

Quality Management System

Procedure Number

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Procedure Title

Freedom of Information Requests

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Freedom of Information Requests

	Responsibility
<p>1.0 Purpose</p>	
<p>1.1 To describe the procedure for dealing with requests for information under the Freedom of Information Act 2000.</p>	
<p>2.0 Scope</p>	
<p>2.1 Any request made by an individual or organisation for public information held by Bishop Auckland College Group (BACG).</p> <p>Note: Any requests for personal information will be dealt with under the UK General Data Protection Regulation and Data Protection Act 2018. Please refer to the Data Subject Individual Rights Procedure (ref: BAC-DP-01).</p>	
<p>2.2 As this procedure involves processing personal data, data protection regulations will be adhered to. Please refer to the Data Protection Policy (ref: POL-DP-01) for further information.</p> <p>3.0 Principles</p> <p>3.1 Freedom of Information Act 2000 - FOIA</p> <p>3.2 BAC-Q-05 Customer Complaints Procedure</p> <p>3.3 Guidelines for Completing a Quality Records Schedule Q-QR-01</p> <p>3.4 UK General Data Protection Regulations</p> <p>3.5 Data Protection Act 2018</p> <p>3.6 Data Subject Individual Rights Procedure BAC-DP-01</p>	
<p>4.0 References</p>	
<p>4.1 FOIA – Freedom of Information Act – This act permits individuals to access all types of non-personal information held by any public authority, unless the information falls under one of the specific exemptions in the Act (ref 4.3). Most Freedom of Information FOI requests are free.</p>	

	Responsibility
<p>If it is expected to cost more than £450 (which equates to 18 hours of work) to find the information and prepare it for release, the request may be turned down, alternatively the person requesting the information may be asked to be more specific or be required to pay a fee before the information can be supplied.</p>	
<p>4.2 FOIA Exemptions: There are 23 exemptions in the Freedom of Information Act under which a request for information may be refused in order to protect legitimate interests and sensitivities. Exemptions are often referred to by the section number of the FOIA which contain them. Example exemptions include section 21 - information accessible to the applicant by other means, section 22 - information intended for future publication, section 30 – Investigations and proceedings conducted by the College. See FOIA for full listing.</p>	
<p>4.3 Absolute Exemptions – there are 7 absolute exemptions listed in the FOIA. If an absolute exemption can be applied it means that disclosure is not required by the Act.</p>	
<p>4.4 Qualified Exemptions – where a qualified exemption can be applied, there is a duty to apply the Public Interest Test.</p>	
<p>4.5 Public Interest Test - where a qualified exemption can be applied there is a duty to apply the Public Interest Test, to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. If after applying the ‘Public Interest Test’ it is decided that it is in the public interest to disclose, the information requested cannot be withheld.</p>	

	Responsibility
<p>5.0 Procedure</p>	
<p>5.1 MAKING AND RECORDING FREEDOM OF INFORMATION REQUESTS</p>	
<p>5.1.1 All FOI requests must be in writing (email is acceptable), must contain the correspondence address of the person making the request (email addresses are acceptable) and must include a description of the information required.</p> <p>Note: The information required must be described in as much detail as possible, for example it is preferable to request 'the minutes of the meeting where the decision to do X was made' rather than 'everything Bishop Auckland College Group holds about X'. This will help ensure the correct information is supplied.</p>	<p>Staff/Student/ member of the general public</p>
<p>5.1.2 All FOI requests received by a member of staff must be forwarded to the Quality Improvement Office (Quality@bacoll.ac.uk) within one working day of receipt into BACG, for logging and processing.</p>	<p>Member of Staff</p>
<p>5.1.3 All requests for information will then be recorded on a 'Request for Information' form (ref Q-RFI-01). Sections A, B and C must be completed. A copy of the e-mail/letter should be attached to the form.</p>	<p>Quality Administrator/ Designate</p>
<p>5.2 LOGGING FREEDOM OF INFORMATION REQUESTS</p>	
<p>5.2.1 On receipt of a FOI request, the Quality Assurance Manager/designate will log the request on the FOI log (ref: Q-FOI-03) and allocate an appropriate log number.</p>	<p>Quality Administrator/ Designate</p>
<p>5.2.2 The bottom section of page 2 of the 'Request for Information' form will be completed accordingly.</p>	<p>Quality Administrator/ Designate</p>

		Responsibility
5.3	ACKNOWLEDGING AND RESPONDING TO FREEDOM OF INFORMATION REQUESTS	
5.3.1	A formal acknowledgement of the request will be sent to the enquirer within one working day of receipt, using the Model Acknowledgement letter for requests for information under the Freedom of Information Act, as a guide (ref Q-FOI-02)	Quality Administrator/ Designate
Note: Where the request was received via e-mail, an acknowledgment letter will be sent via e-mail.		
5.3.2	The Quality Administrator/designate will forward form Q-RFI-01 to the appropriate Manager(s).	Quality Administrator/ Designate
5.3.3	The Manager(s) will confirm or deny whether the information requested is held by the College. They will then discuss with the Quality Assurance Manager/designate if the information requested should indeed be released and decide if there are any grounds on which to withhold the information by reviewing the FOIA Exemption Clauses.	
5.3.4	If it is decided that all or some of the information requested can be withheld by applying one or more of the Exemptions as set out in the FOIA, the Quality Assurance Manager/designate must ensure that the case has been properly considered, and that the reason(s) for refusal, are sound. In the case of a qualified exemption the Quality Assurance Manager/designate must ensure that the 'Public Interest Test' has been applied appropriately (reference 4.6).	Quality Assurance Manger/ Designate
Note: detailed records of the reasons for withholding/refusing disclosure must be kept and saved with the original request.		
5.3.5	If it is decided that (all or some) of the information requested must be released the Manager(s) must provide/collect the relevant information and where required list the documents provided and sign section D of Q-RFI-01.	Manager(s)

