

**UNIVERSITY OF LONDON  
RECORDS MANAGEMENT PROCEDURES MANUAL:  
BEST PRACTICE PROCEDURE No. 12**

**FREEDOM OF INFORMATION ACT 2000**

**1. Introduction**

1.1 The Freedom of Information Act (FOI) was passed in 2000. Its purpose to make provision for the disclosure of information held by public authorities or by persons providing services for them. In broad terms, any person making a request for information to a public authority is entitled to be informed whether it holds information of the description specified in the request, and, if that is the case and none of the exemptions apply, to have that information made available. Every public authority is also required to maintain a 'Publication Scheme', setting out the categories of information routinely published by the organisation and indicating any charge.

1.2 The Act applies to all public authorities; the University of London is defined as such for the purposes of the Act.

**2. What does FOI mean for the public?**

2.1 It will provide an opportunity to find out what publicly funded bodies do and how they do it.

2.2 It will mean that these bodies will be made more accountable to the public.

**3. Compliance with the Act**

3.1 The Freedom of Information Act 2000 was fully implemented in January 2005.

3.2 A new model publication scheme was implemented with effect from 1 January 2009. "Publication", in this context, concerns the advertisement of classes of information which are routinely produced by the public authority.

**4. Minimum standards for responding to requests for access to records under the Act**

4.1 There is a statutory right of access, subject to certain exemptions, to all information, held by the University; the age of the record is irrelevant.

4.2 Any request for information under FOI must be dealt with according to the provisions of the Act, irrespective of the motive for the request, as long as the request is made in a permanent format. Any letter, email or fax requesting information is therefore a potential FOI matter.

4.3 A request for information may be refused:

- If the information is exempt from FOI (see Appendix).
- On the grounds of excessive cost.
- If the request is vexatious or repeated.

4.4 Applicants have the right to be told whether or not the organisation holds the information sought and to have any such information communicated to them, subject to the provisions of the Act.

4.5 A response to enquiries must be made within 20 working days.

4.6 If the information has been destroyed, the University must show that it has been destroyed in accordance with good business practice (a retention schedule will be accepted as evidence of good practice).

4.7 The University has a duty to provide advice and assistance to applicants and to communicate information in an appropriate manner.

4.8 A limit of £450 has been set under which information will be provided without charging a fee, though limited "disbursement costs" may be reclaimed.

4.9 Since 2005 procedures have been in place for handling FOI requests, conforming to the code and enquiry procedures (Section 45) of the Act. Requests must be managed so that in the event of a dispute the handling of a request or a refusal to provide information can be defended.

4.10 There are exemptions to disclosure (see Appendix).

4.11 The more extensive the Publication Scheme, and accessible the information included, the fewer FOI enquiries the University will receive.

4.12 Information not only produced, but also held by the University is subject to the Act.

4.13 Some exemptions are subject to a public interest test and are consequently subject to scrutiny in the courts.

## **5. Minimum records and information handling standards for compliance with the Act**

5.1 An audit of records and information management practices and the creation of an integrated approach to information compliance issues, including data protection, have been authorised.

5.2 The University must document its activities and have systems that enable quick and easy retrieval of information. Without such systems, compliance with the Act will be extremely difficult.

5.3 Records must be properly stored and protected from damage, and their content secured against unauthorised access.

5.4 Tracking systems should be set in place to control the movement and location of records and information so that they can be easily retrieved.

5.5 Systems should be in place for the controlled retention and disposal of records, comprising:

- records retention schedules;
- procedures for implementing and auditing the retention schedules;
- the making of appropriate arrangements for the preservation;
- procedures for the timely and secure destruction of relevant information;
- a system for documenting all appraisal decisions.

5.6 A designated person must be responsible for information compliance matters.

5.7 Training programmes should be attended by staff to ensure that they understand the requirements of the legislation and the need for information compliance procedures.

## **6. What compliance with FOI means for staff**

6.1 The Lord Chancellor has stated:

“A department which does not know what information it holds in paper or in electronic form, or which knows that it has it, but cannot find it, will not be able to respond properly to the requirements of the Act” (Public Records Office Conference, Bristol, Nov 2002)

6.2 Any written request for information may be an FOI enquiry:

- The University has 20 working days to answer it in full.
- Staff have to know if the information exists or, if destroyed, when and under what authority.

