

## **THE UNIVERSITY OF BOLTON**

### **FREEDOM OF INFORMATION**

#### **HANDLING REQUESTS: A management guide**

##### **1. Introduction**

This guide for managers follows on from Fol Briefing “Handling requests: a guide for all staff”.

- Not all requests governed by the Freedom of Information Act (the Act) will be for information that the University can or should disclose to a particular applicant.
- This procedure provides guidance on refusing to supply information, including permitted exemptions and the use of the Public Interest Test (these are listed in Section 8 of this Guide).
- It also advises consulting with other staff, with external suppliers of information and on why the Publication Scheme can help deal with enquiries.

##### **2. When can a request for information be refused?**

On receipt of a request for information the following issues should be considered in order before releasing information. Release can be refused if:

- The information does not exist.
- The request is vexatious. The University should exercise objective judgement. Examples include, the request is trivial or appears to be directed at frustrating the operation of the University. It is unlikely that a first request would ever be classified as vexatious.
- The request is a repeated identical request from the same applicant, unless a reasonable interval has elapsed. In some limited cases similar or linked requests, received within a short timeframe may be treated as one request.
- An exemption can be applied (details below).
- The cost of complying exceeds the limit set by regulation (that is £450). Regulations control what we can charge for. Further information can be found in our [Fol guide to charging fees](#).

##### **3. Procedure for considering and employing exemptions**

On receipt of a request, consider whether an exemption applies (these are listed in Section 8 below). The University is allowed “reasonable time” to consider these matters.

Many of the exemptions allow information to be withheld, but some are procedural and merely allow the particular request to be refused in that instance. Most importantly, if the information is available from elsewhere, such as from our publication scheme or from another source, the request *can* be refused, but the applicant should be given assistance in locating the information. So in fact, the University *may* still have to supply the information.

Consider whether an absolute exemption or a qualified exemption is to be employed.

If you wish to employ an absolute exemption the request can be refused. Refer to the Refusal process below for details (Section 6).

If the exemption is qualified you have to consider the Public Interest Test and judge if the **public interest is served more** by the withholding of the information (at the time the request is received). If so, only then can the information be withheld. Refer to the Refusal process below for details. Please seek guidance from the Assistant Vice Chancellor (Development) in employing the Public Interest Test.

#### **4. Consulting within the University and the Publication Scheme**

In order to establish a consistent response to requests for information (whether refusing or not) it is important that senior management consult with their peers, when they receive unusual, exempt-related or repeated requests.

Any requests received from journalists should be referred to the Registrar in the first instance.

By monitoring and discussing requests, a trend may be identified and consideration can be given to including *relevant information or records* in the University's Publication Scheme. The Scheme facilitates consistent delivery of what the University judges to be appropriate information and negates the need to repeatedly reply to similar requests from different people. It may be helpful to make a statement in the Scheme to the effect that certain information is not included because of an exemption. See "Freedom of Information Publication Scheme" on the University's "home page" website and contact the Registrar regarding the use and development of our scheme.

#### **5. Consulting externally**

Has the information requested been supplied by an external body? If we have not already done so we *may* need to consult that body to gain permission prior to release. Further guidance is available from <http://www.bolton.ac.uk/freedom> and the Registrar.

#### **6. Refusal process and Notice**

Please consult with the Registrar before the issue of a refusal notice.

It is recommended that informal methods aimed at coming to a resolution with the applicant should be explored before issuing a Refusal Notice.

When the University refuses a request it should try to explain its reasons clearly, not least because the Act provides applicants with rights to complain, firstly to the authority concerned and secondly to the Information Commissioner.

The University should issue a refusal notice within 20 working days of receipt of the request, excepting where the Public Interest Test is being considered, when a reasonable time is permitted. In such cases the applicant should be informed of the time required.

When an exemption is employed a refusal notice must include the following information:

- The fact of refusal
- The applicable exemption
- Why the exemption applies
- (if applicable) How the public interest test has been applied
- The University's Complaints Procedure
- The right to complain to the Information Commissioner.

A template "Refusal Notice" is available from the Registrar.

The complaints procedure should also be included with any notice served in response to a request, including a notice that we are still considering the request.

The University is not obliged to provide any information in the refusal process which would of itself disclose exempt information.

## **7. Keep a Record**

A refusal notice should be copied to the Registrar and a copy kept on file locally.

## **8. Appendix: Exemptions and the Public Interest Test**

The following exemptions are listed as they appear in the FoI Act and are not in order of relevance to The University of Bolton.

### **8.1 Absolute exemptions**

Absolute exemptions are the exemptions for which it is not necessary to go on to consider disclosure in the public interest.

- Information accessible to applicant by other means (including Publication Schemes)
- Information supplied by, or relating to, bodies dealing with security matters
- Court records, and so on
- Parliamentary privilege
- Prejudice to effective conduct of public affairs
- Personal information

- Information provided in confidence
- Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

## **8.2 Exemptions where the Public Interest Test applies**

Exemptions for which the institution has a duty to consider whether disclosure is required in the public interest are listed below. Where an institution considers that the public interest in withholding the information requested outweighs the public interest in releasing it, the institution must inform the applicant of its reasons, unless providing the reasoning would effectively mean releasing the exempt information.

- Information intended for future publication
- National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not arise)
- Defence
- International relations
- Relations within the United Kingdom
- The economy
- Investigations and proceedings conducted by public authorities
- Law enforcement
- Audit functions
- Formulation of government policy, and so on
- Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- Communications with Her Majesty, etc and honours
- Health and safety (that is prejudicing the health and safety of any individual)
- Environmental information
- Personal information (if the institution believes that disclosure would not breach any of the data protection principles)
- Legal professional privilege
- Commercial interests