

TEC Partnership Freedom of Information Policy

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Revision History

Version	Type	Date	History
V1	New	May 2012	
V1.1	Replacement	3 September 2013	Changes to incorporate the Framework for the Development of Strategies, Policies and Procedures Removal of section 1.5, section 12 - Action Plan and section 13 - Monitoring Equality Analysis. Amendment to section 3 title.
V2	Replacement	23 May 2014	Inclusion of TAG
V3	Replacement	June 2017	Reviewed by the GDPR Group to ensure it is a group wide policy and updated in line with the latest organisational changes.

V4	Replacement	24.05.21	Updated to reflect: merger with East Riding College and legal name change to TEC Partnership
V5	Replacement	24.03.2026	Updated to reflect: Reviewed to ensure it is updated in line with the law

This policy applies to TEC Partnership and incorporates the trading styles of Grimsby Institute, East Riding College, Scarborough TEC, Skegness College, The Academy Grimsby, University Centre Grimsby, Little Stars, NET UK and all wholly owned subsidiary companies of TEC Partnership including Modal Training, Support Staff Services and Grimsby College Trading.

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1. Introduction

- 1.1 The Freedom of Information Act 2000 (FOIA) is a legislation that promotes transparency in the work of public authorities in England, Wales and Northern Ireland. All education establishments are defined as public authorities and the FOIA establishes the right for the public to access recorded official information being held by public authorities and to publish certain information
- 1.2 This policy is intended to clearly outline the TEC Partnership responsibilities under the Freedom of Information Act 2000 (FOIA) and provide a framework for managing requests.
- 1.3 TEC Partnership is required to provide all information it holds in the public's interest if requested to do so by any person, subject to exemptions allowed under the act. The purpose of this policy is to explain the types of information that are not covered by the legislation, where to find information about TEC Partnership and how to make a request.

2. Contact Details

- 2.1 Freedom of Information requests can be submitted via email to foi@tecpartnership.ac.uk
- 2.2 If anyone has any concerns or complaints about this Freedom of Information Policy or the TEC Partnership's publication scheme, they should contact the Freedom of Information Officer with the contact details below.

Freedom of Information Officer,
TEC Partnership, Nuns Corner
Grimsby, North East Lincolnshire, DN34 5BQ
Tel. 01472 311222
Email: foi@tecpartnership.ac.uk

3. Definitions

For this policy, the following terms have the following meaning:

- 3.1 **ICO** means the Information Commissioner's Office, the United Kingdom's Data Protection Regulator.
- 3.2 **FOIA** means Freedom of Information Act 2000
- 3.3 **FOI Officer** means Freedom of Information Officer.

3.4 **FOI Request** means Freedom of Information Request.

3.5 **Information** is defined in the FOIA as ‘any item of recorded material held by or on behalf of a public authority in paper or electronic form’.

3.6 **School day** means any day on which there is a session and pupils are in attendance. School holidays and training days are excluded from the definition of school days.

4. Responsibilities of Staff Members

4.1 An Information Request can be made to any TEC Partnership staff member and this would be deemed as being received by the organisation. Staff should be aware that requests for information do not have to mention the Freedom of Information Act or explain why they are being made.

4.2 Staff should forward a request without delay to the Freedom of Information Officer – foi@tecpartnership.ac.uk. Staff should acknowledge the request and let the information requester know their request has been sent to the FOI Officer.

5. Guide for Submitting Requests

5.1 Before submitting FOI requests, individuals should ensure that the information is not already in the public domain.

5.2 The TEC Partnership will only accept a request for information which meets all of the following criteria:

5.2.1 It is made in writing.

5.2.2 It includes the name of the requestor and provides the contact details for further correspondence

5.2.3 It clearly describes the information requested. All reasonable efforts will be made to locate the information

5.3 A request may be made in writing to any member of staff. A request can also be made online via the TEC Partnership website.

