



## Gonville & Caius College **FREEDOM OF INFORMATION POLICY**

### **Introduction**

The Freedom of Information Act 2000 imposes a number of obligations on the College, and provides the public with a general entitlement to all information held by the College, subject to certain exemptions. Members of the public have a statutory right:

- a. as from 29<sup>th</sup> February 2004, to obtain (either from the College's website or in some other form) all the information covered by the College's Publication Scheme;
- b. as from 1<sup>st</sup> January 2004, to request all information held by the College, regardless of when it was created, by whom, or the form in which it is recorded, subject to certain exemptions.

Gonville & Caius College takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 seriously. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Relationship with existing policies
4. Available Guidance
5. The College's Publication Scheme
6. Specific Requests for Information
7. Charges
8. Complaints
9. Exemptions
10. Contacts

### **1. Scope and purpose of the Policy**

The policy applies to all the information created, received and maintained by staff and officers of the College. The information can be held in all types of media, but usually will be either paper or electronic. The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about the College is made available to the public as a matter of course through the Publication Scheme;
- other information not included 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.

### **2. Responsibilities**

The College recognises its corporate responsibility under the Act to provide a general right of access to information held. The Senior Officer with overall responsibility for this policy is the Senior Bursar.

### **3. Relationship with existing policies**

This policy has been formulated with reference to the context of the College Data Protection Policy.

#### **4. Available Guidance**

Guidance on the procedures necessary to comply with this Policy is available from the College Archivist or within the Staff Handbook.

#### **5. The College's Publication Scheme**

The College's Publication Scheme is available on the web at <http://www.cai.cam.ac.uk/publication-scheme> or in hard copy by request. The Publication Scheme specifies:

- what information the College makes routinely available to the public as a matter of course
- how it will do so, and
- whether or not this information is made available free of charge or on payment of a fee.

#### **6. Specific Requests for Information**

Information not already made available in the College's Publication Scheme will be accessible from January 2005 through a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

These rights can be exercised by anyone - natural or legal persons, worldwide. These specific requests for information not listed in the Publication Scheme will be dealt with by the Freedom of Information Officer.

Any request must be made in a permanent form (for example in writing or by e-mail) and include a contact address. A charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act apply. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review.

The College must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

#### **7. Charges**

Unless otherwise specified information made available through the College's Publication Scheme will be free of charge, except for any copying and postage expenses.

The College may however charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme. This charge will be calculated according to the published 'Fees Regulations'.

#### **8. Complaints**

The Freedom of Information Officer will co ordinate any complaints received in respect of this policy.

- The complaint should be addressed to the Freedom of Information Officer in the first instance. The complaint will be acknowledged immediately and a more comprehensive reply will be received within 14 days.
- If the applicant is not satisfied with the reply then they should inform the Freedom of Information Officer within 14 days. The matter will then be referred to a special advisory sub-set of the College Communications Committee. The complaint will be acknowledged immediately and a more comprehensive reply will be received within 14 days.

If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review from the Information Commissioner. Requests for review by the Information Commissioner should be made in writing to:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel. 01625-545-700  
Fax. 01625-545-510  
<http://www.ico.org.uk/>

### **9. Exemptions under the Act**

There are 23 exemptions under the Act; some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix I of this policy. The College may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the College will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information. In addition there may be procedural reasons why the College may not have to comply with a request; that is, in the case of repeated or vexatious requests or where the cost of providing the information exceeds the upper cost limit detailed in the Fees Regulations.

### **10. Contacts**

Freedom of Information Officer  
Gonville & Caius College  
Trinity Street  
Cambridge  
CB2 1TA  
Tel: (01223) 332499  
E-mail: [foi@cai.cam.ac.uk](mailto:foi@cai.cam.ac.uk)

## **Appendix I**

### **List of exemptions under the Freedom of Information Act 2000**

#### **A. Exemptions where the public interest test applies:**

- s22 Information intended for future publication
- s24 National security
- s26 Defence
- s27 International relations
- s28 Relations within the United Kingdom
- s29 The economy
- s30 Investigations and proceedings conducted by public authorities
- s31 Law enforcement
- s33 Audit functions
- s35 Formulation of government policy, etc.
- s36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- s37 Communications with Her Majesty, etc., and honours
- s38 Health and safety
- s39 Environmental information
- s40 Personal information (Only where the information concerns a third party and a s.10 notice under the Data Protection Act 1998 applies to that information)
- s42 Legal professional privilege
- s43 Commercial interests

