

**University of Sunderland –  
Continuous Improvement, Change and Compliance (CICC)**

<b>Freedom of Information and Environmental Information Regulations Policy</b>	
<b>Purpose</b>	This policy sets out the University's obligations under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) and the University's position on those obligations.
<b>Background</b>	<p>The FOIA was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable.</p> <p>The EIR is designed to provide additional public access routes to information of an environmental nature.</p>
<b>Scope</b>	<p>The FOIA and the EIR apply to all information, regardless of the medium on which it is held and regardless of age.</p> <p>Information which is held in personal accounts or devices (i.e. those accounts and devices outside of the boundary of the University's IT infrastructure) will be subject to FOIA and EIR legislation if the information relates to the official business of the University.</p> <p>All individuals employed by the University, its subsidiary companies and its contractors should be aware that they may be asked to search private accounts for requested information. Where this is the case records of such requests for access to personal devices and accounts will be maintained and advice will be offered on a case by case basis.</p>
<b>Policy statement</b>	<p>The University of Sunderland will fully comply with the FOIA and EIR and will have systems and processes in place to ensure its obligations are fully met. These include a commitment, where appropriate, to:</p> <ul style="list-style-type: none"> <li>• A publication scheme conforming to the Information Commissioners Office model publication scheme,</li> <li>• Respond to requests within 20 working days,</li> <li>• Provide advice and assistance when requested,</li> <li>• Consult with third parties,</li> <li>• Apply exemptions, exceptions and redactions where necessary,</li> <li>• Deal with appeals and complaints in a timely manner.</li> </ul> <p>All staff employed by the University of Sunderland, its subsidiary companies and contractors it employs will have an awareness of the requirements of the FOIA and the EIR and will be required to adhere to this policy.</p>
<b>Responsibilities</b>	<p>Overall responsibility for the University's compliance with the FOIA and EIR rest with the Chief Operating Officer. This individual is also responsible for deciding the outcome of internal reviews for both FOI and EIR requests.</p> <p>The Director of CICC (and Head of Internal Audit) has been delegated responsibility to ensure compliance with the FOIA and the EIR.</p> <p>The Improvement and Compliance Administrator is responsible for responding to requests for information, ensuring the Publication Scheme is populated and current and monitoring and reporting information requests.</p>

### **Publication scheme**

The University will publish and maintain information on its website in the form of a publication scheme. The publication scheme will conform to the model publication scheme, as published by the Information Commissioners Office (ICO). The model publication scheme which is applicable to the University can be found [HERE](#)

### **Dealing with Requests**

A valid request under FOIA must be made in writing. An EIR request can also be made verbally. A valid request must, as a minimum, contain a requester's name (deemed to be a real name of an individual or company) and an electronic or postal address for correspondence. Each valid request will be logged with a unique reference and an acknowledgment will be sent to the requester.

The University will respond within 20 working days to FOI/EIR requests, as required by the legislation. If the University need to contact the requester for clarification their request will be put on hold until a response is received. Upon receipt of clarification the time resets and the 20 working days to respond begins again.

Individual staff throughout the University may be asked to provide information to support the FOI/EIR request.

### **FOIA Exemptions and EIR Exceptions**

The FOIA and the EIR contain a set of exemptions and exceptions respectively which may be applied to information prior to its release. The University will apply these exemptions and exceptions as appropriate. An up to date list of each can be found [HERE](#).

When considering some exemptions under the FOIA the University has the right to additional time in which to consider them. Where this is the case the University will notify the requester and provide an estimate of the date by which this process will be complete.

### **Charging Policy**

No opportunity to pay for information will be available from the University. When a request for information exceeds the appropriate fees limit (18 hours for Universities) it will be rejected under Section 12 of the FOIA and the information will not be released.

### **Redaction of information**

Where part of the requested information is considered exempt from release, that information will be redacted. The requester will be informed that redaction(s) have taken place and the reasons they have been made. In a case where the extent of redaction makes a document nonsensical then the entire document will be withheld.

### **Duty to Assist**

Section 16 of the FOIA sets out the duty to provide advice and assistance. The University must communicate with the requester to find out what information they want and, where possible, help them to obtain it, so far as it is "reasonable to expect".

**Consultation with Third Parties**

In some cases, information could be requested that may carry a duty of confidence, i.e. was provided to the University by a person (individual, company, public body) with the expectation that the information would only be disclosed in accordance with the wishes of that person. Where disclosure of the information may give rise to an actionable breach of confidence, the University in considering release of the information, will consider if it should consult with the third party and seek their views.

**Internal reviews and the right to appeal**

When an exemption is applied or information is not held the University's response to the requester will include information on making an appeal and complaint. Requests for internal reviews must be made to the University within 40 days of receipt of the response. Internal reviews are led by the Chief Operating Officer and will usually be completed within 20 days of receipt of the complaint. Where the intended date for completion of the review cannot be met, the applicant will be informed and given a new completion date. Upon completion of the internal review the applicant will be informed of the outcome and given information on their right to appeal this outcome to the Information Commissioners Office.

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Policy Owner	Director of CICC (and Head of Internal Audit)
Policy Author	
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