



FREEDOM OF INFORMATION CODE OF PRACTICE

Freedom of Information Act 2000 - Code of Practice on records management and dealing with requests for information (revised)

ILS January 2008

Introduction

The Freedom of Information Act 2000 obliges public authorities and institutions, including the RCA, to provide information about its functions and activities on request to members of the public. In particular, the College will conform to the Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions.

The College has a Policy on Freedom of Information which states that we will comply fully with the Act and will place in the public domain as much information about our activities as possible and, subject to exemptions under the Act, make other information available on request.

The following Code of Practice supplements the College Policy on Freedom of Information. It provides guidance for all College staff on dealing with requests for information and on effective records management.

DEALING WITH REQUESTS FOR INFORMATION

Requirements

The Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions requires the College to:

- Provide advice and assistance to persons making requests for information.
- Deal with all requests within 20 working days of receipt of request, charge any fees in accordance with the Lord Chancellor's Fee Regulations and justify any refusal of a request.
- Assist a person making a request, when the information they are seeking is held by another public authority.
- Consult with third parties before releasing any data that may affect them
- Consult with third parties where it might enable the College determine if and how the information should be released.
- Have a complaints procedure in place to deal with any complaints made about its Publication Scheme, or the handling or result of an individual application.

College FoIA Resources

The College has adopted the Information Commissioner's Office (ICO) model Publication Scheme (2008) and placed a Guide to Published Information on the College website, indicating availability of items of information under the scheme, together with details of how that information can be accessed and any associated charges. Members of the public can be referred to the Guide to Published Information if the information they request is held there.

For RCA staff use there is also an Information Guide on the College Intranet. This is a live database listing college records - giving an indication of their source, medium, confidentiality, physical and, if applicable, electronic location and retention period. User ID and password are required to access the Information Guide.

An Enquiries Management Team (EMT) has also been formed, for staff to refer FoIA requests to when they consider they are unable to respond. The EMT will decide on the nature, fee charges and degree of response for forwarded requests. There is a single contact point for forwarded FoIA email requests: foi@rca.ac.uk.

Key staff have been made aware of the FoIA and how the RCA should deal with written requests made under it. All College FoIA documentation, procedures and resources, with links to official references are available on the College Intranet.

General Principles/Conditions

Data Protection

The provisions of the Data Protection Act 1998 always take precedence over those of the Freedom of Information Act 2000. Personal information must always be obtained, processed, stored and disclosed in accordance with the Data Protection Act, even where a request for information has been made under the provisions of the Freedom of Information Act.

Fee Charging

The College has discretion to charge applicants a fee in accordance with the Fees Regulations in respect of requests made under the general right of access.

Complaints Procedure

When communicating any decision made in relation to a request under the Act's general right of access, the College is obliged to notify the applicant of their rights of complaint. The Enquiries Management Team will provide details of the complaints procedure, including how to make a complaint, and will inform the applicant of his or her right to complain to the Information Commissioner if he or she is still dissatisfied following the College's review.

The complaints procedure may be used by any person who considers that the College is not complying with its Publication Scheme, or who wishes to complain about the handling or outcome of their request.

Refusal of Request

Where the College relies on an exemption to refuse a request for information the College will inform the applicant which exemption has been claimed, and, if it would otherwise not be apparent, why that exemption applies. The Act also requires the College, when withholding information (other than under an "absolute" exemption), to state the reasons for claiming that the public interest in maintaining the exemption outweighs the public interest in disclosure. We will specify the public interest factors (for and against disclosure) they have taken into account before the decision was reached.

Contracts and Third Party Confidence

The College will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of its functions and it would not otherwise be provided. In addition, the College will not agree to hold information received from third parties "in confidence" which is not confidential in nature. Acceptance of any confidentiality provisions have to be for good reasons, capable of being justified to the Commissioner

Handling Requests for Information which Appear to be Part of an Organised Campaign

The College is not required to comply with a number of related requests where the cumulative cost of complying with the requests would exceed the "appropriate limit" (i.e. cost threshold) prescribed in the Lord Chancellor's Fees Regulations. In such cases we will consider whether the information could be disclosed in another, more cost-effective, manner. For example, publication on the College's website, and a brief notification of the website reference to each applicant, might bring the cost within the appropriate limit.

