

EDA COLLEGE



EDUCATE | **D**EVELOP | **A**CHIEVE

Freedom of Information Policy¹

Version Control/History

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| Approved by | Academic Board, EDA College |
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| Policy Owner | Data Protection Officer / Information Governance Lead |
| Applies To | All staff, governors, contractors and any person handling information requests on behalf of EDA College |
| Classification | Public |

¹ Aligned with the principles of the Freedom of Information Act 2000, the UK GDPR and Data Protection Act 2018, and the OfS Regulatory Framework

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1. Policy Statement

EDA College (“the College”) is committed to openness, accountability and transparency in the conduct of its business as an independent higher education provider. The College recognises that public confidence in higher education is supported by clear, accessible and timely information about how providers operate.

Although EDA College, as a private limited company, is not a public authority listed in Schedule 1 of the Freedom of Information Act 2000 (“FOIA”) and is therefore not directly subject to that Act, the College has chosen to adopt a policy that follows the principles of FOIA and the Environmental Information Regulations 2004 (“EIR”) as a matter of good governance, transparency and consistency with the wider higher education sector.

Nothing in this policy affects, limits or extends statutory rights of individuals to access their personal data under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018, which are dealt with separately under the College’s Data Protection Policy and Subject Access Request Procedure.

2. Purpose

The purpose of this policy is to:

- Set out the College’s commitment to transparency and the proactive publication of information.
- Establish a clear and consistent process for handling requests for information, broadly aligned with the principles of the Freedom of Information Act 2000.
- Define the categories of information the College ordinarily makes available to the public, and the circumstances in which information may be withheld.
- Define roles, responsibilities and accountabilities for the management of information requests.
- Support compliance with the College’s wider obligations under the OfS Regulatory Framework, particularly the management and governance condition (E2) and the public interest governance principles (E1).

3. Scope

This policy applies to all information held by, or on behalf of, EDA College, in any format, including documents, emails, databases, recordings and physical records. It applies to requests for non-personal information received from any person, regardless of who they are or why they want the information.

Requests for personal information about the requester (a Subject Access Request) are dealt with under the College’s Data Protection Policy. Requests for environmental information that fall within the scope of the EIR (where applicable) will be handled in accordance with this policy and the EIR principles.

4. Legal and Regulatory Framework

This policy reflects, and is informed by, the following legislation, regulations, codes and guidance:

- Freedom of Information Act 2000 (applied as a matter of good practice)
- Environmental Information Regulations 2004 (applied as a matter of good practice)
- UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018

- Re-use of Public Sector Information Regulations 2015 (where applicable)
- Public Records Act 1958 and the Limitation Act 1980 (in respect of records management)
- Equality Act 2010
- Information Commissioner’s Office (ICO) codes of practice and guidance on freedom of information and data protection
- Office for Students Regulatory Framework, including conditions E1 (public interest governance) and E2 (management and governance)

5. Definitions

5.1 Information Request

Any request for non-personal information held by, or on behalf of, the College, made in writing or recorded electronic form, that the College has chosen to handle in line with the principles of the Freedom of Information Act 2000.

5.2 Applicant

Any individual or organisation making a request for information.

5.3 Working Day

Any day other than a Saturday, Sunday, Christmas Day, Good Friday or a public holiday in England.

5.4 Personal Data

Information relating to an identified or identifiable living individual, as defined by the UK GDPR.

5.5 Publication Scheme

A document, modelled on the ICO’s Model Publication Scheme, listing the categories of information the College routinely publishes or makes available on request.

6. Roles and Responsibilities

| Role | Key Responsibilities |
|--|---|
| Academic Board | Approve this policy and oversee the College’s overall approach to transparency and information governance. |
| Principal | Hold overall executive accountability for the implementation of this policy and the College’s commitment to openness. |
| Data Protection Officer / Information Governance Lead | Own this policy; act as the central point of contact for information requests; ensure responses are accurate, timely and consistent; maintain the Publication Scheme; provide training and guidance to staff. |
| Senior Leadership Team | Support the policy, ensure cooperation across departments, and approve responses where exemptions or sensitive information are engaged. |
| Heads of Department / Information Asset Owners | Identify, locate and provide information held within their area in response to requests; advise on potential exemptions; ensure records are properly managed. |
| All Staff | Forward any information requests to the Information Governance Lead |

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| | promptly; support the gathering of information and respect deadlines; manage records in accordance with the College’s Records Management procedures. |
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7. Publication Scheme – Information Routinely Available

The College publishes a range of information about its activities through its website and other public channels. The Publication Scheme, modelled on the ICO Model Publication Scheme, groups this information into the categories below.

| Class of Information | Examples |
|---|---|
| Who we are and what we do | Legal status; structure of the organisation; governance arrangements; senior leadership; contact details. |
| What we spend and how we spend it | Annual financial statements; statement of accounts; staff pay and grading structures (in summary); financial regulations. |
| What our priorities are and how we are doing | Strategic plan; quality and standards reports; published OfS data; access and participation arrangements. |
| How we make decisions | Terms of reference and (where appropriate) minutes of major committees; consultation responses; major decisions. |
| Our policies and procedures | This Freedom of Information Policy and the wider suite of College policies and procedures. |
| Lists and registers | Register of Interests; Gifts and Hospitality Register (in summary); Information Asset Register (in summary). |
| The services we offer | Course information; admissions process; student services; complaints and appeals procedures. |

The Publication Scheme is reviewed at least annually and updated to reflect changes in the College’s activities and information holdings. Where information is already published, the College may direct the applicant to the relevant source rather than re-issue it.

