

SOUTH & CITY COLLEGE BIRMINGHAM

Freedom of Information Policy

1 Background

South and City College Birmingham 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 Freedom of Information Act establishes the right for the general public to access official information being held by public bodies. The College is required to provide any and all information it holds in the public's interest if requested to do so by any person, subject to certain restrictions allowed under the act. The Act allows the public to access information about how public services are developed and delivered. There is a deadline of 20 working days of receipt of any request for information.

2 Model Publication Scheme

The South & City College Birmingham Scheme has been published on the internet and the model scheme recommended for FE Colleges (see Model Publication Scheme).

A more detailed "Guide to information" documents provided under the publication scheme can be accessed through the link below, this shows examples of the type of information the public can access. (Please see Appendix 1 Guide to Information Provided Under the Model Publication Scheme).

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

The College intends to publish a majority of documents covered by the scheme in electronic format on the College website [http:// www.southandcity.com](http://www.southandcity.com).

3 Contact Details

Requests for information should be made in writing, by letter or email, to the Freedom of Information Officer (FOI) for South & City College Birmingham is:

Parveen Ghulam, Legal Services, South & City College Birmingham Cole Bank Road, Hall Green, Birmingham, B28 8ES. Tel. 0121 644 2624

Email: parveen.ghulam@sccb.ac.uk

The FOI Officer is responsible for dealing with all FOI requests. The College will do its best to meet information needs. If you believe that the College has not dealt with your request in accordance with the FOIA, you have a right to appeal via the College's internal complaints department.

Please send a letter detailing your concerns addressed to:

Customer Relations and SMT Support Division South & City College Birmingham,
High Street Deritend, Birmingham B5 5SU.

However, if the College is unable to resolve any complaint and this procedure has been exhausted then a complaint can be made to the Information Commissioner, the independent body which oversees the implementation of the Freedom of Information Act.

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
<http://www.ico.gov.uk>

Complaints can be made on the following grounds:

Failure to provide the information you requested Failure to respond to your request within 20 working days (or failure to explain why longer than 20 working days is needed).

Failure to give you proper advice and assistance.

Failure to give information in the form in which you requested it.

Failure to properly explain any reasons for refusing the request.

Failure to correctly apply an exemption under the Act.

To ensure that the College meets its legal obligations:

- 1 All staff must date stamp and forward any requests under the Freedom of Information Act to Legal Services immediately
- 2 If staff are unsure about a request they must seek clarification from Legal Services.
- 3 Failure to forward requests to Legal Services immediately will result in a delay in responding and the person requesting the information can complain to the Information Commissioner.

Guide for Submitting FOI Requests

Before submitting FOI requests, individuals should ensure that the information is not already in the public domain. To ensure a swift response the person requesting the information should:

Identify the records requested (be as specific as possible, i.e., describe the subject matter of the records, and, if known, indicate the dates of the records, the places where they originated, and the names of the originating persons or offices);

Please try to specify as clearly as possible all the information you require. We will make all reasonable efforts to locate this information, though we may need to ask you to provide more detail if your original application does not allow us to identify exactly what you want. If you require advice on how to specify your needs, please contact the Freedom of Information Officer.

State that the records are requested under the Freedom of Information Act;

Include daytime telephone numbers in case additional information is needed before answering requests; and Forward all requests to the appropriate FOI Officer.

4 Exemptions to the Act

Whilst there is a general right to access to information held by the College there are a number of exemptions under FOIA, some exemptions where the public interest test applies and others which are absolute exemptions.

The College may decide that some information it holds could be regarded as exempt information under FOIA. Where a request for information includes exemptions, the College will consider the prejudice test and the public interest test and may, in some circumstances, withhold the requested information. Where an exemption is deemed to apply to some or all of the information requested, the applicant will be notified in writing. The relevant exemption will be cited and any information that is not exempt will be provided.

Whilst there is a general right to access to information held by the College there are a number of exemptions:

- 1 Information which is otherwise reasonably accessible to the applicant (S.21 Freedom of Information Act 2000)
- 2 Disclosure of the information would be prejudicial to the commercial interests of any person (including the public authority holding it) (S43 Freedom of Information Act 2000)
- 3 Information is personal data (staff addresses, ages or salaries, students' fee remission status, etc. S.40 Freedom of Information Act 2000).
- 4 Information which will be published at a future date (even if undetermined) and it is reasonable to be withheld
- 5 Information which has already been published
- 6 Information which is likely to prejudice prevention of crime, administration of justice, operation of immigration controls

- 7 Information which would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs
- 8 Information that would endanger the physical or mental health of an individual or the safety of an individual
- 9 Disclosure of information would breach the Data Protection Act
- 10 Disclosure of information obtained from third parties would cause a breach of confidence (S.42 Freedom of Information Act 2000 – Legal Professional Privilege).
- 11 The information is owned by a third party and they object to its disclosure
- 12 The information is not non-official i.e. it is not related to the official duties of any of the employees, for example, personal e-mails or related to unofficial or private correspondence with trade unions

5 Fees

Fees for information are set out in the South & City College Birmingham's FOI Charging Policy (see Charging Policy).

In brief most public information is free of charge. Where a charge is made this is shown in the Scheme. Please try to specify as clearly as possible all the information you require.

We will make all reasonable efforts to locate this information, though we may need to ask you're to provide more detail if your original application does not allow us to identify exactly what you want. If you require advice on how to specify your needs, please contact the Freedom of Information Officer. The College may waive a charge at the Colleges discretion.

Approval & Review

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