Timescale for Responding to Requests.

The College aims to make all decisions within 20 working days, including those where it needs to consider where the public interest lies in respect of an application for exempt information. In those instances when it is not possible to deal with an application within 20 working days, we will give a realistic estimate of the date by which we expect to reach such a decision, taking account, for example, of the need to consult third parties where this is necessary.

If it is found that that, while considering the public interest, the estimate given is proving unrealistic, we will keep the applicant informed. A record of instances where estimates are exceeded will be kept, and where this happens more than occasionally, steps will be taken to identify the problem and rectify it.

Monitoring requests

For monitoring purposes the Enquiries Management Team will keep a record of all applications forwarded to it. This will include applications where all or part of the requested information is withheld. In addition to a record of the numbers of applications involved where information is withheld, senior managers in the College need information on each case to determine whether cases are being properly

considered, and whether the reasons for refusals are sound. The Enquiries Management Team will also keep a record of all complaints and of their outcome.

Procedure for responding to requests

Identifying a Freedom of Information Act request

The College regularly receives requests for information as part of day-to-day routine. Members of staff will be expected to continue dealing with these requests as normal. However, some of these enquiries will now constitute formal requests for information under the Act.

Freedom of Information Act requests must take written form, including emails and faxes. The applicant must state their name, provide an address for correspondence and describe the information requested. However, enquirers are not obliged to state that they are making an enquiry under the Act. It is therefore appropriate to regard all written enquiries as potentially Freedom of Information Act enquiries.

Assisting the Applicant

There is an obligation on the College to provide advice and assistance to those making requests under the Act. It is the duty on the College to provide advice and assistance, insofar as it would be reasonable to expect.

Not all potential applicants will be aware of the Act, or Regulations made under it. Members of staff who receive requests should draw these matters to the attention of potential applicants who appear to be unaware of them.

Since a request for information under the Act must be made in writing (including emails and faxes), where a person is unable to submit a written request, the member of staff should refer them to the Enquiries Management Team (foi@rca.ac.uk or tel. 0207 590 4123)

Locating the information requested

In some cases the information requested may be located among your own records. You can also consult the Intranet, including the Information Guide, contact other departments and check the website, including the Guide to Published Information.

Responding to and recording requests

Staff should send their responses within 20 working days to the address provided by the applicant. If:

- you are unable to locate the information requested
- you are uncertain about whether or not you should provide the information requested
- You are uncertain about what exactly is being asked for

forward the request, unanswered, to the Enquiries Management Team, Media Relations and Marketing Dept. (foi@rca.ac.uk) keeping details of name, contact details, topic, date of request.

Action by the Enquiries Management Team

For all requests for information forwarded to it by staff, the Enquiries Management Team will take responsibility for:

- Liaising with the relevant Department(s) to locate the information requested.
- Retrieving any information held in long-term storage.
- Considering any reasons why the information requested, or part of it, should be withheld, because, for example, it is subject to an exemption under the Act.
- Ensuring that information released complies with the Data Protection Act 1998.
- Consulting with third parties, where appropriate.

A central log of forwarded FoIA requests will be kept to chart the nature of enquiries, save time and resources on answering similar requests in future, and to deal with subsequent queries or complaints.

There may be circumstances in which the College does not hold some or all of the information requested by the applicant. In addition to providing that part of the information the College does possess, as part of the request we will:

Redirect the applicant, where we believe another Public Authority holds some or all of the information, to enable him or her to pursue his or her request.

Provide what advice and assistance we can to the applicant, where we do not know who owns some or all of the information, to enable them to pursue their request.

Responsibilities

The Senior Management Team

Determining the College's policies and procedures for dealing with FoIA requests and keeping them under review to ensure that they comply with the law and good practice in HE and other sectors.

The Enquiries Management Team

- The overall management of the system and procedures.
- Dealing with requests forwarded by members of staff
- Working with departments to ensure they are aware of their responsibilities under the Act.
- Ensuring all requests under the Act are handled in accordance with the College's Freedom of Information Policy and Codes of Practice.
- Assisting and advising individuals and organisations making requests under the Act.

