



Freedom of Information Policy 2026 - 2027

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. INTRODUCTION

- 1.1 The Freedom of Information Act 2000 (FoIA 2000) provides rights of public access to information held by public authorities.
- 1.2 It does this in two ways:
1. public authorities are obliged to publish certain information about their activities (by having a “publication scheme”); and
 2. members of the public are entitled to request information from public authorities (subject to certain restrictions).
- 1.3 Where that information is environmental information, then the Environmental Information Regulations 2004 (EIR 2004) apply instead. ‘Environmental Information’ is defined by Regulation 2(1) of the EIR 2004 as:

any information in written, visual, aural, electronic or any other material form on—

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c)...

1.4 The FoIA 2000 applies to the College as the College falls within the definition of a “public authority” as defined by the FoIA 2000. By virtue of paragraph 53(1) of Schedule 1, the definition of “public authority” includes

The governing body of—

(a) an institution within the further education sector,

...

What information does the FoIA 2000 apply to?

- 1.5 Whether information falls to be disclosed in response to a request will depend on whether it relates to the College as a public body, the type of information it is, and whether or not an exemption(s) applies that prevents disclosure. For further details, see <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/#8>
- 1.6 The FoIA 2000 applies to any recorded information, including printed documents, computer files, letters, emails, photographs and sound or video recordings that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.
- 1.7 The obligation does not necessarily extend to providing a copy of the document(s) that contains that information; it can be met by providing a description of that information instead.
- 1.8 The FoIA 2000, however, does not give people access to their own personal data (information about themselves) such as their health records or credit reference file.
- 1.9 If an individual wants to see information that a public authority holds about them, they should make a Subject Access Request instead. See the College’s Subject Access Request Policy for further details, available at <https://www.askham-bryan.ac.uk/publication-scheme-data-protection/> .

2. SCOPE

- 2.1 The College's Freedom of Information Policy has been produced to ensure compliance with the provisions of the FoIA 2000 and EIR 2004. The policy and associated procedure incorporate guidance from the Association of Colleges and Information Commissioner's Office (ICO).
- 2.2 This policy applies to all members of staff and across all sites, including temporary or casual or agency staff, and contractors and suppliers working for, or on behalf of, the College.

3. RESPONSIBILITY

- 3.1 The Legal and Compliance Adviser will have day-to-day responsibility for managing and responding to any FoIA requests received by the College.
- 3.2 The Legal and Compliance Adviser will also be responsible for ensuring that this policy and any associated procedures remain up to date. Overall responsibility for ensuring compliance with this policy rests with the Deputy Chief Executive Officer.

4. SUBMITTING A REQUEST

- 4.1 Freedom of Information Act requests can be made at any time, to any member of staff. However, **it is best to submit any request to either enquiries@askham-bryan.ac.uk or by emailing FreedomofInformation@askham-bryan.ac.uk**
- 4.2 **For a request to be valid under the FoIA 2000 it must:**
 - a) **be in writing** (which includes email and fax and can **also** include requests via **social media**);
 - b) **give the Requester's name and return address** (although the Requester may request that the response is sent to them via email); and
 - c) **describe the information being sought.**
- 4.3 Requests do not need to specifically mention the Freedom of Information Act 2000 (or "FoIA 2000") to be a valid; it can be inferred that it is a FoIA Request from its content, e.g. "how much does the College spend each year on electricity?".
- 4.4 However, it is helpful if any request does refer to the Act.

5. RESPONDING TO REQUESTS

- 5.1 The College will acknowledge all requests within 2 working days and respond to all routine requests under the FoIA 2000 within the statutory time limit of 20 working days.
- 5.2 However, the FoIA 2000 allows the College to claim a reasonable extension to this limit, up to an additional 20 working days, because one or more exemptions apply and the College needs more time to consider the 'public interest test'. For further details, see <https://ico.org.uk/for-organisations/foi/guide-to-managing-an-foi->

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[request/exemptions/](#)

- 5.3 The College can refuse to respond to a request under the following circumstances:
- if it would cost too much or take too much staff time to deal with the request or confirm whether the College holds the information;
 - the request is vexatious;
 - the request repeats a previous request from the same person, or
 - where an absolute exemption applies.
- 5.3 However, the College will also assist where it can, for instance, in reformulating the request so that it can be responded to.
- 5.4 It may be that the information requested has already been disclosed as part of the College's publication scheme in which case the College's response will be to direct the Requester to the appropriate part of the College's publication scheme.

