



FREEDOM OF INFORMATION POLICY

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DATE: January 2023

VERSION 2.0

Freedom of Information policy

1 THE COLLEGE'S OBLIGATIONS

The public have a right to ask for information held by Calderdale College under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

Calderdale College has 20 working days in which to respond to FOIA or EIR requests. Both the FOIA and EIR have "exemptions" or "exceptions" – circumstances under which the College can legitimately refuse to provide some or all of the information requested. The College will always explain its reasons for refusing, and requesters have a right to ask us to review our decision.

The College is required by the Act to maintain a publication scheme where it lists the types of information it makes routinely available in a framework set by the Information Commissioner's Office. This can be found on the College's website.

2 THE REQUEST PROCESS

FOIA requests should be submitted to jonathanha@calderdale.ac.uk

If staff directly receive a request quoting Freedom of Information or the Environmental Information Regulations, they will forward it to jonathanha@calderdale.ac.uk as soon as they can.

2.1 Clarifying requests

If it is not clear what the requester is asking for, the College can ask them to clarify their request. The 20 working day 'clock' then restarts at the beginning when clarification is received.

2.2 Withholding information

There are a number of exemptions in FOIA ('exceptions' in EIR) where the College can withhold information. The most common are:

- Where the information is already available to the public
- Where the information is due to be formally published at a future date
- Where disclosing the information would prejudice the prevention or detection of crime
- Where disclosing the information would affect the running of the College and undermine its internal planning and discussion
- Where disclosure would affect the health and safety of individuals
- Where disclosure would breach the data protection principles
- Where disclosure would breach the College's duty of confidentiality
- Where information requested is subject to legal professional privilege
- Where disclosure would prejudice the College's commercial interests or those of their contractors

There are other grounds for refusal under FOIA, where:

- It will take more than 18 hours to determine the College hold the information, locate, extract and retrieve it
- The request is vexatious, according to range of criteria defined in law

Any response which withholds or refuses information will set out for the requester the exemptions in the act that apply and details of the public interest test carried out where relevant.

2.3 Reviews and appeals

If a requester is unsatisfied with the response to their request, they can request an internal review. An internal review is carried out by a senior member of staff and allows the College to revisit how the request was handled and whether exemptions the College were applied correctly. An internal review should take no longer than 20 College days, though in exceptional cases may take longer.

2.4 The Information Commissioner

If the requester is unsatisfied with the outcome of the internal review, they may escalate the request to the Information Commissioner’s Office (ICO). The ICO will investigate the request and decide on whether the College has correctly complied with FOIA in the handling of the request. They may, for example, require the College to disclose information it claimed was exempt.

3 REVIEW AND VERSION HISTORY

Prepared by	Authorised by	Date	Review Date
HR Business Partner	Head of HR and Organisational Development	April 2018	April 2021
Senior Data Protection Advisor, Naomi Korn Associates	Head of HR and Organisational Development	April 2023	April 2026