



Freedom of Information Policy

FINAL VERSION

MidKent College Group Data Protection Policy

APPROVED VERSION

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	Data Protection Officer, MidKent College, Medway Campus, Medway Road, Gillingham, Kent, ME7 1FN E-Mail: Data.Protection@midkent.ac.uk
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Document Authorisation				
	Authorisation Required	Initial and Role	Digital Signature	Date
Author	Yes	HF – Data Protection Officer	<i>Hazel Foreman</i>	5 Nov 23
Owner	Yes	CH – Executive Director for Employers and Corporate Services	<i>Chris Hare</i>	6 Nov 23
SLT Review	Yes	N/A		
Exec Approver	Yes			
GB Sub Committee	Yes – GR&A for major updates			
Full GB Committee	Yes – if required			

Policy Cross References - This policy should be read in conjunction with any other associated policies, with particular reference to	
Policy Name	Policy Number
Safeguarding Policy	
ICT Policies	
CCTV Policy	
Disciplinary Policy	
Personal File Access and HR Records Retention	

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1 INTRODUCTION

- The Freedom of Information Act 2000 (“Act”) provides public access to information held by public authorities. It does this in two ways:
 - public authorities are obliged to publish certain information about their activities; and
 - members of the public are entitled to request information from public authorities.
- The Governing Body of MidKent College (“the College”) recognises and accepts its responsibilities as a public authority to promote a culture of openness and accountability. It will achieve this by being transparent about how the college carry out its duties, why it makes the decisions it does, and how public money spent.
- The College will take all steps within its power to meet this responsibility and will ensure that information requests are processed fairly. It will pay particular attention to meeting the requirements of the Freedom of Information Act 2000 by the adoption of the Model Publication Scheme defined by the Information Commissioner’s Office.
- When dealing with information requests, the College will follow Section 45 Code of Practice available via the Information Commissioner’s Office website.
- This policy sets out the accountability and responsibilities of the College, employees and other relevant parties, in ensuring compliance with information requests as required under any and all applicable legislation. This includes, but is not limited to:
 - Freedom of Information Act 2000
 - General Data Protection Regulation 2016/679 (GDPR)
 - Data Protection Act 2018
 - Data Use and Access Bill 2025

2 DEFINITIONS

- “Data protection legislation” encompasses the General Data Protection Regulation 2016/679 (GDPR) and Data Protection Act 2018 and Data Use and Access Bill 2025
- “All other applicable legalisation” encompasses the legislation referenced under section 1 Introduction.
- The “supervisory authority” for the UK is the Information Commissioner’s Office (ICO).

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- “FOI” stands for freedom of information, as defined in section 1 Introduction.
- “All employees and individuals working on behalf of the College” encompasses the following: employees, contractors, agency staff and volunteers.

3 SCOPE AND AIM OF POLICY

- The Policy should be read in conjunction with the Model Publication Scheme (Annex 1) and Definition Document for Colleges of Further Education (Annex 2).
- The FOI Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.
- The FOI Act covers any recorded information that is held by the College and includes but is not limited to: printed documents, computer files, letters, emails, photographs, and sound or video recordings.
- There are some exceptions that are applicable when supplying information. Details of the possible list of exemptions are available via the Information Commissioner’s Office website.
- The Act does not give people access to their own personal data (information about themselves). If a member of the public wants to see information that a public authority holds about them, they should make a data subject access request under data protection legislation.
- To demonstrate that the College, as far as reasonably possible, endeavours to practically and operationally uphold the principles underpinning the FOI Act (openness, transparency and accountability), the College publishes and maintains an Information Charter. The Information Charter operates concurrently with all College policies and procedures.

4 DISCLOSING INFORMATION

- The general public may not be aware of FOI, so the College recognises that it must provide appropriate assistance for the general public to frame their request.
- The College will instruct employees receiving any information requests to not respond, but instead to refer the request to the Data Protection Officer and/or the Information Security Officer. This is supplemented by additional reminders about this requirement during employee induction and data protection training.