- Ensuring that, in considering requests for information and accepting or refusing them, the public interest is properly assessed and exemptions are properly applied.
- Ensuring information is released within the timescales specified within this Code of Practice
- Maintaining the Publication Scheme and the Guide to Published Information.
- Keeping the College's Freedom of Information Policy and Code of Practice under review.
- Retrieval of information held in long-term storage.
- Liaising with Departments to retrieve information held by them locally.

Heads of Department

- Ensuring that they comply with these procedures and that local arrangements are in place to this end.
- Assigning responsibilities for dealing with FoIA requests to staff in their department

Administrators and/or other nominated departmental staff with FoIA requests responsibilities

Ensuring that all requests for information are:

- dealt with locally or passed on promptly to the Enquiries Management Team
- recorded locally
- Liaising with staff in their departments as necessary
- Assisting the Enquiries Management Team in locating and retrieving information

Individual Members of staff

- Responding to requests for information and, if they unable to do so, referring the request to the Department Administrator/Enquiries Management Team.
- Seeking advice when they are uncertain on how to respond to a request.

RECORDS MANAGEMENT

Introduction

The Act requires that the College maintain a system of records management to ensure that information is readily accessible and retrievable to answer requests, conforming with the Lord Chancellor's Code of Practice on the Management of Records produced by the Department of Constitutional Affairs.

College Records are the content of physical or electronic documents, created, stored or received by the College, its staff and students in the normal course of College business and remain its property.

The importance of good records management

While it is necessary that the College complies with the Act in implementing a Records Management System, good practice in records management is important in itself. Good records management helps ensure that the administration of the College is efficient and effective for a number of reasons:

- It ensures that information can be found quickly and easily and therefore saves staff time and cost.
- It ensures that the College's operations are transparent and facilitates auditing of the College's operations.
- It protects the College's legal position by ensuring that important documents are retained and are easily accessible.
- By ensuring that records are not duplicated or retained longer than necessary, it reduces the requirement for storage space and equipment, releasing resources for other purposes.
- By demonstrating that the College is administratively efficient it enhances the College's reputation.

College records organisation

Collections of records are housed and maintained throughout the College, both College-wide and in Academic departments. While the College does not have a single central depository for records, there are a number of important centrally held collections, and departments have their own collections of records. In addition, individual members of staff hold records, including the files on their computers.

To assist staff identify and locate information the College has set up an Information Guide, accessible via the Intranet. The Information guide is a searchable database listing named information items, the format they are available in, their location, status in terms of confidentiality, the person(s) responsible for looking after them and their retention period.

Records management procedures

Record Creation

- A newly created record should be given a subject name, author/initials. Date any documents you create within your area of work – this is best done in the Footer. Page numbering, such as 'Page 2 out of 4', is also helpful and can be done automatically in Word. Documents received, without this identifying information, should be assigned it.
- File documents A-Z, or by some other structured method, within files and then maintain your files by the same method.
- Follow the same practice with electronic documents on your computer. Assign document names that give a clear indication of the content. Use the convention

of descriptive names with underscores between words and the correct file extension (.doc, .xls, .pdf, .jpg) e.g. Freedom_of_Information.doc

- Locate documents relating to the same subject in named folders. Use the sort function on your computer to keep them in date/alphabetical order
- File regularly – do not let piles of paper accumulate and conceal other records
- Avoid filing unauthored, undated documents or informal notes
- Information about persons should be held securely – hard copy in a locked filing cabinet, electronic information password protected (this is a requirement of the Data Protection Act in any case).
- The subject, and other information about, collections of records needs to be recorded on the Information Guide. As files or records on a new subject are created information about these should be forwarded to the Enquiries Management Team.
- Records Maintenance
- Records should be kept up-to-date and maintained in good condition to ensure that they remain usable and do not deteriorate.
- Documents should be filed regularly and not allowed to accumulate in collections of material awaiting filing, where effectively they become inaccessible.
- Duplicate records and multiple versions of the same record should be kept to a minimum. In principle, there is only a requirement for a single, master copy of each record. All draft copies should be destroyed.
- Files should not include unattributed/authored, undated documents or informal notes.
- Files should be “weeded” regularly to discard any information that is redundant or duplicated elsewhere. This practice should be applied to electronic file systems as well.

