Data Protection Officer if you have specific questions.

Dan Howarth
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7. Policy Document Control

Policy Version Control			
Author	Summary of changes	Version	Authorised & Date
FOI Officer / Data Protection Co-ordinator	Revision of policy	V3.0	IGC: 07/01/2020
Director of Legal & Governance	Reviewed January 2017	V2.0	
Director of Legal Services	Produced November 2008	V1.0	
Policy Management & Responsibilities			
Owner (usually HoD)	<p>This policy is owned by the Director of Legal & Governance on behalf of the Information Governance Committee. The Director of Legal & Governance has the authority to issue and communicate policy on legal and statutory compliance including related priorities.</p> <p>The Director of Legal & Governance has delegated responsibility for the day to day management, implementation and communication of the Policy to the Data Protection Officer/Freedom of Information Manager.</p>		
Policy Review			
Review due:	Bi-annually by January 2022		
Document Location:	Legal & Governance website www.liverpool.ac.uk/legal University Policy Repository (under development)		
** The Owner & Author are responsible for publicising this policy document.**			