	Responsibility
<p>The Manager(s) will return the completed form together with copies of the requested information to the Quality Administrator, within 15 working days of receipt.</p>	
<p>5.3.6 The Quality Administrator/designate will provide a response to the person requesting the information, within 20 working days of the date of receipt (unless the request was put on hold waiting for clarity of the request) using the Model FOI Response letter as a guide (ref Q-FOI-05). The letter must confirm or deny if the information is held by the College. Where some or all of the information requested is being provided copies of the requested information must be provided. Where information is being withheld the letter must clearly state the reasons for withholding the information and the exemptions being applied.</p> <p>Note: The person requesting information will be notified of their right to appeal and how to appeal in the response letter. (See section 5.4. for appeal process)</p>	<p>Quality Administrator/ Designate</p>
<p>5.3.7 The Quality Administrator/designate will update and review the Request for Information Log – Freedom of Information (ref Q-FOI-03) regularly. Any outstanding requests will be followed up with the appropriate Manager.</p>	<p>Quality Administrator/ Designate</p>
<p>5.4 APPEALS AGAINST A RESPONSE TO A FREEDOM OF INFORMATION REQUEST</p>	
<p>5.4.1 If the person who made the request is dissatisfied with the way the request was handled or the response provided or they believe that further information exists that has not been supplied to them, they have 10 working days (from the date of receiving the response letter) in which to appeal. They must appeal in writing (email is acceptable) and state the reason(s) why they are dissatisfied with the response.</p>	<p>Person requesting the information</p>

	Responsibility
<p>5.4.2 On receiving an appeal to a FOI request, the Quality Assurance Manager/designate will record receipt of the appeal on the original 'Request for Information Form' (ref Q-RFI-01) and log the appeal on the 'Request for Information Log –Freedom of Information' (ref Q-FOI-03).</p>	<p>Quality Assurance Manager</p>
<p>5.4.3 A formal acknowledgement of the appeal will be sent within one working day of receiving the appeal, using the 'Model FOI Appeal Acknowledgement letter' (ref Q-FOI-05) as a guide. The letter/email will notify them that they will receive a response within 15 working days.</p>	<p>Appeal Panel</p>
<p>5.4.4 For FOI appeals an Appeal Panel will review the original response provided and decide if any of the information that had originally been withheld can now be shared. The outcome of the appeal along with the reasoning for their decision should be recorded and passed to the Quality Assurance Manager /designate.</p>	<p>Quality Assurance Manager/ Designate</p>
<p>Note: The Appeal Panel will consist of the Principal/Chief Executive, a member of the Executive Team and where appropriate a member of the Corporate Board</p>	
<p>5.4.5 The Quality Assurance Manager/designate will then provide a response to the person requesting the information regarding the outcome of the appeal along with any additional information where permitted.</p>	<p>Quality Assurance Manager/ Designate</p>
<p>Note: The response letter will inform the requester that if they are unhappy with the outcome of the appeal or complaint, that they have the right to apply directly to the Information Commissioner's Office for a decision.</p>	

		Responsibility
5.4.6	A copy of the letter informing the result of the appeal together with all of the relevant documentation associated with the request for information will be filed/saved and logged appropriately by the Quality Assurance Manager/designate.	Quality Assurance Manager/ Designate
5.5	RECORDS	
5.5.1	The Quality Assurance Manager is responsible for maintaining the documented records associated with this procedure. S/he will determine the records to be held, their location, retention period and disposition using the 'Guidelines for Completing a Quality Records Schedule' (ref 3.6) for reference. The Quality Records Schedule associated with this procedure is included as section 7.	Quality Assurance Manager
6.0	Documentation	
6.1	Q-RFI-01 Request for Information Form (Data Protection Act/ Freedom of Information Act).	
6.2	Q-FOI-02 Model Acknowledgment letter for requests for information under the FOI Act 2000	
6.3	Q-FOI-03 Request for Information Log – Freedom of Information	
6.4	Q-FOI-04 Model FOI Response letter	
6.5	Q-FOI-05 Model FOI Appeal Acknowledgement letter	
6.6	Q-FOI-06 Model FOI Appeal Response letter	

7.0 Quality Records Schedule

Identification of Record	Medium	Storage Location/ Protection	Retention Period	Access Rights/ Retrieval	Method of Disposal
Q-RFI-01 Completed -Request for Information form (Freedom of Information Act)	Electronic	Quality area on the staff Server /Restricted access rights	Current year plus 2 Years	Quality Office Staff Electronic -Quality Folder- FOI folder- by academic year	Deleted
Copies Correspondence	Paper Based Electronic format	Scanned in and saved electronically Quality Area of the College Server / Restricted access rights	Current year plus 2 years	Quality Office Staff Quality Freedom of Information folder- current year	Destroyed (Shredded on site) Deleted
Q-FOI-03 Freedom of Information Log	Electronic format	Quality Area of the College Server	Current year plus 2 years Then anonymised and kept for a further 7 years for analysis purposes.	Quality Office Staff Quality -Freedom of Information- current year	Deleted

Contact Information

For questions or feedback regarding this Procedure, please contact:

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