



(Audit Committee)
Finance Officer
font and other formats on request

English and Welsh on the [staff intranet](#).

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1. POLICY STATEMENT

This policy sets out how Coleg Gwent will respond to the requirements of The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations (EIR). This legislation places a number of obligations on public authorities to provide access to information held by them. In general, members of the public have the right (subject to a number of exemptions described in this policy) to access information held by the College, regardless of when it was created, who created it, or for what purpose it was originally created. Information should also be provided regardless of what format it is now held in.

2. PURPOSE AND SCOPE

Coleg Gwent fully supports the key purpose of both the FOIA and EIR which is to create a culture of openness and transparency in the public sector. As a minimum, the College undertakes to:

- provide a single point of contact for requests for information;
- have a Publication Scheme available to access on the College website;
- ensure all staff are aware of the requirements of the FOIA and EIR; and
- work with other organisations to manage and respond to requests.

3.

Will liaise with the relevant SLT members and teams to prepare responses.
Will seek approval of the Principal or Vice Principals prior to issuing a response.

Managers

Will ensure that requests for information are passed promptly to the Governance Officer.

Will ensure that their team members are aware of the requirements of this policy and do not release information directly to the public.

All Staff

Will pass any requests for information to

When we intend to charge a fee for the information (see section 12) and are awaiting a response from the requestor. The clock will pause until we receive a response or payment.

Particular care will be taken where information is held in spreadsheet form. To ensure that no personal data is shared in error, relevant data will, if necessary, be extracted from the source spreadsheet or saved in an alternative format such as a csv file or as a pdf. Additional advice on sharing of spreadsheets can be found on the ICO website.

Where a request for information is made through the medium of Welsh, a response will be provided in Welsh within the same 20 working data time limit as described in section 10 above.

14. Refusing a request – Exemptions under the FOIA

In the interests of openness and transparency, Coleg Gwent will, wherever possible, respond positively to requests for information. There will however be situations where it would be inappropriate to disclose information. The College will only refuse a request for information if one of the exemptions set out in the FOIA can be applied.

If a manager believes there is a strong case for not releasing information, they must liaise with the Governance Officer and CLT to establish if an exemption can be applied. The assumption should always be that information will be released and the onus is on the holder of the information to establish why it should not.

A total of 24 exemptions are listed in the FOIA and full guidance on each can be found on the Information Commissioner Office website. Those exemptions most likely to apply to information held by the college are listed below. When considering whether to refuse a request for information, the College will take into account whether the exemption that applies is *Absolute* or *Qualified*:

Absolute exemptions can be applied without the additional duty to confirm or deny if the information is actually held is also exempt (except in the case of Section 21 exemptions).

Qualified Exemptions require the College to apply the *Public Interest Test* when making the decision whether or not to disclose information.

release of personal information can be found on the ICO website. Requests for personal information will be reviewed by the Coleg Gwent Data Protection Officer:

Email: DPO@coleggwent.ac.uk

Section 41 Information provided in confidence: Information is exempt under the FOIA if it has been provided to the College by a third party with the reasonable expectation of confidentiality and where the disclosure of that information could reasonably be expected to result in the third party taking action against the College for breach of confidence.

Section 44 Where a disclosure is prohibited by other legislation or by a court order.

(ii) **Qualified exemptions** (Public Interest Test must be applied)

Section 22 Information intended for future publication: A request can be refused where the information is awaiting publication. The decision to publish must have been taken before the request was received and the timescale to publication information held by the College that may be awaiting publication by another organisation.

Section 31 Information related to law enforcement and the prevention of crime: This exemption can apply to information that if released, could enable criminal activity to take place.

Section 36 Information that may prejudice the conduct of public affairs: Where the release of information would adversely affect decision making, free and frank provision of advice or the effective conduct of the business of the College. The decision to refuse a request under this exemption can only be made by the Principal/Chief Executive who has been appointed by Welsh Government Ministers

difficult to identify and the College will consider such a refusal carefully, with recognition that an individual may submit a request in a state of anger or frustration and this in itself is not a reason to consider the request vexatious.

Repeated requests: Where repeated requests are received from the same individual or organisation for the same information. An identical request cannot be refused if it is from different requestors who are not obviously working together and collaboration cannot be assumed.

Lack of information/clarity: If a requester fails to provide further information to clarify their request when asked to do so by the Governance Officer, no further response will be sent.

Excessive Cost: Where the cost of providing the information is considered prohibitively expensive (see section 12)

15. Redaction of information

Redaction is the process whereby information is made unreadable or inaccessible within a document. This may involve blocking out individual words, sentences or whole blocks of text/images (either manually or electronically).

When deciding to withhold information, the College will consider the possibility of providing redacted copies of documents. Managers responsible for the information will work with the Governance Officer and Vice Principal to identify if redaction is a suitable course of action.

Redaction will only be used where an exemption can be applied to specific

exemption has been applied to each redacted section and where necessary, how the Public Interest Test has been applied.

Redaction may enable information to be released in part, however if the process results in the overall sense of the document being lost, or the document becoming difficult to read, then the College may decide the information will be withheld in full under the relevant exemption. The additional staff hours required to remove information will not be included when calculating charges for providing the information.

16. Environmental Information Regulations (EIR)

Under the EIR, the public has a right of access to environmental information held by public authorities. In accordance with the presumption of openness contained within the EIR, Coleg Gwent will aim to make a wide range of environmental information readily available, including on its website.

College on:

- The state of the elements of the environment, including air, water, soil, land, fauna and humans;
- Emissions and discharges, noise, energy, waste etc.;
- Measures taken that directly affect the environment;
- Reports, cost-benefit and economic analyses relating to activities that impact the environment;

The state of human health and safety or contamination of the food chain;
Cultural sites and built structures (to the extent they impact the elements of
the environment).

Generally, requests made for information that fall under the EIR will be treated in the
same way as FOIA requests. Key differences are:

A request does not need to be made in a written or recordable format; verbal
requests are valid.

There is a stronger emphasis on openness and transparency, but a number
of exemptions can be applied; full details of these can be found on the ICO
website.

