

General Policy Statement GPS5 - Freedom of Information

Introduction

The Freedom of Information Act (FOIA) came into force in January 2005 for the purpose of increasing the operational transparency of public authorities. Middlesex University is defined as a public authority under the Act and is committed to managing the associated obligations in an effective manner. The Freedom of Information Act applies to all recorded information held by the University and its staff, regardless of format, storage medium and age.

Scope of Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to.

The Act places a number of obligations on the University:

- That we routinely put into the public domain as much information about the University as is reasonably possible.
- Where information is not available in the publication scheme that we make it readily available to enquirers on request, within 20 working days, unless a valid exemption or limit applies.
- In cases where information is covered by an exemption, to consider whether or not the information should be released.
- To administer a fair and efficient internal appeal system.
- To maintain a properly structured approach to managing records to ensure that essential records of the University's activities are maintained in appropriate detail.

Responsibilities

University

The University is responsible for establishing policies and procedures in order to comply with the requirements of the Freedom of Information Act 2000 and is responsible to the Information Commissioner.

Assurance Committee

The Assurance Committee is responsible for the monitoring and review of the University's Freedom of Information Policy. The Assurance Committee is chaired by the Deputy Vice-Chancellor, Academic and reports to Academic Board.

Freedom of Information Officer

- The Executive Team will nominate an appropriate person as the University's Freedom of Information Officer, who will be a person of sufficient knowledge and seniority in the University.
- The University will make arrangements for the identity of the Freedom of Information Officer to be made known to all staff and will also draw their attention to this policy and associated documentation.
- The Freedom of Information Officer is responsible for drawing up guidance and promoting compliance with the policy in such a way as to ensure the easy, appropriate and timely retrieval of information.
- The Freedom of Information Officer in consultation where necessary with senior managers will make the decision regarding what information is released or exempted.

Staff

- Within an environment where information needs to be regarded as open, unless there is good reason for it not to be, everyone needs to be aware of the information they record, hold and discard, and ensure it is managed properly.
- Heads of Schools and Services must ensure that all new members of staff receive an introductory briefing on the Freedom of Information Act.
- Any staff member who employs contractors, short term or voluntary staff must ensure that they are made aware of their obligations under the Act and the requirements of the policy. The University's standard freedom of information clause must be inserted into all University contracts.

Publication Scheme

The University's Publication Scheme is available on the external website and is maintained by the Freedom of Information Officer and reviewed on an annual basis. Individual Schools and Services 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.

Requests for Information

Requests have to be made in writing (which includes e-mail and fax, as well as paper), but do not have to mention FOIA. This means any enquiry requesting information not included in our Publication Scheme is technically a request under FOIA. As such, the University is obliged to provide the information (or reasons for withholding it) within 20 working days, and consequently it is important for all staff to check post and e-mail regularly and to respond to such enquiries, or requests as required.

A number of exemptions to information requests apply, where disclosure would not be in the public interest. Where Middlesex University considers that the public interest in withholding the information requested outweighs the public interest in releasing it, the University will inform the applicant of its reasons, unless providing the reasoning would effectively mean releasing the exempt information.

The Freedom of Information Officer will help assess whether FOIA is the appropriate legislation to govern release of the information, calculate the costs of retrieving information, co-ordinate retrieval and the application of any appropriate exemptions, and assist with any redaction.

The Freedom of Information Officer will also administer logging details of referred requests and communication with the applicant, including any appeals or complaints.

In handling referred requests, the Freedom of Information Officer will work with the applicant, appropriate Schools, Services and other University officers.

Costs for Requests

Unless otherwise specified information made available through the publication scheme will be free of charge. The University reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme in accordance with the Act.

Complaints

In the case of a complaint, in the first instance details should be reported in writing to:
Peter Vermeulen, Deputy Vice-Chancellor, Finance
Middlesex University
Hendon Campus
The Burroughs
London NW4 4BT

Email: p.vermeulen@mdx.ac.uk

Tel: 020 8411 6777

In the event that an applicant is not content with the outcome of their complaint, they may apply directly to the Information Commissioner for a decision. Generally the Information Commissioner cannot make a decision unless the applicant has exhausted the complaints procedure provided by Middlesex University.

The Information Commissioner can be contacted at:

Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Web links

University publication scheme: <http://www.mdx.ac.uk/aboutus/Strategy/foi/index.aspx>

Freedom of Information Act: <http://www.legislation.gov.uk/ukpga/2000/36/contents>

Information Commissioner's Office: <http://www.ico.gov.uk>