8. How to Make a Request for Information

Requests for information should be made in writing (including by email) and should:

- Provide the applicant’s name and a return address (postal or email);
- Describe the information requested as clearly and specifically as possible;
- Indicate any preferred format for the response (e.g. electronic copy, hard copy).

Requests should be sent to:

*Information Governance Lead
EDA College
[Insert College registered address]
Email: [insert FOI/Information Governance email]*

Applicants are not required to give a reason for their request and will not be treated less favourably for exercising their rights under this policy.

9. How the College Handles Requests

On receipt of an information request, the College will:

1. Acknowledge the request promptly and log it on the central information request register.
2. Clarify the request with the applicant, if necessary, to ensure the College understands what is being sought.
3. Identify and locate the information held, working with the relevant Heads of Department or Information Asset Owners.
4. Consider whether any exemptions apply, including where the request engages personal data, commercial confidentiality, legal privilege or matters of safeguarding or security.
5. Apply, where relevant, the public interest test (in line with FOIA principles) before deciding whether to disclose information that is subject to a qualified exemption.
6. Respond to the applicant in writing within the agreed timescale (see section 11) with the information requested or, where applicable, a clear explanation of why information has been withheld and a route for internal review.
7. Maintain a record of the request, the response and any decisions taken in relation to it.

10. Exemptions and Information that May be Withheld

Although the College aims to be as open as possible, there are circumstances in which information may legitimately be withheld. The College will, in line with FOIA principles, consider both absolute and qualified exemptions, including (but not limited to):

| Type | Examples |
|--|---|
| Personal data | Information about identified or identifiable living individuals, where disclosure would breach the UK GDPR or data protection principles. |
| Information provided in confidence | Information disclosed to the College under a legal obligation of confidence. |
| Commercial interests | Information whose disclosure would, or would be likely to, prejudice the commercial interests of the College or a third party. |
| Legal privilege | Communications subject to legal professional privilege. |
| Health and safety / safeguarding | Information whose disclosure would endanger the physical or mental health, or safety, of any individual. |
| Investigations and legal proceedings | Information held in connection with current or contemplated investigations or legal proceedings. |
| National security and law enforcement | Information whose disclosure would prejudice national security, the prevention or detection of crime, or the apprehension of offenders. |
| Vexatious or repeated requests | Requests that are manifestly unreasonable, vexatious or substantially similar to a previous request. |

Where information is withheld, the College will explain which type of exemption has been applied, in general terms, and signpost the applicant to the College’s internal review process.

11. Timescales for Response

The College aims to respond to information requests within 20 working days from the date the request is received, in line with the timescale set by the Freedom of Information Act 2000. Where additional time is required (for example, where a complex public interest test is engaged), the College will inform the applicant before the original deadline expires and will explain the reasons for the extension and the revised response date.

12. Fees and Costs

Information made available under the Publication Scheme is generally provided free of charge, with the exception of any direct costs of printing, photocopying or postage. Where a request would require disproportionate effort to comply with (broadly equivalent to the cost limits applied under FOIA), the College may decline the request, refine its scope with the applicant, or charge a reasonable fee for any work required. The College will provide an estimate of any fee before commencing work and will not start until the applicant confirms in writing that they wish to proceed.

13. Internal Review and Complaints

If an applicant is dissatisfied with how their request has been handled or with the response they have received, they may request an internal review. Reviews should be requested in writing within 40 working days of the College's response and will be carried out by a senior member of staff who was not involved in the original decision. The College aims to complete internal reviews within 20 working days.

Because EDA College is not a public authority listed under FOIA, applicants do not have a statutory right to escalate complaints under FOIA to the Information Commissioner. However, where a request engages personal data or environmental information, applicants may have rights to complain to the Information Commissioner's Office (ICO). Contact details for the ICO are:

*Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Telephone: 0303 123 1113
Website: www.ico.org.uk*

14. Records Management and Retention

Effective handling of information requests depends on good records management. The College will maintain accurate, complete and up-to-date records and will retain and dispose of them in accordance with the College's Records Retention Schedule and applicable data protection law. All staff have a responsibility to manage records in accordance with the College's guidance and to refrain from improperly altering, deleting or concealing information that is subject to a current or anticipated request.

15. Training and Awareness

All staff will receive information about this policy as part of their induction, with targeted training for those whose roles routinely involve handling information or responding to requests. Refresher training will be

provided at least every three years or sooner if legislation, ICO guidance or the College's arrangements change.

16. Monitoring, Reporting and Review

The Data Protection Officer / Information Governance Lead will:

- Maintain a central register of information requests, internal reviews, response times and outcomes.
- Provide periodic reports to the Senior Leadership Team and the Audit & Risk Committee on volumes, themes and any issues.
- Review this policy at least every two years, and sooner where legislation, ICO guidance, OfS expectations or the College's arrangements change.
- Ensure that lessons from individual requests inform improvements to the College's information governance and records management.

17. Related Policies and Documents

- Data Protection Policy and Subject Access Request Procedure
- Records Management and Retention Schedule
- Information Security Policy
- Risk Assessment Policy
- Whistleblowing Policy
- Anti-Bribery and Corruption Policy
- Equality, Diversity and Inclusion Policy
- Publication Scheme
- Code of Conduct for Staff

18. Policy Approval

This policy has been approved by the Academic Board of EDA College. It forms part of the College's suite of governance and compliance documents and will be communicated to all staff via induction, internal communications and the staff intranet, and made available to students and the public via the College website.

End of Policy