



Freedom of Information (FOI)

Code of Practice

Initially Conceived:	July 2007
Primary Author:	Head of MI&F
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By:	Learning & Business Technology Steering Group
With approval of:	SMT

1. Background & Context

Under the Freedom of Information (FOI) Act 2000 Blackpool and The Fylde College must allow individuals access to the information it holds.

The Freedom of Information Act introduces two basic rights to individuals:

1. the right to be told whether information exists, and
2. the right to receive the information in a specific format

Blackpool and The Fylde College takes its responsibilities with regard to the Freedom of Information Act very seriously. This document provides a code of practice through which those responsibilities will be managed.

2. Authority & Scope of these Guidelines

The purpose of this Code of Practice is to ensure that the terms of the Freedom of Information Act 2000 are adhered to and that:

- information is made available to the public as a matter of course via the Publication Scheme
- other information not referenced in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner, and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released

This code of practice has been formulated within the context of the college Information Security (IS) Policy and should be interpreted in accordance with the terms of that document.

It is a condition of employment that Blackpool and The Fylde College employees abide by any policies, procedures, codes of practice and values, issued by Blackpool and The Fylde College.

3. Ownership

The Data Protection/ Freedom of Information Officer

- publishes FOI guidelines and updates for staff
- promotes compliance with the Act within the College

4. Responsibilities

Compliance with the Freedom of Information Act is the responsibility of all Blackpool and The Fylde College employees. Any breach of this Act or of this document may lead to disciplinary action.

New members of staff will receive an introductory briefing on the Freedom of Information Act as part of Staff Induction either verbally or in printed format.

Guidelines and relevant information are available to existing members of staff electronically via SharePoint or in alternative formats upon request from the Data Protection Officer.

5. Systems & Processes

5.1 Available Guidance

Guidance for staff on complying with the terms of the Freedom of Information Act is available on SharePoint, at the end of this document and from the Data Protection / Freedom of Information Officer upon request.

5.2 The College Publication Scheme

Blackpool and The Fylde College has tried to make available as much information as possible via its website at www.blackpool.ac.uk .

The College's Publication Scheme is available electronically on the College website and on SharePoint. Printed copies are available on request from College receptions. Alternative formats will be made available upon request from the Data Protection / Freedom of Information Officer.

The Publication Scheme specifies:

- what information is routinely available to the public
- whether or not there is a cost for providing that information

Information not available through the College's Publication Scheme or website can be requested (see 5.3).

5.3 Specific Requests for Information

Anybody can make a request for information. Most requests will be dealt with by the Data Protection / Freedom of Information Officer or his/her nominee. A charge may be made for processing them.

Some information is exempt from release under the Freedom of Information Act. This means that some requests will be denied. All requests will be considered fairly and applicants advised in writing of any exemption(s) that apply.

The College will respond to requests within 20 working days unless additional time is required to locate information or clarify the request. If a fee is chargeable, no information will be released until the fee is paid. If there is likely to be a delay in the College's response, the applicant will be advised in writing.

5.4 Fees & Charges

Unless otherwise specified information made available through the College's Publication Scheme will be free of charge.

The College reserves the right to charge an appropriate fee for processing requests which are not listed in the publication scheme or for providing copies of items already available to applicants. This is in accordance with the Act and applicants will be advised of any such charges upon receipt of the request.

5.5 Exemptions under the Act

Some information is exempt from the release under the Freedom of Information Act. Exemptions may be qualified or unqualified and are outlined below.

Qualified Exemptions* – Application of the Public Interest Test	Relevant Section of FOI Act
Information Intended For Future Publication	S22
National security	S24
Defence	S26
International relations	S27
Relations within the United Kingdom	S28
UK Economic Interests	S29
Investigations And Proceedings Conducted By Public Authorities	S30
Law Enforcement	S31
Audit Functions	S33
Formulation of government policy and Ministerial Communications	S35
Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)	S36
Communications with Her Majesty, the Royal Family or concerning honours	S37
Health And Safety	S38
Environmental Information - as this can be accessed through the Environmental Information Regulations	S39
Personal information relating to a third party access request	S40
Legal Professional Privilege	S42
Commercial Interests	S43

* Organisations must consider the public interest when assessing whether or not to release information. Where an organisation considers that the public interest in withholding the information outweighs the public interest in releasing it, the information may be withheld. The applicant should be informed of the reason unless informing them would mean releasing the exempt information.

Absolute Exemptions – No Public Interest Test Required	Relevant Section of FOI Act
Information accessible by other means	S21
National Security - Information supplied by, or relating to, bodies dealing with security matters	S23
Court Records	S32
Parliamentary Privilege	S34
Effective Conduct of Public Affairs - so far as relating to information held by the House of Commons or the House of Lords	S36
Personal Information <ul style="list-style-type: none"> • where the applicant is the subject of the information. The applicant has the right of 'subject access' under the Data Protection Act 1998 • where the information concerns a third party and disclosure would breach one of the data protection principles 	S40
Information provided 'In Confidence'	S41
Prohibitions on disclosure - where a disclosure is prohibited by an enactment or would constitute contempt of court.	S44

6. Contacts

Questions or concerns about this Code of Practice should be addressed to:

The Data Protection / Freedom of Information Officer
Blackpool and The Fylde College
Ashfield Road
Blackpool Lancashire FY2 0HB
Tel: (01253) 504064
Email: datarequest@blackpool.ac.uk

7. Complaints

Complaints about this process or about information we release/do not release should be directed to the Director of Quality & Standards in the first instance.

Director of Quality & Standards
Blackpool and The Fylde College
Ashfield Road
Blackpool
Lancashire FY2 0HB

In the unlikely event that you are unhappy with the outcome of the Complaints Procedure, you may request an independent review in writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow Cheshire SK9 5AF
Tel.: 0303 123 1113

Or by visiting [The Information Commissioner's Website](#)