



ACCESS TO INFORMATION POLICY

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Introduction/Background

1. The General Data Protection Regulation 2016 ('GDPR'), provides rules for handling personal information about people. The [Data Protection Act 2018](#) ('DPA') is a United Kingdom (UK) Act of Parliament which updates data protection laws in the UK and sets out rules, called data protection principles, on how organisations use personal information. It is a national law that complements the GDPR and updates the Data Protection Act 1998. It includes the right for people to access their personal data. It sets out rules for processing personal information and applies to personal data held in structured manual files as well as those held electronically on computers.
2. The [Freedom of Information Act 2000](#) (FOIA) gives a general right of access to all types of 'recorded' information held by public authorities, subject to certain exemptions, and places a number of obligations on public authorities. The exemptions are designed to protect confidential or other information where disclosure may prejudice the interests of the State or of third parties.
3. FOIA and DPA come under the heading of information rights and are regulated by the Information Commissioner's Office (ICO).
4. Leeds Beckett University ('the University') as a data controller under FOIA and DPA is required to maintain a Publication Scheme, provide the details of its Data Protection Officer and to maintain its annual registration with the ICO and its registration certificate number is Z6734933.
5. The University's Publication Scheme has been developed using the ICO's best practice model and is continually reviewed and updated.
6. This policy sets out the principles that support the University in discharging its obligations and the supporting principles and processes that the University has in place to ensure compliance with the above Acts and Regulation.
7. The Leeds Beckett University's Access to Information Policy contains two parts. Part 1 sets out the policy and Part 2 makes provision for its supporting processes.

PART 1 – POLICY

Scope of the Access to Information Policy

Data Protection Act 2018

8. Leeds Beckett University ('the University') is committed to full compliance with the Data Protection Act 2018 ('DPA') requirements as set out in Leeds Beckett University [Data Protection Policy](#) which states that the University shall be responsible for, and be able to demonstrate, compliance with the Data Protection Principles, have a lawful basis for processing personal data and comply with individuals rights, including the right of access to their personal data held by organisations.

Data Protection Principles

9. Data Protection Principles apply to personal data and more sensitive or special categories of personal data that need more protection for example: race, ethnic origin, sexual orientation, political and religious views, health information such as additional learning needs.

Lawful basis for processing personal data

10. The University's [Data Protection Policy](#) also sets out the lawful basis in order to process personal data. There are six available lawful bases for processing. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on the purpose and relationship with individuals.

Individuals rights

11. The DPA provides the following rights for individuals:
 - The right to be informed
 - The right of access
 - The right to rectification
 - The right to erasure
 - The right to restrict processing
 - The right to data portability
 - The right to object
 - Rights in relation to automated decision making and profiling.
12. The Act protects the rights of individuals whom the data is about (data subjects), mainly by placing duties on those who decide how and why such data is processed (data controllers). A list of terms, their meaning and significance can be found below:
13. A **data subject** means an individual who is the subject of personal data. For the University this will include, for example, staffing records, details of additional inspectors, peer assessors/inspectors, independent inspectors, and personal details captured during inspections or surveys.

14. A **data controller** determines the purposes for which and the manner in which any personal data are, or are to be, processed.
15. A **data processor** in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.
16. The **Information Commissioner** is an independent authority appointed by the Crown to administer and enforce the Data Protection Act 2018, the Freedom of Information Act 2000 and other legislation governing the privacy, use of and access to personal information. The Information Commissioner is independent of government and reports directly to Parliament.

Freedom of Information Act 2000

17. The University is committed to full compliance with the Freedom of Information Act 2000 (FOIA), the main obligations are:
 - to facilitate a general right of access to information held by the University in the course of carrying out public functions, subject to certain conditions and exemptions;
 - in relation to most exempt information, the information must nonetheless be disclosed unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure; and
 - to adopt a scheme for the publication of information. The scheme will specify the classes of information the University intends to publish, the manner of publication and whether the information is available to the public.

Information and Records Management

18. The University's [Records Management Policy](#) applies to all information and records that are created, received or held within a University system or within a physical store during their lifecycle. This policy demonstrates the Universities commitment to the Code of Practice on Records Management issued under section 46 of FOIA and its commitment to the Data Protection Principles under DPA.