6.3 Non-compliance is not an option. Public authorities will not be permitted:

- To claim not to know where a record is located.
- To fail to respond to a request for information.
- To conceal or destroy requested information.

**Both the University and individual members of staff may be subject to criminal penalties under Section 77 of the Act if records are altered, defaced, or destroyed with the intention of preventing disclosure of the record to someone who has asked for it. Any action of this kind by a member of staff would clearly be a serious disciplinary matter.**

## 7. Assistance for Staff

7.1 The University has produced **best practice procedures** which will enable staff to manage records and information in a way which will help ensure compliance with FOI [www.london.ac.uk/955.html](http://www.london.ac.uk/955.html). The procedures are as follows:

- No. 1: Managing information – why records management is necessary
- No. 2: Legislation and records management
- No. 3: File creation and management
- No. 4: Electronic records management
- No. 5: Data Protection Act 1998: procedure for answering requests for information
- No. 6: Destruction of confidential paper records
- No. 7: Transfer of paper records to semi-current storage
- No. 8: Loans procedure for records in semi-current storage
- No. 9: General records retention schedule
- No.10: Disposal of records created by academic staff
- No.11: Electronic mail management and storage
- No.12: Freedom of Information Act 2000: Compliance
- No.13: Information Security and Records Management

7.2 Further information relating to FOI and Data Protection is also available here [www.london.ac.uk/foi.html](http://www.london.ac.uk/foi.html) and [www.london.ac.uk/238.html](http://www.london.ac.uk/238.html)

7.3 Retention schedules, approved by Heads of Responsibility Centres, are in place listing the types of records produced by the University together with their retention criteria. Retention criteria are based upon agreed business, legal and historical values.

7.4 **Training:** Records and Information Management training sessions are run regularly by the University Records Manager & FOI Officer (under the auspices of the University's Staff Development Office). A large section of the training deals with FOI and Data Protection.

**7.5 Dealing with enquiries:** Procedures and guidelines on responsibility for FOI and Data Protection enquiries, charging policy, handling of disputes and appeals and exempt categories of records are available as part of the best practice procedures.

**If in receipt of a non-routine request for information please contact the University Records Manager and Freedom of Information Officer**

University Records Manager and Freedom of Information Officer

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**Appendix:**

**INFORMATION POTENTIALLY EXEMPT FROM DISCLOSURE UNDER FOI**

The following information is subject to exemptions in accordance with the Freedom of Information Act 2000 (sections 21-44):

- Information accessible to applicant by other means (e.g. through a Publication Scheme).
- Information intended for future publication.
- Information supplied by, or relating to, bodies dealing with security matters.
- Information which, if disclosed, would prejudice national security.
- Information which, if disclosed, would prejudice the defence of the realm.
- Information which, if disclosed, would prejudice international relations.
- Information which, if disclosed, would prejudice relations between any administration in the United Kingdom and any other such administration.
- Information which, if disclosed, would prejudice the economic interests of any administration in the United Kingdom.
- Information being held for investigations and proceedings conducted by public authorities.
- Information which, if disclosed, would prejudice law enforcement.
- Information contained in Court records.
- Information which, if disclosed, would prejudice the exercise of any authority's audit functions.
- Information covered by Parliamentary privilege.
- Information relating to the formulation or development of Government policy.
- Information which, if disclosed, would be prejudicial to the effective conduct of public affairs.
- Information relating to communications with Her Majesty or other members of the Royal Household and to conferring of honours.
- Information which, if disclosed, could endanger the health and safety of any individual.
- Information which is already available to the public under Environmental Regulations.
- Personal information.
- Information provided in confidence.
- Information in respect of which a claim to legal professional privilege could be maintained in Court proceedings.
- Information which constitutes a trade secret or which, if disclosed, would prejudice commercial interests.
- Information whose disclosure is prohibited by any enactment is incompatible with any community obligation or which would be punishable as a contempt of Court.