Records Use

- Care should be exercised in the handling of all records and they should be returned promptly after use.
- Originals of documents should not be loaned. A note should be made of copies of records loaned internally or externally.
- Access to confidential records should be strictly limited to authorised persons.

Records Retention and Disposal

- Records should not be retained any longer than is necessary for the efficient operation of the College.
- Records that have outlived their administrative usefulness should be destroyed systematically in accordance with the records retention schedule indicated in the Information Guide.
- Confidential information records should be disposed of locally by shredding or by dispatching securely to Building Services marked as confidential waste. All copies of confidential electronic records should be deleted.

- Records that are identified as having significant administrative and/or historical value to College should be deposited with the appropriate College archive.

Please note - under the Act it is a criminal offence to destroy or dispose of records once the College has received a formal request to access the information contained in those records.

Responsibilities

The Senior Management Team

- Determining the College's records management policies and procedures and keeping them under review to ensure that they comply with the law and good practice in HE and other sectors.

The Enquiries Management Team

- Setting consistent standards for records management practices across the College and ensuring that they are met.
- Advising Senior Management on developments and changes to the College's records management procedures.
- Providing assistance, advice and training to College staff about efficient record-keeping practices.
- Advising on the enhancement of record keeping arrangements and systems/conditions in departments
- Maintaining the currency and accuracy of the Information Guide and adding/amending/deleting entries as necessary

Heads of Department

- Ensuring that their departments comply with the College's records management policy and procedures and that local arrangements are put in place to effect this.
- Assigning records management responsibilities to members of staff within their department
- Ensuring the provision of appropriate systems, space and security arrangements for the storage of departmental records.

Administrators and/or other nominated Departmental staff with records management responsibility

- Ensuring that records management procedures are implemented within their department and that they operate efficiently and effectively.
- Ensuring that records management procedures are applied, not only to paper records, but to all other forms of record.

- Providing information for entries on the Information Guide
- Ensuring that departmental records are disposed of in accordance with the retention schedules set out in the Information Guide
- Maintaining confidential records under secure and access controlled conditions
- Filing and weeding departmental records on a regular basis
- Depositing important and/or valuable documents with the appropriate College archive
- Disposing of records in accordance with guidelines

Individual Members of Staff

- Keeping their own work records, including those held electronically, in good order, accessible and where necessary, secure and access controlled.
- Filing and weeding their records on a regular basis.
- Providing information to other College staff or departments on request

REVIEW OF THE CODE OF PRACTICE

The Code of Practice and Procedures will be reviewed periodically by the Enquiries Management Team. This will include monitoring appropriate statistics, subjects of enquiries, any complaints received and, where necessary, amending procedures for dealing with requests for information where such action is indicated. The Enquiries Management Team will also consider if the need to update the Guide to Published Information to include material that is the subject of repeat requests.

CONTACTS

Enquiries

Any enquiries about this Code of Practice or for more details on the College's Freedom of Information Policy and Model Publication Scheme should be directed to:

Enquiries Management Team
Media and Marketing Relations Dept.,
Royal College of Art,
Kensington Gore,
London SW7 2EU
Tel. 0207 590 4123
E-mail: foi@rca.ac.uk

Complaints

In the first instance the contact for any complaints in relation to the Publication Scheme or a request for information should be directed to:

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Enquiries Management Team
Media and Marketing Relations Dept.,
Royal College of Art,
Kensington Gore,
London SW7 2EU
Tel. 0207 590 4123
Email: foi@rca.ac.uk

Any complainant who considers that their complaint has not been satisfactorily dealt with should address their complaint in writing to:

The Registrar
Royal College of Art,
Kensington Gore,
London SW7 2EU
Tel. 0207 590 4132

More Information

The official regulator for the Freedom of Information Act is:
Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<http://www.ico.gov.uk/>