Information Governance Framework

19. Information governance is concerned with how information is held, obtained, recorded, used and shared by the organisation. Information is used here as a collective term to cover terms such as data, documents, records and content. It is essential that the University has a robust [Information Governance Management Framework](#), to ensure that information is effectively managed with accountability structures, governance processes, documented policies and procedures, staff training and adequate resources.

Definitions

20. All definitions relating to Records Management, Information Governance and Information Compliance are captured in our short guide titled [Information Governance Definitions](#).

Dissemination

21. This policy will be made available to Senior Information Risk Owners (SIROs) and Information Asset Owners (IAO's) as part of their training and made available to all staff through the Guidance Index. The policy will be published on the University internet and disseminated through the Strategic Information Management Group, Information Management Operations Group and the IAO's.

Monitoring and Compliance

22. This policy will be reviewed by the University Records and Information Governance Manager no less than every three years. Any amendments or additions will be submitted to the Information Management Operations Group for approval. The next review is scheduled for July 2023.

PART 2 - PROCESSES

Making an information request under the Data Protection Act 2018 ('DPA')

23. Under DPA, individuals have the right to obtain:
 - confirmation that their data is being processed;
 - access to their personal data and;
 - other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.
24. This is known as the 'right of access' and called a Data Subject Access Request (DSAR), DPA clarifies that the reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing of their personal data.
25. Where personal data is processed electronically, an individual will, in certain circumstances, be entitled to receive a copy of their personal data in a structured, electronic format.

DPA DSAR Timescales

26. Information must be provided without delay and at the latest within one calendar month of receipt. This can be extended by a further two months where requests are complex or numerous. If this is the case, the individual must be informed within one month of the receipt of the request and explain why the extension is necessary. Requests are free although where the request is manifestly unfounded or excessive, we may charge a "reasonable fee" for the administrative costs of complying with the request.
27. If requests are manifestly unfounded or excessive, in particular because they are repetitive, the University can:
 - charge a reasonable fee, taking into account the administrative costs of providing the information or refuse to respond.
28. Where the University refuses to respond to a request, it must explain why to the individual, informing them of their right to complain to the supervisory authority.
29. The request for personal information must:
 - be made to The Information Compliance Team preferably by completing the Subject Access Request form in the appendices;
 - provide evidence of their identity;
 - clearly describe the information requested.
30. Where a large quantity of information is processed about an individual, the DPA permits the University to ask the individual to specify the information the request relates to.

Further details and forms for making subject access requests can be found at Appendix 1.

Making an information request under the Freedom of Information Act 2000

31. The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:
 - public authorities are obliged to publish certain information about their activities; and
 - members of the public are entitled to request information from public authorities, within the education sector, a governing body of a School, Further Education Institution or a University is a public authority.
32. The Act covers any recorded information that is held by a public authority in England.
33. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
34. The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request.
35. The FOIA information request must:
 - be in writing
 - state the name of the applicant
 - provide an address for correspondence
 - clearly describe the information requested

FOIA Timescales

36. As with all public authorities, the University is obliged to inform the applicant in writing whether it holds the information requested and if so, subject to exemptions communicate that information in an intelligible form to the applicant, promptly, but no later than 20 working days after receipt of the request.
37. Exceptions to this would be:
 - a. the University had to transfer the request to another authority because it does not hold the information with the result that the 20 day deadline starts when they receive the transfer;
 - b. the University had to apply an exemption that requires a public interest test, which allows the timescale to be extended;
 - c. a fee is payable, and consequently a fee notice only is sent to the requester within the 20 working days; or
 - d. the request is unclear thus the 20 days does not start until we receive clarification of the information required from the requestor.

FOIA Exemptions and the Public Interest Test

38. FOIA has a number of exemptions that permit public authorities to withhold some or all of the information requested, where a justifiable reason exists.
39. If the exemption is qualified, the University's qualified person must weigh the public interest in maintaining the exemption against the public interest in disclosure. This means that they must decide whether the public interest is better served by maintaining the exemption (and hence withholding the information) or by disclosing the information. Further guidance can be found on the [ICO website](#).

