

The logo for 'ada' is displayed in white lowercase letters on a black rectangular background.The logo for the National College for Digital Skills, featuring a black background with a blue and purple diagonal stripe on the left side.

National  
College for  
Digital  
Skills

**FREEDOM OF  
INFORMATION POLICY  
B.5**



## **FREEDOM OF INFORMATION POLICY**

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# FREEDOM OF INFORMATION POLICY

## 1 INTRODUCTION

The Freedom of Information Act 2000 imposes a duty on public authorities such as Ada, the National College for Digital Skills:

- 1 To confirm or deny that the information requested is held.
- 2 If the information is held, to communicate it to the applicant.

Anyone may make a request in writing for recorded information held by or on behalf of Ada, and Ada must comply promptly and in any case within 20 working days. Unless subject to one of 23 exemptions described by the Act, the information must be provided. The Information Commissioner's Office is the independent regulatory authority for the Act, and the avenue of appeal for requests that have not been resolved to the applicant's satisfaction.

## 2 SCOPE

The purpose of this document is to define Ada's Freedom of Information Policy:

- The duties imposed by the Act and how Ada intends to discharge those duties
- Responsibility for ensuring compliance
- Complaints and appeals.

## 3 ROLES AND RESPONSIBILITIES

Ada's Dean has overall responsibility for Freedom of Information in Ada. Operational responsibility is delegated to the Vice Principal.

The Qualified Person for determining the application of Section 36 (prejudice to the effective conduct of public affairs) is the Dean.

## 4 PUBLICATION SCHEME

Ada maintains a Publication Scheme, listing the classes of information and the documents that it routinely publishes or intends to publish. The Publication Scheme is on Ada's website and hard copies of documents can be obtained by contacting [infor@adacollege.org.uk](mailto:infor@adacollege.org.uk) The Scheme will be reviewed annually.

A disclosure log will also be maintained on the website where documents provided in response to requests will be published for viewing or downloading.

## 5 CODES OF PRACTICE

Ada will comply with the Act, and handle requests in accordance with the Codes of Practice issued by the Secretary of State for Constitutional Affairs under Sections 45 and 46 of the Act.

The purpose of the Section 45 Code is to facilitate disclosure by setting out good administrative practice, and standards for the provision of advice to applicants. It also covers consultation with third parties to whom the information relates or those likely to be affected by a disclosure of information, the implications of confidentiality provisions in contracts, the transfer of requests to other public authorities and the provision of a complaints procedure.

The Section 46 Code promotes good records management, based on the premise that 'Freedom of information legislation is only as good as the quality of the records and other information to which it provides access.' In accordance with the Records Management Policy the Vice Principal is responsible for implementing Ada's approach to records management.

## 6 HANDLING AND TRACKING OF REQUESTS

The Vice Principal is responsible for the processing and monitoring of Freedom of Information requests.

The dedicated routes for information requests are:

By post to:

**Ada. National College for Digital Skills**  
**Broad Lane**  
**London**  
**N15 4AG**

By email:

[info@ada.ac.uk](mailto:info@ada.ac.uk)

All Freedom of Information requests will be logged and tracked by the Vice Principal. This will aid identification of repeat, similar or vexatious requests. Multiple requests for information on a particular subject will lead to consideration for its addition to the Publication Scheme during the annual review.

Where there is reason to believe that some or all of the information requested is held by another public authority, Ada will contact the applicant and provide information about where to re-direct the request. In some cases the request may be transferred directly to the other authority.

## 7 EXEMPTIONS AND THE PUBLIC INTEREST TEST

There are 23 exemptions from the right of access. Some are designated 'absolute', meaning that if an absolute exemption applies, the duty to provide the information does

not apply. Most are known as 'qualified' exemptions and require a public interest test to be applied, to decide whether the public interest in withholding the information outweighs the public interest in disclosing it.

Where an exemption is deemed to apply to some or all of the information requested, the applicant will be notified in writing. The relevant exemption will be cited and any information that is not exempt will be provided.

Since the Act contains a presumption in favour of disclosure, in cases where there is equal weight between withholding information and disclosing it, the information will be disclosed.

In determining whether disclosure would be likely to prejudice the effective conduct of public affairs (Section 36 of the Act), and the balance of the public interest, the designated Qualified Person will decide. In Ada this is the Dean.

If legal opinion is thought to be necessary, it will be sought by the Vice Principal

## 8 PERSONAL INFORMATION

Where an applicant makes a request for his or her own personal data, the data is absolutely exempt and the request will be treated as a subject access request under the Data Protection Act 1998.

If the information requested includes personal information about a third party, the information will be provided, unless:

- 1 Disclosure would contravene any of the data protection principles. The key issues in this regard are fairness and lawfulness, and these will be considered fully before disclosure is made.
- 2 Disclosure would contravene Section 10 of the Data Protection Act (right to prevent processing likely to cause damage or distress).
- 3 The data subject would not be entitled to receive the data.
- 4 Disclosure would contravene Ada's notification to the Information Commissioner under Section 17 of the Data Protection Act.

## 9 THIRD PARTY INFORMATION

In accordance with the Code of Practice, where requests relate to persons other than the applicant and Ada, or disclosure may affect the interests of persons other than the applicant or Ada, Ada will, where appropriate, consult the third party promptly in order to determine whether an exemption applies, and to aid the decision on disclosure. However, the decision will be made entirely by Ada

## 10 FEES

Ada will follow the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Accordingly, all requests that cost less than £450 to process (the 'appropriate limit') will be complied with free of charge.

If the estimated cost of compliance exceeds £450, the duty to comply with the request does not arise. Such requests may be refused. However, mindful of the duty to provide advice and assistance, where the cost of complying with a request would exceed the appropriate limit, the applicant will be helped, if possible, to modify or re-focus the request in order to bring the cost below the limit.

In calculating the cost of a request, Ada may only take into account the time taken to determine whether it holds the information, and to locate and retrieve it. It may not take into account the time taken to consider exemptions and to seek and obtain legal advice, to consider whether a request is vexatious, to obtain authorisation to provide the information or to calculate fees. Costs are calculated at an hourly rate of £25, the equivalent of two and a half working days.

Where communication costs (such as postage, photocopying, printing, CDs etc.) are less than £35 the information will be provided free. The applicant will be charged in full for these costs above that level. A fees notice will be issued, which must be paid within three months. During this period the 20 working day clock is stopped, and re-starts when the fee is received. If the fee is not paid, Ada is released from its obligation to provide the information.

Ada will not charge for information listed on its Publication Scheme except where specifically indicated on the Scheme.

## 11 COMPLAINTS

Any written reply from the applicant expressing dissatisfaction with Ada's response to a request will be treated as a complaint, whether or not the applicant has expressly stated a wish to have the decision reviewed. This includes appeals against decisions to withhold information. Tom Fogden, Dean of the College is initially responsible for handling complaints. A response will be provided within 20 working days. Tom can be contacted via [Tom@adacollege.org.uk](mailto:Tom@adacollege.org.uk)

Complaints received more than two months after the initial decision will not be considered.

If dissatisfied with the outcome of the review, the applicant may seek a review by the Information Commissioner, who has powers to uphold or overturn the decision. Ada will abide by the decisions of the Information Commissioner's Office, unless it considers itself to have grounds for an appeal to the First-Tier Tribunal (Information Rights).

VERSION	AUTHOR	DATE	CHANGES
V1	Joe Nutt	2.12.16	First draft
V2	Mark smith	09.02.16	Named person added