5.4 On the TEC Partnership’s website, the procedure for dealing with FOI requests will be published including the contact details of the FOI Officer.

6. Procedure for handling FOIA requests

6.1 The TEC Partnership must respond to FOI requests within 20 school days (or 60 working days if this is shorter). In certain circumstances where the TEC

Partnership considers that a qualified exemption applies, the TEC Partnership may extend the period for responding to consider the public interest test for a further 20 school days where it is reasonable to do so.

6.2 The request will be acknowledged and if need be, it may be necessary to ask for clarification of a request if it is not clear what information has been requested.

6.3 When responding to the FOI request, the TEC Partnership must confirm whether the information requested is held by the TEC Partnership, provide a copy of the information requested, provide details of the internal review procedure and explain the right to make a complaint to the ICO.

6.4 Where it is not possible to provide any of the information requested, TEC Partnership will explain the reasons for this and the next step in the request procedure, if the requester is not satisfied.

6.5 There are certain circumstances which TEC Partnership will not be required to provide a response to a FOI request. These are as follows:

6.5.1 The TEC Partnership reasonably requires further information to clarify the request and has informed the requester of the need for clarification but has not received a response.

6.5.2 The information requested is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

6.5.3 The information requested is exempt from disclosure under Section 2 of the FOIA.

6.5.4 The cost of providing the information exceeds the appropriate limit.

6.5.5 The request is vexatious.

6.5.6 The request is a repeated request from the same person.

6.5.7 A fee notice was not paid.

6.6 The TEC Partnership does not have to comply with a request for information if the request is vexatious. A vexatious request will be considered on a case-to-case basis to determine if the request is vexatious. The considerations will include:

6.6.1 The burden on TEC Partnership.

6.6.2 The motive of the requester.

6.6.3 The value or serious purpose of the request.

6.6.4 Any harassment of staff or distress to staff.

6.7 Where a request is considered to be vexatious, the requester shall be notified that the request is being refused and inform the requester of their right to request an internal review and make a complaint to the ICO.

7. Exemptions - Releasing Information and Refusing Disclosure

7.1 The releasing of information and refusing disclosure is based on the exemptions set by the FOIA for which TEC Partnership will need to consider whether the information can be released or whether the disclosure is exempt under the FOIA.

7.2 Where TEC Partnership considers a request is subject to an exemption, consideration will be given as to whether the information can be disclosed. TEC Partnership would consider public interest, the rights of the data subjects, legal and contractual obligations and confidentiality.

7.3 Where TEC Partnership considers an exemption applies to the information requested, the information requestor will be informed of its reasons, unless providing the reason would effectively mean releasing the exempt information. The Information Requestor will be explained of their right to complain to the Information Commissioner's Office (ICO).

7.4 A list of exemptions that may be applicable to the TEC Partnership include:

- 7.4.1 Section 21 - the information requested is already publicly available.
- 7.4.2 Section 22 - the information requested is information which the TEC Partnership intends to publish at a future date.
- 7.4.3 Section 31 - the information requested can prejudiced effective detection and prevention of crime.
- 7.4.4 Section 36 - the information requested is information which, in the opinion of the Board of Governors of the TEC Partnership will prejudice the effective conduct of the Tec Partnership.
- 7.4.5 Section 38 – the information which, if disclosed could prejudice the physical health, mental health or safety of any individual.
- 7.4.6 Section 40(1) – the request is for the applicant's personal data. This must be dealt with under the subject access regime in the UK GDPR, see the Data Protection Policy and Privacy Notices.

7.4.7 Section 40(2) – compliance with the request would involve releasing third party personal data and this would be in breach of the UK GDPR principles.

7.4.8 Section 41 – information that has been sent to the TEC Partnership which is confidential.

8. Possible Charges (The Appropriate Limit)

8.1 The TEC Partnership is not obliged to provide information where complying with the FOI request exceeds the cost limit stipulated in Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The cost limit is currently set as £450, which is equivalent to 24 staff hours.