#### **B. The absolute exemptions**

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

- s21 Information accessible to applicants by other means
- s23 Information supplied by, or relating to, bodies dealing with security
- s32 Court records, etc
- s34 Parliamentary
- s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- s40 Personal information (where the applicant is the subject of the information)
- s42 Information provided in confidence
- s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

## **Appendix II**

### **Dealing with requests for information: a guide for Fellows and College Officers**

#### **1 The Act**

The Freedom of Information Act is intended to allow anyone in the community to obtain information they require from publicly-funded bodies. As a result, the College is covered by the legislation, and this places three basic requirements on us:

- that we routinely put in the public domain as much information about the College and its activities as is reasonable possible
- that we ensure that, where an individual requires information that we hold but have not already published, we provide the enquirer with the relevant information (unless it is exempt)
- that we have in place a properly structured approach to managing records to ensure that essential records of our activities are maintained in appropriate detail and are readily available to the public.

**This guide is designed to help you deal with requests for information made under the terms of the Act.**

#### **2 The College's Publication Scheme**

The College already places a great deal of information in the public domain, including the unreserved minutes from the College Council, statistics relating to student numbers and the College Accounts. These are published via the College website or some papers are published on paper and can then be made generally available.

As required by the Freedom of Information Act, all of the information that the College places in the public domain is listed in our Publication Scheme, which describes both the types of information available and where it can be located. The scheme is available on the web at: <http://www.cai.cam.ac.uk/publication-scheme>.

#### **3 The right to request information**

The right to request information under the Act extends to anyone who wishes to make an enquiry – they might be an employee or student of the College, an employee of some other organisation or any other member of the public. There is no limitation on who may make an enquiry – the law gives the right to minors and adults alike, and foreign nationals (even those based abroad) are equally entitled to request information.

We are not allowed to ask enquirers why they require the information they seek. Enquirers need not quote (or even be aware of) their rights under the Act, to make a request for information. The only requirement the law places on an enquirer is that they must make their enquiry *in writing* for it to have the authority of a request made under the terms of the Freedom of Information Act.

Verbal enquiries (eg those made over the telephone) do not have the force of law. However, if your department receives such an enquiry you should advise the enquirer on how to make the request. We must give advice and assistance to all enquirers and potential enquirers.

When an individual makes a written request for information (this includes faxes and emails as well as letters), we *must* provide them with that information, except in the cases where exemptions apply (this issue is covered in Section 7). In practice, in most cases this should mean supplying them with instructions about how to find the information, using the details provided in the College Publication Scheme. In some cases, however, an enquirer may ask for information that the College does not usually place in the public domain. In these cases, we will have to provide that information directly to them. ***The most important thing to remember is that any letter / fax / email you receive that asks for information may match the definition of a Freedom of Information request and will thus carry the force of the law, and must be responded to in accordance with the law.***

In all cases, the information (or ways of receiving that information) must be provided within *twenty working days* of receiving a written enquiry. This is a short response time so, if you are in any doubt as to whether an enquiry may be a Freedom of Information enquiry, or you cannot respond from the records available to you, you should contact the College Freedom of Information Officer immediately. The actions to be taken on receipt of an enquiry are reiterated in subsequent sections.

#### **4 Data Protection vs. Freedom of Information**

It is important to distinguish requests made by individuals under the terms of the Data Protection Act from those made under the terms of the Freedom of Information Act. Basically, if an individual wishes to see information we hold that *specifically relates to themselves*, then this is a Subject Access Request made under the terms of the Data Protection Act. Such enquiries should usually be referred to the College Data Protection Officer unless the request is for specific documentation that it is straightforward for you to supply directly (in which case you may supply the information yourself or authorise others in your department to do so).

If an enquirer is asking for general information about the College, its activities, or any other material held in our records, then this is a Freedom of Information request. If it is not possible to tell exactly what sort of request is being made, or a request appears to cover elements of both laws, such enquiries should always be referred to the College Freedom of Information Officer.

#### **5 Handling requests for information**

The College has designed forms and guidance that will be available from the College Archivist. Please ensure that copies are available in your office. Enquirers do not have to use the forms to make a Freedom of Information request: so long as their enquiry is in writing, we must respond accordingly. But if you are contacted directly by an individual requiring information - either face to face, or on the telephone – then take a

note of their details and send them an 'Information Request Pack', ie the relevant form and guidance.