FOIA - Exemptions

40. **Absolute Exemptions** - if an absolute exemption applies, the information does not have to be released under FOIA and the public interest test does not apply.

Section 21	Information reasonably accessible to applicant by other means
Section 23	Information supplied by, or relating to security bodies
Section 32	Information contained in court records, etc.
Section 34	Parliamentary privilege
Section 36	Effective conduct of public affairs (applying only to information held by House of Commons or House of Lords)
Section 40	Information is personal data
Section 41	Information provided in confidence
Section 44	Prohibitions on disclosure

41. **Qualified Exemptions** - even if one of the following exemptions applies, the information must be disclosed unless the public interest in withholding it is greater than the public interest in releasing it.

Section 22	Information intended for future publication
Section 24	National security exemption
Section 26	Defence
Section 27	International relations
Section 28	Relations within the United Kingdom
Section 29	The economy
Section 30	Investigations
Section 31	Law enforcement
Section 33	Audit Functions
Section 35	Policy formulation
Section 36	Effective conduct of public affairs (excluding matters covered under S36)
Section 37	Communications with Her Majesty and the awarding of honours
Section 38	Health and safety
Section 39	Environmental information accessible via EIR.
Section 42	Legal professional Commercial interests privilege
Section 43	Commercial Interests

FOIA Fees

42. The majority of costs for complying with requests for information under FOIA will be met by the University. However, the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations') allow the University to refuse to answer requests for information if the cost of complying would exceed the 'appropriate limit', as prescribed in the Regulations.
43. The University will calculate costs in accordance with the Regulations. When estimating the cost of complying with a request for information The University will take into account the staff time, charged at a rate of £25 per hour, involved in the following activities:
 - determining whether the information is held
 - locating the information or a document which may contain the information
 - retrieving the information, or a document that may contain the information
 - extracting the information from a document containing it
44. Where the cost of complying with a written request for information is estimated to be below £450 ("appropriate limit"), there will be no charge.
45. If complying with a request would cost the University more than the £450 limit, we can refuse it outright or do the work for an extra charge (fee). In such cases the University will discuss with the applicant whether he or she would prefer to modify the request to reduce the cost.
46. The University will generally not provide information in response to a request when this will cost more than £450. If, exceptionally, it does decide to comply with such a request The University will be entitled to charge for the cost of compliance (as above) plus the communication costs and £25 an hour for staff time taken for printing, copying or sending the information. This is liable to VAT at the normal rates.
47. In all circumstances where the University chooses to charge for information published through its publication scheme or levy a fee arising from a request for access to information, a fees notice will be issued to the applicant as required by section 9 of FOIA. Applicants will be required to pay any fees within a period of 3 months beginning with the day on which the fees notice is given to them.
48. If the University receives two or more related requests within a period of 60 consecutive working days either from a single individual or from two or more individuals who appear to be acting in concert or in pursuance of a campaign, the costs of complying with the requests will be aggregated. If the estimated costs of complying with the requests are added together and the total is found to be in excess of £450, The University will not be obliged to comply with any of the requests.
49. Where a request for information is a mixed request i.e. contains a request for personal information and/or environmental information the request will be separated out into its constituent parts. There is no charge for providing personal information to the subject of that information under the terms of DPA.

Access to information how to contact us:

50. For more information visit our [website](#). Requests may be emailed to infocompliance@leedsbeckett.ac.uk or in writing to:

University Secretary's Office, Information Compliance Team, Leeds Beckett University
101 Old Broadcasting House, Woodhouse Lane, Leeds, LS2 9EN

More Information – Information Commissioners Office

51. For independent advice about access to information and data protection matters you can contact the Information Commissioner's Office at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire, SK9 5AF.

Tel: 0303 123 1113 or 01625 545745

Email: casework@ico.org.uk

Further information on General Data Protection Regulation 2016, Data Protection Act 2018 and Freedom of Information Act 2000 are available on the ICO website <https://ico.org.uk>

Appendix 1

Your right to access data we hold about you under the Data Protection Act 2018

Subject to certain exemptions, you are entitled to be told if we hold any personal data about you and a right to a copy of that information.

We must reply to any request you make for a copy of personal information that we hold about you within a calendar month of receiving the sufficient information to identify you and the information you require.

