



# DOWNING COLLEGE CAMBRIDGE

## Freedom of Information Policy

Downing College takes its responsibilities with regard to the requirements of the *Freedom of Information Act 2000* (hereafter called the “Act”) very seriously. This document provides the policy framework through which compliance with these requirements can be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Relationships 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
11. Review & approval
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### 1. Scope of the policy

The purpose of this Policy is to ensure that the provisions of the Act are adhered to by the College and its staff 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

2.1 The College recognises its corporate responsibility under the Act to provide a general right of access to information held, and its accompanying responsibilities to maintain appropriate recordkeeping practices and provide training for its staff concerning compliance with information legislation. The Senior Officer with overall responsibility for the College’s compliance with the Act is

the Senior Bursar.

2.2 The Records Manager is responsible for drawing up guidance on freedom of information, responding to requests under the Act, and promoting compliance with this Policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

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

This Policy has been formulated within the context of the following College documents, published on the College website at <http://www.dow.cam.ac.uk/about/documents-and-policies/downing-college-policies>

- Downing College Information Strategy (*in preparation*)
- Records Management Policy
- Data Protection Policy
- Data Protection Statements
- Archive Access Policy

Compliance with this Policy will in turn facilitate compliance not only with information-related legislation (specifically the GDPR and the Data Protection Act 2018) but also with any other legislation or regulations (including audit, equal opportunities and research ethics) affecting the College.

### **4. Available guidance**

4.1 Further guidance on the procedures necessary to comply with this Policy is available from the Records Manager.

4.2 A guidance document has also been prepared for members of the public who wish to submit a request under the Act, and is available from the College website at <http://www.dow.cam.ac.uk/about/documents-and-policies/freedom-information/making-freedom-information-or-data-protection> or in hardcopy by request from the Records Manager.

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

Downing College's Publication Scheme is available from the College website at <http://www.dow.cam.ac.uk/about/documents-and-policies/freedom-information/freedom-information-publication-scheme> or in hardcopy by request from the Records Manager. The Publication Scheme specifies:

- what information the College will make routinely available to the public as a matter of course
- how it will do so, and
- whether this information will be made available free of charge or on payment of a fee.

The College also publishes a [disclosure log for Freedom of Information requests](#) for the last five complete years which details anonymised enquiries and our responses.

### **6. Specific requests for information**

6.1 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 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 Records Manager.

6.2 Any request must be made in a permanent form (for example in writing or by email) and 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 applies. 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 by the Records Manager.

6.3 The College is legally obliged to 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**

7.1 Unless otherwise specified, information made available through the College's Publication Scheme will be free of charge.

7.2 The College reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme. Fees will be determined in accordance with the provisions of the Act and of Statutory Instrument 2004 No. 3244, which provides guidance on the calculation of fees <http://www.legislation.gov.uk/uksi/2004/3244/contents/made>.

## **8. Complaints**

8.1 If applicants have any complaints or concerns regarding the College's handling of Freedom of Information Requests or any other matter pertaining to compliance with information legislation, they should in the first instance contact the Senior Bursar who will coordinate any investigations that may be required.

8.2 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

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

9.1 There are a number of exemptions under the Act; some to which the public interest test

applies, and others which are absolute exemptions. The full list of exemptions can be found in the Appendix of this Policy.

9.2 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 statutory Instrument. If this is the case, then the College's response to the request will state what exemptions have been applied, and why.

## 10. Contacts

For enquiries please contact:

Paul Boulton  
Records Manager  
Downing College  
Cambridge CB2 1DQ  
foi@dow.cam.ac.uk

Complaints concerning the College's handling of Freedom of Information requests should be directed to:

Dr Susan Lintott, Senior Bursar, senior.bursar@dow.cam.ac.uk

## 11. Review and approval

This Policy has been approved by the Information Management Committee of the College and will be subject to a regular review.

## 12. Version control

Date	Version	Reason for change	Author
11/05/2015	0.1	Initial draft	Records Manager
19/08/2015	1.0	Publication	Records Manager
07/09/2016	1.1	Updated Appendix A, added disclosure log reference	Records Manager
17/05/2017	1.2	Updated web links	Records Manager
05/11/2018	2.0	Review and update at IMC	Records Manager

## **Appendix – a list of exemptions under the Act**

- s12 Cost limit
- s14 Vexatious requests

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

- s22 Information intended for future publication
- s22A Research information
- 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 section 10 (to prevent processing likely to cause damage or distress) applies to that information)
- s42 Legal professional privilege
- s43 Commercial interests

### **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 privilege
- s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- s40(1) Personal information (where the applicant is the subject of the information and should be dealt with as a subject access request under the Data Protection Act 2018)
- s41 Information provided in confidence
- s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.