



Freedom of Information Act: brief guidance notes

Introduction

Leeds Arts University is committed to openness in relation to its staff, students and the general public. From February 2005, under the Freedom of Information Act 2000, all individuals have a general right of access to information that is held by public authorities.

Subject to the exemptions provided in the Act, anyone who makes a request to the University will be informed whether the University holds the information requested and, if it does, the information should be supplied.

If another public authority already publishes the information requested, information should be given on how to access it. Where information is routinely published by the University, it will be made available under the [University's Publication Scheme](#).

Individuals cannot use the Freedom of Information Act to obtain personal information about themselves. A request for personal information should instead be made with reference to the Data Protection Act 2018 - see also the [University's Data Protection Policy](#).

University Publication Scheme

Under the terms of the Freedom of Information Act, every public authority is required to adopt and maintain a Publication Scheme relating to information that it routinely publishes, setting out how it intends to publish the different classes of information it holds and whether there is a charge for the information.

The Board of Governors of Leeds Arts University has adopted the Information Commissioner's generic model publication scheme developed for public authorities and is committed to publishing the information described in the Information Commissioner's [Definition Document for Universities and HE Institutions](#).

Details of the type of documents available under the University's Publication Scheme are given in the [University Publication Scheme Guide](#) which is available on the University website.

Information not available under the University's Publication Scheme can be obtained by making a Freedom of Information (FOI) request.

Making a Freedom of Information request

Details of how to make a Freedom of Information request are given on the University's website as follows:

Where available, via the University website - www.leeds-art.ac.uk

By making a request by e-mail to foi@leeds-art.ac.uk

By making a request in writing to: Compliance Officer, Leeds Arts University, Blenheim Walk, Leeds, LS2 9AQ

A person requesting information does not, however, have to state that they are making a Publication Scheme or Freedom of Information request. Any request for information that the University does not make routinely available should therefore be treated as a Freedom of Information request and referred to the Compliance Officer.

To be a valid request, the applicant must supply their name and an address for correspondence, which could be an e-mail address.

Time limits for responding to requests

As information available under the University's Publication Scheme should be information that the University makes routinely available (e.g. prospectuses), the University should supply any information requested as soon as possible.

The University normally has 20 working days to respond to a Freedom of Information request, counted from the day after the request is made and excluding bank holidays and other public holidays. In certain circumstances the period for response may be extended e.g. where further information is required from the applicant to enable the University to identify the information requested or where an applicant is required to pay a fee.

Charges for information

If a charge is to be made, confirmation of the payment due should be given to the applicant before the information is provided. The [University's Charging Policy](#) for requests falling under the Data Protection Act, the Freedom of Information Act, the University's Publication Scheme, and the Environmental Information Regulations provides further details and is available on the University website. It also includes details of the circumstances in which a request might be refused where the appropriate cost limit is exceeded.

Responding to a request

A Freedom of Information request should normally be acknowledged by the Compliance Officer as soon as possible after receipt. The 20 working day deadline within which a response will be provided should also be stated in the acknowledgement letter.

The response to a request should normally be sent to the applicant by the Compliance Officer within the 20 working-day deadline, should normally confirm or deny that the University holds the information requested and supply the information, unless the University is refusing the request on the grounds that it falls within an exemption listed in the Freedom of Information Act - see the list below. Where the University decides to rely on an exemption, the exemption must be detailed in the letter or response. If the exemption requires a public interest test to be conducted, details of the outcome of the test should also be supplied.

The letter should state that, if the applicant is dissatisfied with the handling of their request, they may ask for a review by the Vice-Chancellor (or the Chair of Governors, if the Vice-Chancellor has already been involved in responding to the request). If the applicant is unhappy with the outcome of the internal University review, they should be informed that they have the right to apply directly to the Information Commissioner for a decision at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Correspondence with applicants may be by e-mail where this is requested.

Designated staff member

The designated staff member responsible for dealing with Freedom of Information requests is the Compliance Officer. If the Compliance Officer should be unavailable for an extended period, the designated staff member responsible for dealing with Freedom of Information requests is the Director of Finance.

Freedom of Information Act exemptions

A list of FOI exemptions is given below. Exemptions may be absolute or qualified. A decision on whether a qualified exemption applies is subject to the public interest test i.e. whether in any particular case it serves the interests of the public better to withhold or to disclose information.

Qualified exemptions can be further divided into class-based and prejudice-based exemptions. Class-based exemptions are those in which it is assumed that disclosure of information of a certain kind will be harmful. In the main, the prejudice-based exemptions include the phrase "would, or would be likely to, prejudice" e.g. section 43(2) "Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."

A summary of Freedom of Information Act exemptions:

Section 21:	information accessible by other means (<i>absolute exemption</i>)
Section 22:	information intended for future publication (<i>qualified exemption</i>)*
Section 23:	information supplied by, or related to, bodies dealing with security matters (<i>absolute exemption</i>)
Section 26:	defence (<i>qualified exemption</i>)
Section 27:	international relations (<i>qualified exemption</i>)
Section 28:	relations within the UK (<i>qualified exemption</i>)
Section 29:	the economy (<i>qualified exemption</i>)
Section 30:	investigations and proceedings conducted by public authorities

(qualified exemption)

- Section 31: law enforcement *(qualified exemption)*
Section 32: court records *(absolute exemption)*
Section 33: audit functions *(qualified exemption)*
Section 34: parliamentary privilege *(absolute exemption)*
Section 35: formulation of government policy *(qualified exemption)*
Section 36: prejudice to effective conduct of public affairs *(absolute exemption if relates to information held by Houses of Commons or Lords but otherwise a qualified exemption)*
Section 37(1)(a): communications with Her Majesty, with other members of the Royal Household *(qualified exemption)*
Section 37(1)(b): the conferring by the Crown of any honour or dignity *(qualified exemption)*
Section 38: health and safety *(qualified exemption)*
Section 39: environmental information *(qualified exemption)*
Section 40: personal information *(absolute exemption)*
Section 41: information provided in confidence *(absolute exemption)*
Section 42: legal professional privilege *(qualified exemption)*
Section 43: commercial interests *(qualified exemption)*
Section 44: prohibitions on disclosure *(absolute exemption)*

* *i.e. subject to the public interest test*

Further information and guidance

Some of the information above given above is based on guidance provided by the Information Commissioner's Office (ICO). Decisions on Freedom of Information requests should, however, always be made with reference to the relevant legislation (e.g. see: www.legislation.gov.uk/ukpga/2000/36/contents for the Freedom of Information Act 2000) and the detailed and up to date guidance available on the ICO website. See for example the ICO's more detailed Guide to Freedom of Information, which also provides links to information on specific topics at:

www.ico.gov.uk/for_organisations/freedom_of_information.aspx

Some of the information above is based on guidance from the Ministry of Justice website, which contains useful advice for those dealing with FOI requests, including template letters. See: www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners

Approved by the Board of Governors

17th October 2012

Updated May 2019