If you are contacted *in writing* by an individual requiring information, then you should immediately treat this as a Freedom of Information request and act as set out in Section 6. There is no intention, however, to stop staff and Fellows providing information directly in cases where this has always happened as a matter of routine: staff involved in distributing routine, predictable information (eg prospectuses) should continue to deal with these requests as normal, whilst noting that the law *requires* a response within twenty working days.

## **6 Responding to requests for information**

Thus, if you receive a letter, fax or email asking for information that is readily available in your department then you should provide a copy of this direct to the enquirer within twenty days. Alternatively, if the College already publishes the information requested, you need only provide the enquirer with instructions as to how to find the information. Usually, it should be enough to direct them to our Publication Scheme, either at our website <http://www.cai.cam.ac.uk/publication-scheme> or in printed form (the Freedom of Information Officer can provide copies).

If you receive a request using a College Information Request form, please check whether you can comply from the records you hold. If you cannot respond and/or you do not know where/if the information can be found, or it is not clear what information is being requested, or if the request appears to cover potentially problematic or exempt information (for example, information that might contain the personal details of an employee or student), then you should forward the request to the College Freedom of Information Officer. Remember that we owe enquirers a general duty of confidentiality – when considering a request and/or passing it to any other member of staff, you should do so on a need-to-know basis only.

## **7 Other relevant issues**

**(i) Exemptions.** The law does permit the College certain exemptions from the usual requirement to respond to information requests. These relate typically to information that may be commercially sensitive, and to personal information that relates to individuals other than the enquirer. If you receive an information request that covers information that is not in our Publication Scheme and that includes information about individuals (staff, Fellows, students etc) or commercially sensitive information, or other information you think might be exempt, then please consult the College Freedom of Information Office. Note that the Freedom of Information Officer will always take responsibility for refusing any request.

**(ii) Complaints and appeals.** In any case where the College fails to respond (or fails to respond *fully*) to an information request, the enquirer does have the right of appeal to the relevant government body. Should an enquirer lodge a complaint with you/your department about the nature and/or content of any response please forward this complaint to the College Freedom of Information Officer, who will follow up the complaint and will inform the enquirer of their right to appeal.

**(iii) Clarification.** The College has the right to ask an enquirer for more details to clarify their request in cases where it may not be immediately clear what information they require. If you decide to deal with an enquiry you must be clear what information you have been asked to provide: if in doubt, ask the Freedom of Information Officer.

**(iv) Costs and fees.** The College is permitted to charge limited fees for any search. The intention of the fee is to help cover the costs of the search (ie staff time and any copying costs). We do not expect departments to charge for routine enquiries that can be answered by either the provision of a small amount of documentation or by giving the enquirer directions to material in the public domain. Any fee charged must be ratified with the College Freedom of Information Officer.

**(v) Statistics.** The Act does not require us to provide enquirers with specialist statistical information that the College does not normally produce. Statistical requests should be forwarded to the Freedom of Information Officer for consideration.

**(vi) Organised campaigns.** The law allows us to refuse multiple information requests made as part of a campaign. If you receive multiple enquiries of a similar nature you should ***not*** refuse to co-operate but you must always inform the College Freedom of Information Officer, who will be able to take a view on whether a campaign is being instigated and, if not, may make arrangements to add the frequently-requested information to the College's Publication Scheme.

## **8 In summary**

Please be aware of the implications of the Freedom of Information Act, and make sure that colleagues are also aware that:

- Individuals may, from January 2005, ask us to provide them with much of the information held by the College, whether at departmental or 'central' level.
- Any request in writing is legitimate, whether or not it uses the standard College Information Request Form and whoever it is addressed to.
- If in any doubt refer any potential/apparent information request to the College Information Officer: we will only have twenty working days to respond.





## Appendix III

### The Freedom of Information Act 2000 Your Guide to Requesting Information from Gonville & Caius College

Under the terms of the Data Protection Act 1998 and the Freedom of Information Act 2000, individuals have rights in regard to obtaining information held by Gonville & Caius College. So far as is possible, the College wishes to provide the members of the public with any information they need that it holds. The College is committed to promoting public understanding of its nature and activities via the systematic publication of all relevant information, and will make every effort to provide, where practical and permissible, additional information to members of the public in cases where routinely published information does not provide them with the information they require.