8.2 The TEC Partnership shall consider the following activities when estimating how long it will take to comply with the FOI request:

8.2.1 Determining whether we hold the information requested.

8.2.2 Locating the requested information or document containing the information.

8.2.3 Retrieving the information or document containing it.

8.2.4 Extracting the requested information from a document containing it.

8.3 When estimating the amount of time it will take to comply with a FOI request. The TEC Partnership shall not consider the time needed to decide whether exemptions apply, redacting exempt information and to carry out the public interest test.

8.4 Where the cost and resources of removing or redacting exempt information are likely to place a disproportionate burden on staff, the TEC Partnership may consider whether the request is vexatious.

8.5 Copies of publications/information listed in the publication scheme are available free of charge.

9. Charging Fees

9.1 The FOIA recognises that the FOI request is not the only demand on the resources of a public authority. They should not be allowed to cause a drain on the public

authority's time, energy and finances to the extent that they negatively affect normal functions.

9.2 In certain circumstances the TEC Partnership has the right to charge a fee for supplying the requested information but is under no obligation to provide information if the cost of doing so would be more than the 'appropriate limit'. Any fee for handling a request will be calculated in accordance with the provisions of the Fee Regulations.

9.3 The fee to be charged will include communication cost such as photocopying, printing and postage. The TEC Partnership rates staff time at £25 per person per hour, regardless of who does the work, including external contractors. This means a limit of 18-hour staff hours.

9.4 If a fee has been charged, the TEC Partnership must send fees notice to the requester within 20 school days (or 60 working days if this is shorter). This fee notice sets out the estimated cost including disbursements to be charged before the TEC Partnership can comply with the request.

9.5 The TEC Partnership has 20 school days (or 60 working days if this is shorter) from the day after a request is received to provide the information requested. However, the time involved from issuing a fees notice until the fee has been received, will not be included in this calculation. Anyone paying a fee for the requested information will be informed of the latest date by which they should receive a response, once the payment has been accepted.

9.6 Once a fee has been charged, the TEC Partnership will not conduct a search or provide the information until the fee is paid.

10. How to Complain

10.1 If the Information Requester is unhappy with the way their request has been handled, they can request an internal review. All responses to FOI requests should provide the requester with the details of how to request an internal review

10.2 Request for an internal review should be submitted within 20 school days of receipt of the TEC Partnership's response to the FOI request.

10.3 The Data Protection Officer/ Freedom of Information Officer will usually conduct the internal review.

10.4 The internal review process will review the way in which the request was dealt with and will either uphold or overturn the original decision. The requester will be notified of the outcome within 20 school days of receipt of the request for an internal review. If it becomes clear at any stage of the internal review process that the TEC

Partnership will be unable to provide a response within this period, it should notify the requester of the delay.

10.5 If TEC Partnership is unable to resolve any complaint and this procedure has been exhausted then the requester can make a complaint to the ICO <https://ico.org.uk>

11. Model Publication Scheme

TEC Partnership has adopted the model publication scheme approved by the Information Commissioner's Office (ICO). The publication scheme is available via its website - TEC Partnership website <https://tecpartnership.com>

12. The Environmental Information Regulations

Any requests for environmental information will be handled under the Environmental Information Regulations 2004. The Regulations gives members of the public the right to access environmental information held by public authorities. The TEC Partnership must respond within 20 school days and will treat these requests in line with the guidance provided by the Information Commissioner's Office. An EIR request can be made verbally, over the telephone or in person. The TEC Partnership advises that requests are made in writing to ensure that the information provided is comprehensive and accurate.

13. Rights of Public Access

Requests for information held by the TEC Partnership but not covered by the model publication scheme will be managed in accordance with the provisions of the Freedom of Information Act. This includes the duty to provide advice and assistance in relation to requests for information.

14. Review

This Policy is reviewed every 3 years by the Freedom of Information Officer.

TEC Partnership

Freedom of Information Policy

