Document Title	Access to Information Policy and Procedure								
Document Type	**Policy**	x	**Code**	x	**Procedure**			**Strategy**	
Approved by	**SLT**	x	**F&GP**		**Audit**	x	**Corporation**		x
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Owner	Head of Governance and Data Protection								

College Values

Students:	as the focus for the work of everyone at the College
Mutual Respect:	caring for and valuing students, staff, governors and our community
Integrity:	honesty, hard work and personal and social responsibility
Learning:	a passion for learning and its capacity to change lives
Excellence:	high aspirations, high standards and high achievement

1. Policy Statement

This policy document has been prepared in compliance with:

- The Freedom of Information Act 2000 (FOIA)
- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act 2018 (DPA 2018)
- The Data Use and Access Act (DUAA) (as applicable)

2. Disclosure of Information

College information can be disclosed in two ways, either by proactive publication or by access on request.

2.1 Proactive Publication

The Publication Scheme describes the information the College publishes, or intends to publish. In this context, "publish" means to make information available, routinely. These descriptions are called "classes of information". The Scheme is not a list of the actual publications, because this will change as new material is published or existing material revised. It is, however, the College's commitment to make available the information described.

2.2 Access on Request

In accordance with the Publication Scheme, where it is within the capability of the College, information will be published on the College website, where it can be accessed free of charge. However, as the majority of information is not published, anyone who wishes to see this information must apply for access, and in some cases, charges may apply as set out in 4.6 below.

3. The 'model' Publication Scheme

3.1 Luton Sixth Form College has adopted the model publication scheme provided by the Information Commissioner's Office, as developed for colleges of further education and is therefore committed to publishing the information it describes.

3.2 This model is designed for Universities/Further Education and Sixth Form Colleges across England, Wales and Northern Ireland. The purpose of the model is to save institutions duplicating effort in producing individual schemes and to assist the public in accessing information from across the sector. However, to reflect the diversity in size and function of institution, a number of optional classes of information are included. As a result, models within the sector will vary slightly. Any optional classes relevant to us have been included in our scheme.

3.3 Any reference to the College website in the Publication Scheme refers to www.lutonsfc.ac.uk.

4. How to Access Information

4.1 Luton Sixth Form College will make available information it holds whether or not listed in the Publication Scheme, unless identified as not available under one or more of the exemptions set out in the Act.

4.2 If the information being sought is not listed in the Publications Scheme, individuals may still request the information under the terms of the Act. Requests must be made in writing, the individual requesting the information must provide a name and address and must clearly state the information being requested.

4.3 The College will normally reply to all requests made under the Act within the time limit set out in the legislation of 20 working days. However, when it is necessary to apply a public interest test under an exemption set out in the legislation, the College may apply for an extension to the 20 working days in compliance with the Information Commissioner's guidance. In such cases, the applicant will be informed of the extension and will be given an estimate of the date by which the College expects to make its decision on supplying the requested information.

4.4 In responding to requests for information, the College will provide the applicant with confirmation of whether or not the information being requested is held and will, where possible, supply the information in the desired format. Where the College does not hold the requested information, the applicant will be provided with a brief explanation of why this is not held if appropriate and where the applicant may find the information. When the information is exempt under the Act, the College will issue a refusal notice to the applicant stating the specific exemption that has been applied.

4.5 Information about College activities is generally available to the public on request under the Freedom of Information Act 2000, subject tothe provisions of the Data Protection Act 2018 (including Article 5 of GDPR), Freedom of information requests do not have to be formal, or to make reference to freedom of information.

4.6 Whilst most information included in the Publication Scheme will be provided free of charge, the College reserves the right to charge a fee for responding to all Freedom of Information requests. The College will be guided by the advice of the Information Commissioner in setting any fee and any such fee would normally be required to cover any administrative, printing or copying costs. On receipt of a Freedom of Information request, the College will keep the applicant informed if a fee is likely to be liable and what it might be.

4.7 Any person wishing to inspect documents relating to governance may do so by contacting the Head of Governance and Data Protection.These documents are available on the website; or by application to the Head of Governance and Data Protection by giving two days' notice, and the documents will be made available on site during normal office hours. The Clerk can be contacted at:

Head of Governance and Data Protection
Luton Sixth Form College
Bradgers Hill Road
Luton LU2 7EW

4.8 Some information held by the college is confidential, and will be withheld from any documentation or other information generally provided. Information falling into the categories listed below would normally bewithheld. If any request is turned down on grounds of confidentiality, the College will give the reason for denying access.

- Personal or sensitive information relating to an individual
- Information provided in confidence by a third party who has not authorised its disclosure
- Financial or other information relating to procurement decisions, includingthat relating to the College negotiating position
- Information relating to the negotiating position of the college inindustrial relations matters
- Information relating to the financial position of the College wheredisclosure might harm the College or its competitive position, as determined by the governing body
- Legal advice received from or instructions given to the College legal advisors.
- Information planned for publication in advance of that publication.

5. Exempt information

5.1 In certain circumstances, the College may refuse a freedom of information request:

- When the request is vexatious or repeated.
- When the cost of the compliance exceeds the appropriate limit.
- When the information falls under one of the 24 exemptions under the Act.

5.2 There are two broad categories of exemptions:

- ***Absolute Exemptions***. In some cases, there is no legal right of access at all, for instance information supplied or relating to bodies dealing with security matters. In other cases, personal information may be available through other means such as a Data Protection Subject Access request.

- ***Qualified Exemptions*.** These are cases where the College, having identified a possible exemption, must consider whether the public interest in maintaining the exemption is greater than in confirming or denying the existence of the information requested and providing the information to the applicant.

5.3 In addition, the College must inform the applicant where they have the right to appeal to the

Information Commissioner's Office about the information being withheld.

5.4 The Freedom of Information Act does not give public access to their own personal data information about themselves). Any request for personal information should be made via a Subject Access Request under the Data Protection Act 2018 via the College Data Protection Officer.

6. Vexatious or Repeated Requests

6.1 A request can be treated as vexatious where it would impose a significant burden on the College in terms of expense or distraction and meets at least one of the following criteria:

- It clearly does not have any serious purpose or value
- It is deigned to cause disruption or annoyance
- It has the effect of harassing the College
- It can otherwise fairly be characterised as obsessive or manifestly unreasonable

6.2 The College should not refuse a request for Information which is available through the Publication Scheme on the grounds that it is vexatious.

6.3 Where the College has previously complied with a request for information it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance and the current request.

6.4 Issue may arise where the College receives requests from individuals who have previously registered a grievance, pursued a complaint or otherwise been involved in a dispute. Such requests may be considered vexatious and will be referred to the Freedom of Information Officer.

6.5 All refusals for information that are vexatious or repeated will be communicated to the applicant but no further explanation will be provided. However, a record of the request should be maintained so that the reason can be justified to the Independent Commissioner's Office if a complaint is made.

7. Complaints

Complaints should, in the first instance, be directed to the Data Protection Officer via email at DataProtectionLSF@LutonSFC.ac.uk.

If the College is unable to resolve any complaint, an individual can complain to the Information Commissioner, the independent body which oversees the Freedom of Information Act:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow Cheshire SK9 5AF

8. Further Information

More information about the Freedom of Information Act is available on the Information

Commissioner's website at https://www.ico.org.uk