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- The College recognises that it is a criminal offence to delete data relevant to an information request after it has been received, even if it is due to be deleted in line with the College’s Retention Schedule.
- The College will work with third parties regarding the release of information when appropriate. The College acknowledges that it is not bound by a third-party refusal.
- When responding to an FOI request, the College will:
 - ensure that responses use language appropriate for the requester.
 - ensure that information is provided in a clear and intelligible format.
 - clarify the request if it is unclear what a requestor is asking, or if the request is ambiguous. In these circumstances, the College must work with the requestor so as not to breach section 1 of the FOI Act because information has not been provided to the intended reading of the request.
 - provide advice as soon as possible after receiving the request on the fees likely to be required to meet the request.
 - advise on the extent to which the College can comply with any request and provide an explanation for any shortfall or exemption(s) applied.
 - review all requests on a case by case basis but will apply a consistent approach in line with College procedures. When mitigating circumstances apply, the College reserves the right to depart from the College’s procedures to ensure that responses are provided to the best of the College’s ability.
 - not publish employee personal information, except for those employees whose personal data is already linked to the College in the public domain. This includes, but is not, limited to the names of Governors and the names and salaries of Executive Director postholders.
 - refer to guidance for the ICO and case law when responding to requests to ensure that best practice is implemented.
- The College will strive to respond to all requests within the legal timeframe:
 - The College’s main obligation under the FOI Act is to respond to requests promptly, with the time limit acting as the longest time a response should take. Under the Act, public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day.
 - The College acknowledges that the FOI Act does not allow extra time for searching for information. However, if finding the information and drawing it together to answer the request would be an unreasonable burden on College resources, the College reserves the right to refuse the request.
 - When extreme mitigating circumstances arise that hinder the College from meeting these obligations, the College will consult with the requestor and

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seek advice from the ICO about how to proceed. This includes, but is not limited to; unforeseen/major disasters that affect the College's operations in line with business continuity and disaster recovery operations.

5 DUTIES AND RESPONSIBILITIES

5.1 THE DATA PROTECTION OFFICER (DPO)

- The Data Protection Officer (DPO) is responsible for:
 - reviewing and approving all College responses to FOI requests.
 - reporting Freedom of Information Requests (FOIR) to the College Executive Team, College Leadership Team and the Governing Body .
 - delivering staff training on FOI

5.2 THE INFORMATION SECURITY ASSISTANT

- The Information Security Officer is responsible for:
 - co-ordinating and tracking all FOI requests.
 - ensuring that the College responds appropriately within 20 working days.

5.3 ALL EMPLOYEES AND INDIVIDUALS WORKING ON BEHALF OF THE COLLEGE

- All employees and individuals working on behalf of the College have a responsibility to ensure, through their respective roles:
 - that information requests are referred to the Data Protection Officer and/or the Information Security Officer as soon as possible.
 - information pertinent to an FOI request is provided, without undue delay, when the need arises.

6 CONTACT DETAILS

- The contact details for the College's Data Protection Officer are:
 - Address: Data Protection Officer, MidKent College, Medway Campus, Medway Road, Gillingham, Kent, ME7 1FN
 - E-Mail: Data.Protection@midkent.ac.uk

7 POLICY VALIDITY

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- This policy is valid from June 2021 and is due for review in June 2024.

8 POLICY OWNER AND WRITER

- The Senior Manager responsible for this policy is the Executive Director for Employers and Corporate Services.
- The current writer responsible for this policy is the Data Protection Officer.

9 RELATED POLICES

- This policy should be read in conjunction with any other associated Colleges policies, with particular reference to:
 - Data Protection Policy

10 POLICY MONITORING, REVIEW AND EVALUATION

- A review of this policy will be undertaken by the review date by the policy writer and the Senior Manager responsible. The policy will then be presented to Risk and Audit Committee and Full Governing Body for approval.

11 EQUALITY IMPACT ASSESSMENT

- This policy has been Equality Impact Assessed and generates no concerns about differential impact. The Equality Impact Assessment is filed on the Quality SharePoint site.

12 POLICY DISTRIBUTION

- A current version of this document is available via the Data Protection SharePoint site and on the College website. It does not contain confidential information and can be released to external parties.

13 POLICY APPROVAL

- This policy was approved by the Governing Body on 14 July 2021.

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