Freedom of Information Policy

2026 to 2028

SLT Owner	**Robert Pickup**
Department Area	**Finance & Corporate Resources**
Date of Review	
Date of Approval	
Approved by	**Board of Governors**
Next Review Date	**July 2028**
Status	**Publish on Website**

1. Background & Context

Sandwell College is committed to the requirements of the Freedom of Information Act 2000 (referred to as FOIA hereafter), which enables public access to information held by public authorities, including further education colleges. The College will implement the requirements of the FOIA and any subsequent amendments or regulations and the College's controls and procedures will ensure integrity and security of data.

FOIA provides a general right of access to all types of recorded information held by public authorities at the time of the request, subject to various exemptions and to a public interest test where the exemptions are qualified. Access to information must be provided in two ways: through proactive publication (Publication Scheme); and through responses to Freedom of Information Requests. This policy also covers the Environmental Information Regulations 2004, which gives the public a right of access to environmental information (EIR). Oversight of the FOIA and EIR rests with the Information Commissioner's Office (ICO).

The College will implement the FOIA and will:

- establish, maintain and regularly review a Publication Scheme, to include the maximum information which can reasonably be provided on a routine basis
- provide information in accordance with the requirements and exemptions of the FOIA, and within the specified timescales
- advise enquirers on requests for information.

The College will ensure that:

- staff are aware of their responsibilities under the FOIA.
- staff are trained and supported to deal effectively with the requirements of the FOIA, including the need to deal with information requests, in whole or in part, in accordance with the FOIA or with the Data Protection Act and Environmental Information Regulations.
- the requirements of the FOIA are considered in decision-making processes, such as the development of policy and procedures and the design and the implementation of information systems.

2. Ownership

The college Information Officer is responsible for advising with respect to overall compliance with the FOIA.

3. Publication Scheme

The FOIA requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme. Sandwell College has adopted the model Publication Scheme as prepared and approved by the Information Commissioner. This is included in full as Appendix 1 to this document.

The college publishes routine information on its website.
Classes of information include:

- Who we are and what we do
- What we spend and how we spend it
- Our strategic priorities and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

4. Freedom of Information Requests

Requests for information should be made in writing, by letter or email, to:
The Executive Director Finance and Resources
Freedom of Information Officer
Sandwell College – Central Campus
1 Spon Lane
West Bromwich
West Midlands
B70 6AW
Email: enquiries@sandwell.ac.uk

If a request for information is too general the College will offer advice and assistance to determine the information required. We do not have the right to ask why information is being sought, but this information can be volunteered to assist the College to deal with requests.

Requests will be dealt with promptly within the required response time of 20 working days. Working days exclude weekends and bank holidays.

Some information may be exempt from disclosure under one of the exemptions outlined in the FOIA. Where this is the case, we will try to explain clearly which exemption we have applied and why, unless this in itself would release the information intended to be protected by the exemption.

All requests for information will be carefully considered on their own merits and with close regard to the public interest. Where appropriate, the college may exceed the 20-working-day deadline in order to consider the public interest. The length of the extension will depend on the circumstances, for example taking account of information that is particularly complex or voluminous. The extension will be no longer than 20 working days. The college will write to the requester informing them of the extension, but also identifying the exemptions on which it intends to rely and why. You should provide your real name with your request. We encourage you to be as specific as possible when describing the information you are requesting, to help us in our search. This will also speed up our response, and ensure we provide you with all the relevant information you request.

The college is not obliged to comply with FOI requests that are vexatious or repeated (i.e. where the college has already complied with an identical or substantially similar FOIR and a reasonable interval has not elapsed).

Requests for a person's own personal data are dealt with separately under the General Data Protection Regulation and the Data Protection Act 2018.

Appendix 2 to this document details the current costs charged for the retrieval of information.

The Information Officer will maintain a register of all requests for information made under the Freedom of Information Act and the action taken on each application. The register will identify whether the same or similar information has previously been requested and provided, or refused and the reasons for any refusal. This will ensure consistency in dealing with the similar requests and will assist in identifying repeated, duplicate or vexatious requests. The register will also detail any fees that have been charged for information.

The College will register all complaints received about its Freedom of Information arrangements and will ensure that any issues that arise are used to improve related policies, procedures and guidance.

This policy will be reviewed periodically to ensure it remains up to date, effective and takes account of emerging good practice. Where new legal directions come into force, the policy will be reviewed in line with the commencement date of that legislation. The Freedom of Information Policy will be approved by the Board of Governors.

The College has adopted the model definition document that has been prepared and approved by the Information Commissioner and is included on ico.org.uk.