#### **Requests for information relating to yourself**

Under the terms of the Data Protection Act 1998 you are allowed to ask the College for any information held about you as an individual. If you wish to make an enquiry about data that relates to yourself, then please obtain the College's 'Subject Access Request Form', which is available from the College's Data Protection Officer. Please note that there will usually be a charge of £10 for this service and that the College will normally have 40 days to respond to your request.

#### **Requests for other information held by the College**

Under the terms of the Freedom of Information 2000 you are allowed to ask the College to provide you with any information held by the College.

The College already makes public large quantities of the information that it holds, and a description of all that we publish is available at <http://www.cai.cam.ac.uk/publication-scheme> or from the College Freedom of Information Officer.

Before submitting a request you are advised to check the College's Publication Scheme to determine whether the information you require is already available.

If you wish to make an enquiry about data held by the College and which does not seem to be already available, then please either write directly to the College Freedom of Information Officer, or complete and send the form entitled 'Request for Information' (further copies are available from the College Archivist and the Freedom of Information Officer).

When we receive your request we shall locate the information you need. If we cannot determine exactly what information you require, we shall contact you as soon as possible to clarify your request. If we already publish the information you require, we shall send you details of how to find the information.



## Gonville & Caius College



In other cases, the information you need will be located and provided to you in your preferred format. Please note, however, that some information may be exempt from your access: should that be the case, we will provide what information we can and also provide reasons why other information has not been released to you. Please also note that we may need to charge a fee to cover the costs of our search and any copying: until a fee is received, the information you require will not be released to you. If there is a fee we shall contact you as soon as possible to inform you of the amount.

If you need any advice on your request, or you are unhappy with our response, please write or email the Freedom of Information at the address below:

Gonville & Caius College  
Trinity Street  
Cambridge  
CB2 1TA

[foi@cai.cam.ac.uk](mailto:foi@cai.cam.ac.uk)



**Gonville & Caius College**

**FOI REQUEST FOR INFORMATION**

**Your details**

\*Name (Given name & Family name).....

\*Address.....

.....

.....

Telephone number..... Fax number.....

Email.....

\*Please note that we cannot provide you with the information you required unless you provide these details

**Description of the information you require**

Please provide a description of the information you would like Gonville & Caius College to provide you with. If your request relates to specific document(s), please provide any details of the document you may have (e.g. date of publication, author etc) and its likely location (e.g. the relevant staff member, office or department). If you are uncertain how to describe the information you require, the College Freedom of Information Officer will be happy to provide you with advice and assistance, or direct you to others who can help. Contact details are given at the end of this form:

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NB. Gonville & Caius College has the right to ask for clarification of any request for information where it does not prove possible to identify the information needed from the original description provided.

**Format of information**

Where your request covers information that is already published by the College, we will provide you with directions on how to locate the appropriate information in its usual published format.

Otherwise, we can provide you with (please tick your preference):

- ♦the opportunity to view the information by appointment
- ♦the information in 'permanent' form (e.g. photocopies or a print out of the relevant information)
- ♦the information in summary / 'digest' form (available only if the information is in a format that be summarised coherently and in reasonable time)
- ♦an e-mail attachment (if the document is in electronic form)
- ♦Some other form (please specify)  .....
- .....
- .....

**Notes**

(i) Though there is no limit to the scope of the information you may request, please note the College may have the right to refuse vexatious requests (under the terms of Section 14 of the Freedom of Information Act 2000), to obscure or suppress information that relates to other third parties (under the terms of Principles 1, 6 and 7 of the Data Protection Act 1998) and not TO disclose information that is covered by relevant exemptions allowed by the Freedom of Information Act 2000.

(ii) If your request is refused or is answered partially, a full explanation for our decision will be provided. You will be entitled to appeal to the College and contact details will be provided. You will also be provided with details of how to make an external appeal to the Office of the Information Commissioner.

(iii) In cases where the College holds only some of the information requested, we will respond as fully as we can and assist in directing you to the relevant holder of the remaining information.

**Office use only**

Request received:.....

Search Fee: £..... Date fee set:..... Date fee received:.....

Clarification requested (date):..... Clarification received (date):.....

(please append relevant correspondence)

Notes (NB. If request is *refused*, attach all relevant correspondence).....

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..... Date completed:.....

Confirmed (signature):.....

**Please return the completed form to: The Freedom of Information Officer, Gonville & Caius College, Trinity Street, Cambridge, CB2 1TA. If you require advice in composing your request, please also contact the Freedom of Information Officer. You may email to [foi@cai.cam.ac.uk](mailto:foi@cai.cam.ac.uk)**