6. PUBLICATION SCHEME

- 6.1 Section 19 of the FoIA 2000 places a duty on every public authority to:
- a) adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the ICO;
 - b) publish information in accordance with its publication scheme; and
 - c) review its publication scheme from time to time.
- 6.2 The College has adopted the model publication scheme approved by the ICO.
- 6.3 The College routinely publishes certain information on its website (please see <https://www.askham-bryan.ac.uk/publication-scheme/> for further details) to meet the requirements of the ICO's model publication scheme. Hard copies of documents are available on request to either enquiries@askham-bryan.ac.uk or FreedomofInformation@askham-bryan.ac.uk
- 6.4 The Publication Scheme is reviewed on an annual basis and feedback from members of the public is encouraged to assist with the review process.
- 6.5 The Scheme sets out the types of information the College publishes in accordance with the guidelines set out by the ICO, and these are:
- a) who we are and what we do;
 - b) what we spend and how we spend it;
 - c) what are our priorities and how we are doing;
 - d) how we make decisions;
 - e) our policies and procedures;
 - f) lists and registers; and
 - g) the services we offer.

7. CHARGES AND COSTS OF COMPLIANCE

- 7.1 The College has taken a policy decision not to charge for routine FoIA 2000 requests provided the cost of complying with the request does not exceed “the appropriate limit” as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Currently that limit is £600 for central government, Parliament and the armed forces and £450 for all other public authorities, calculated with reference to staff time at £25 per person per hour. This includes the cost of disbursements such as photocopying at 10p per sheet and postage.
- 7.2 Whilst there is no legal obligation to respond to a request where the costs of compliance exceed the appropriate limit, the College may, at its discretion, choose to respond to a request where the costs of compliance exceed £450. If so, the College reserves the right to make charge for responding to such a request.
- 7.3 Where the College makes a charge for responding to the request, then the College requires payment of that sum on account before it will respond to the request. The period from the day of this notification to the day the College receives the payment does not count towards the time limit for responding to the request.
- 7.4 Where the person making the request fails to make payment after 60 days from the date details of the charges were provided, then the College is no longer obliged to respond to the request.

8. RIGHT TO INTERNAL REVIEW

- 8.1 If you are not satisfied with the College’s response to your request, you have the right to request an internal review of the response within 40 working days of the response. Please note: the College is not obliged to provide a review if it is requested after more than 40 working days.
- 8.2 To request an internal review, you must contact the College in writing and explain why they believe the College did not comply with the FoIA 2000. Details of how to contact the College to request an internal review will be set out in the response to your Freedom of Information Act request.
- 8.3 The internal review will be conducted by the Deputy Chief Executive Officer, as the College’s Data Protection Officer, and as a senior member of staff. The internal review will not just be a review of the first decision. The Deputy Chief Executive Officer will make a fresh decision based on all the available evidence that was relevant at the date of the request for information. The Deputy Chief Executive Officer will communicate the outcome of the review to you within 20 working days of receiving your request for an internal review.
- 8.4 There may be circumstances where the College requires more time to complete an internal review, for example if the College needs to address complex issues, consult with third parties or consider substantial amounts of information. In these circumstances the College will let you know that it needs more time. This should be no more than an additional 20 working days, unless there are legitimate reasons why a longer extension is necessary.

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8.5 As with requests for information, if the College requires clarification for an internal review request then the timescale to respond does not start until the clarification is provided.

9. RIGHT TO COMPLAIN TO THE ICO

9.1 If you are still unhappy with the College's response, you have the right to complain to the Information Commissioner's Office ("ICO").

10. MONITORING AND REVIEW

10.1 The Deputy Chief Executive Officer will maintain oversight of the effectiveness of these arrangements.

10.2 This policy and the implementation arrangements which underpin it will be reviewed annually by the Deputy Chief Executive Officer in conjunction with the Legal and Compliance Adviser.

11. RELATED DOCUMENTS

Freedom of Information Act Procedure
Environmental Information Regulations Procedure
Subject Access Request Policy
Subject Access Request Procedure

12. RELEVANT LEGISLATION

Freedom of Information Act 2000
Environmental Information Regulations 2004
Data Protection Act 2018
UK General Data Protection Regulation (UK GDPR)

13. DOCUMENT HISTORY

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