The University's rights:

The University may deny access to personal information where DPA allows.

How can I find out about what information the University holds about me?

A request for information held about you is known as a right of access request. Requests for information may be made by completing this form.

What can you do if access is not given to you?

If you are not satisfied with the decision The University has taken regarding your request for information under DPA, you are entitled to request that we review the matter. Your request for a review should be addressed to the Head of Information Governance, setting out why you think the information should be provided to you. Your request for review should be made within a month of the date on The University's reply to your request.

In addition, if you have received a response with which you are not satisfied then the options available to you are as follows:

- You may apply to the court alleging a failure to comply with the right of access provisions of DPA.
- You may write to the Information Commissioner who may do one of the following:
 - a. Make an assessment as to whether it is likely or unlikely that The University has complied with DPA.
 - b. Issue enforcement proceedings if the University appears to have contravened one of the data protection principles.
 - c. Recommend that you apply to court alleging a failure to comply with a right of access provisions of DPA.

University staff only

How can I find out what information the University holds about me?

A request for information held about you is known as a data subject access request. Requests for information must be made by completing this form, if they are made using your work email address there is no further requirement to provide further identification to submit a request.

The application form

Section 1 asks you to give information about yourself which will help the University to confirm your identity. We have a duty to ensure that information we hold is secure and we must be satisfied that you are who you say you are.

Section 2 must be completed clearly telling us what personal information or data from our systems that you seek to have a copy of.

Section 3 asks you to provide evidence of your identity by producing documents with your application.

When you have completed the form, return it with the required identification documents to the address below:

Requests may be emailed to infocompliance@leedsbeckett.ac.uk or in writing to:

University Secretary's Office
Information Compliance Team
Leeds Beckett University
101 Old Broadcasting House
Woodhouse Lane
Leeds
LS2 9EN

We will endeavour to return your documentation to you as quickly as possible. A copy of the data that you have asked for may be returned to you under separate cover.

Right of Access Request Form

Please complete in BLOCK CAPITALS

Title	
--------------	--

Surname/family name	
----------------------------	--

First name(s)	
----------------------	--

Former name(s)	
-----------------------	--

Date of Birth	
----------------------	--

Correspondence Address	
	Postcode

Email	
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Telephone Number	Daytime:	Mobile:
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Student ID or Staff payroll number	
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School and Course (If applicable)	
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Section 2 – Information held on The University systems

Please tick the departments you would like the University to search in respect of your personal data and the type(s) of data you would like to receive:

Location of data

School of Arts	
School of Built Environment, Engineering and Computing	
Leeds Business School	
School of Clinical and Applied Sciences	
School of Cultural Studies & Humanities	
School of Education	
School of Events, Tourism, Hospitality Management	
School of Health & Community Studies	
School of Social Sciences	
School of Sport	
Leeds Law School	
Department of Languages	

Campus & Residential Services	
Estates Services	
Libraries & Learning Innovation	
University Research Office	
Student Services	
Office of the Vice Chancellor	
University Secretary's Office	
University Registrar's office	
Human Resources	
Financial Services	

Categories of data

Personal details, including name, address, date of birth etc	
Student file	
Staff file	
Other information - please specify what:	

Section 3 – Proof of Identity

To help establish your identity your application must be accompanied by one piece of photographic identification e.g. driving licence/ passport (please specify _____) as **proof of identity**.

If you are member of staff or student and have requested this information using your Leeds Beckett.ac.uk email address, additional proof of identification does not need to be provided.

Please be aware that failure to provide proof of identity will delay your application.

<p>Declaration (to be signed by the applicant) The information that I have supplied in this application is correct and I am the person to whom it relates.</p> <p>Signed by.....</p> <p>Date.....</p>
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Completed Forms should be returned to:

Email: info@leedsbeckett.ac.uk

Post: Leeds Beckett University, The Information Compliance Team, University Secretary’s Office 101 Old Broadcasting House, City Campus, Leeds, LS2 9EN

More Information

These notes are only a guide. Independent advice about access to information and data protection matters may be obtained from:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113, Email: casework@ico.org.uk.

Please note that this application for access to information must be made direct to the University and not the Information Commissioner.