

# Queen's University Belfast

## Freedom of Information Policy

### 1. Introduction

Queen's University Belfast is required to comply with the Freedom of Information Act 2000 ("the Act") which gives a general right of access to information held by public authorities in the UK. Under the terms of the Act, the University is obliged to:

- Produce and maintain a Publication Scheme outlining details of information routinely released by the University into the public domain from 29 February 2004
- Respond to written requests for information (Access Requests), subject to exemption, within 20 working days, from 1 January 2005
- Comply with the Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Act (the Access Code)
- Comply with the Code of Practice on the Management of Records (the Records Management Code).

### 2. Policy Statement

The University is committed to ensuring that staff comply with the Freedom of Information Act so that information held by the University can be made available to the general public whenever it is possible or appropriate to do so under its terms. Exemptions under the Act will therefore be applied as and when necessary to ensure the proper conduct of University business.

### 3. Scope of the Policy

This policy applies to all recorded information held by the University i.e. all information created, received and maintained by staff in the course of their work, irrespective of media or date. This should be taken to include information held and which relates to University activities, information that is held by a third party on behalf of the University and, in some instances, information that is held by the University on behalf of someone else.

### 4. Responsibilities

As the governing body of the University, the Senate is ultimately responsible for University compliance with the Freedom of Information Act. This responsibility has been delegated to the Registrar as head of the institution's administration.

The Information Compliance Unit led by the University Records Manager is responsible for drawing up guidance on Freedom of Information, for promoting compliance with this policy and for co-ordinating responses to requests for information under the Act and other compliance issues.

All staff, whether or not they create, receive or maintain information, are responsible for processing information in accordance with the Act and for adhering to related University policies, procedures and guidance. Staff should ensure that they:

- Familiarise themselves with the policy and any supporting procedures and guidelines.
- Provide advice and assistance to all individuals or groups that make requests for information
- Deal with all requests within 20 working days of receipt

- Where applicable, forward details of routine publications and/or documents for inclusion in the University Publication Scheme
- Contact the University Records Manager when assistance is required

It is the responsibility of all senior managers to ensure that staff within their areas are made aware of the existence and content of this policy.

## 5. Procedures and Guidelines

Guidance on the Act and the procedures necessary to comply with it will be made available on the University website. These will include guidelines and advice on:

- Using the University Publication Scheme
- Dealing with Access Requests
- Applying Exemptions
- Records Management
- Committee Servicing
- Negotiating Contracts
- Securing Confidentiality
- Dealing with Complaints

Other topics and sources of advice will be added to this list as appropriate.

## 6. Wholly Owned Companies

The Freedom of Information Act also extends to companies that are wholly-owned by the University. A wholly owned company is one where every member of the board is either:

- an employee of the University,
- an employee of the company in question, or
- a person acting on behalf of either.

All subsidiary companies must comply with the terms of the Act in their own right by producing a separate publication scheme to that of the University and by handling individual requests for information. The University must ensure that all relevant companies are aware of this requirement and that these companies make suitable arrangements for compliance.

## 7. Related Policies

This policy should be read in conjunction with:

- Data Protection Policy
- Computer Resources - Regulations for Acceptable Use
- Information Strategy
- Records Management Policy
- University Corporate Plan

8. Review and Amendment

This Policy and all associated guidelines and procedures will be reviewed at least once every three years and, if necessary, amended to ensure continued compliance with the Freedom of Information Act.

9. Policy Adoption and Contact

The Queen's University Freedom of Information Policy was adopted by Senate with effect from 30 November 2004.

Please contact the Information Compliance Unit ([info.compliance@qub.ac.uk](mailto:info.compliance@qub.ac.uk)) for further information.

## FREEDOM OF INFORMATION POLICY

### DEFINITION OF TERMS

<b>Information</b>	<i>Refers to all information, regardless of format, that is held by the University at any given point of time. This can include information relating to the University's own activities, information that is held by a third party on behalf of the University (e.g. inactive records held by a commercial storage company and information held by the University on behalf of someone else (e.g. an archive collection held on loan from a private individual)).</i>
<b>Access Request</b>	<i>Written request submitted by an individual, or group of individuals, for access to information held by the University. A request must be in writing, state a name and address for correspondence and include a description of the information sought. It does not need to include reference to the Act.</i>
<b>Publication Scheme</b>	<i>Guide to information routinely released by the University into the public domain as a matter of course which describes the classes or types of information made available, the manner in which it is published and whether there is a charge for accessing it..</i>
<b>Classes of Information</b>	<i>Refers to individual types or categories of information contained within a Publication Scheme.</i>
<b>Exemptions</b>	<i>Provide a discretionary exception to the public's right of access to information held by the University. There are 23 exemptions provided under the Act that are either absolute or conditional in their effect. Information that is absolutely exempt does not have to be disclosed in answer to a request for information and relate to, for example, information that has already been published, court records and information that has been provided in confidence. Information that is conditionally exempt is subject to a public interest test and/or prejudice test. Conditional exemptions, for example, cover information relating to national security, health and safety, law enforcement and commercial interests.</i>
<b>Exempt Information</b>	<i>Refers to information held by the University that falls under one or more exemptions provided by the Act.</i>
<b>Public Interest Test</b>	<p><i>Refers to the process of assessing whether or not it is in the public interest to withhold or release information that is conditionally exempt under the Act. The public interest in withholding information must outweigh the public interest in disclosure in all cases.</i></p> <p><i>The public interest is not defined in the Act, but is considered to relate to information that would, in its release, serve to:</i></p> <ul style="list-style-type: none"> <li><i>• further understanding of, and participation in public debates,</i></li> <li><i>• facilitate accountability and transparency of decisions,</i></li> <li><i>• facilitate accountability and transparency of public spending, and</i></li> <li><i>• bring to light information affecting public safety</i></li> </ul>
<b>Prejudice Test</b>	<i>Refers to the process of assessing whether or not the release of information that falls under a prejudice-based exemption (e.g. s. 36 - the effective conduct of affairs) would prejudice the purpose of that exemption. The risk of harm in disclosing the information must be greater than that in withholding the information.</i>
<b>Redaction</b>	<i>The process of editing or blanking out exempt information from a document that is due to be disclosed in answer to an access request.</i>

## FREEDOM OF INFORMATION POLICY

### LIST OF EXEMPTIONS

#### Absolute Exemptions

Exemptions that are wholly exempt in their application include:

- Information accessible to the applicant by other means (s21)
- Information supplied by, or relating to, bodies dealing with security matters (s23)
- Information relating to Court records (s32)
- Parliamentary privilege (s34)
- Information provided in confidence (s41) and
- Information prohibited from disclosure by any other piece of legislation or enactment (s44)

Exemptions that are absolute only in part include:

- Information that would prejudice the effective conduct of public affairs (s36), and
- Personal information (s40)

#### Conditional Exemptions

Exemptions requiring the application of a public interest test include:

- Information intended for future publication (s22)
- National Security (s24)
- Investigations and proceedings conducted by public authorities (s30)
- Formulation of Government Policy (s35)
- Communications with Her Majesty and honours (s37)
- Health and Safety (s38)
- Environmental information (s39)
- Legal professional privilege (s42)

Exemptions requiring the application of a public interest test and/or a prejudice test include:

- Defence (s26)
- International relations (s27)
- Relations within the United Kingdom (s28)
- The economy (s29)
- Law enforcement (s31)
- Audit Functions (s33)
- Commercial Interests (s43)