Internal Review and Appeal

The college takes its obligations under the Freedom of Information Act (2000) and the Environmental Information Regulations 2004 very seriously.

If an applicant is dissatisfied with the handling of a request, they have the right to ask to request an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to the original request for information. The Principal will arrange for an internal review to be undertaken.

If an applicant is dissatisfied with the outcome of an internal review, he/she has the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Requests from College Staff

College staff would not be expected to make requests for information under the Freedom of Information Act whilst acting in their respective employee roles without first discussing their request with their line manager and/or a member of the Senior Leadership Team.

APPENDIX 1 – Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice. Sandwell College has adopted the model publication scheme.

This publication scheme commits the College to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the College. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.
The scheme commits the College:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the College and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term ‘dataset’ is defined in section 11(5) of the Freedom of Information Act. The terms ‘relevant copyright work’ and ‘specified licence’ are defined in section 19(8) of that Act.

Classes of Information

- ***Who we are and what we do.***
  Organisational information, locations and contacts, constitutional and legal governance.
- ***What we spend and how we spend it.***
  Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- ***What our priorities are and how we are doing.***
  Strategy and performance information, plans, assessments, inspections and reviews.

- ***How we make decisions.***
  Policy proposals and decisions. decision making processes, internal criteria and procedures, consultations.
- ***Our policies and procedures.***
  Current written protocols for delivering our functions and responsibilities.
- ***Lists and Registers.***
  Information held in registers required by law and other lists and registers relating to the functions of the College.
- ***The services we Offer.***
  Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

Where it is within our capability, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the College will indicate how information can be obtained by other means and provide it by those means.
In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
Information will be provided in the language in which it is held or in such other language that is legally required. Where the College is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for Information published under this scheme
The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the College for routinely published material will be justified and transparent and kept to a minimum.
Material which is published and accessed on a website will be provided free of charge.
Charges may be made for information subject to a charging regime specified by Parliament.
Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written Requests

Information held by the College that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Further Information

General information on the Freedom of Information Act can be obtained from:
The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Or via the internet at: www.ico.gov.uk

APPENDIX 2 – Freedom of Information Charging Policy

Charges made by the college for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:
• photocopying
• postage and packaging
• the costs directly incurred as a result of viewing information
• the costs directly incurred in providing information in other formats e.g. audio, Braille

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations)

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) govern the college's ability to charge for information requests under the above acts. The regulations detail the requirements placed upon public bodies on what is considered appropriate for them to charge for requests made under the Freedom of Information and the Data Protection Acts. Full details of the regulations can be found under Statutory Instrument 2004 No. 3244, available at the website of the Office of Public Sector Information www.opsi.gov.uk.

In summary, the college is allowed to charge a fee for providing information in response to a Freedom of Information Act request, and the fee must be determined in accordance with the Fees Regulations.

The college does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit as set out in the Fees Regulations. The appropriate limit for the college is £450.

The college must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit.
In estimating whether complying with a request would exceed the appropriate limit, the college can only take into account the costs it reasonably expects to incur in:
• determining whether it holds the information;
• locating the information, or a document containing it;
• retrieving the information, or a document containing it; and
• extracting the information from a document containing it.

The four activities are sequential, covering the retrieval process of the information from the college's information systems.

The college can take into account the costs attributable to the time that persons (both the college's staff and external contractors) are expected to spend on these activities. Such costs are calculated at £25 per hour per person for all public authorities regardless of the actual cost or rate of pay, which means that the limit will be exceeded if these activities exceed 18 hours. The college does not have to make a precise calculation of the costs of complying with a request. Only a reasonable estimate is required. Where the cost of compliance does not exceed the appropriate limit, the request must be complied with and the information released, unless an exemption under the act applies.

Other requests where charges may be made:

- Where there is a specific statutory scheme under which information is provided for a fee, such as information from the local land charges registry.
- Where the information is provided under the college publication scheme and the scheme indicates that a charge may be made for information falling within a particular class (this is outlined in Section 1 Publication Scheme, above).
- Educational records: Where the request is for unstructured personal information, the college is entitled to ask for a description of the information to help us find it. We do not have to supply the information, or confirm whether or not it exists, if it would cost more than £450 to do either of these things. This cost structure is as set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, detailed above.

Environmental Information Regulations 2004

In accordance with the regulations a reasonable fee can be charged, unless the person(s) making the request chooses to examine the information at the college premises, in which case no charge will be made.

For Environmental Regulations Act requests, the college considers it reasonable to apply the same charging terms and conditions as those set out by the Government in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, detailed above under Section 2.