



# Freedom of Information Act 2000 and the RNOs

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# Freedom of Information Act 2000

- The Act gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities.
- RNOs such as Kent MAN Ltd are 'public authorities' and hence subject to the Act because they are wholly owned by institutions which are themselves 'public authorities'.



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# Freedom of Information Act

- It is best to assume that RNOs have the same timescale in which to operate as educational institutions.
- This means that under the Act a publication scheme must be devised and submitted to the Office of the Information Commissioner between 1<sup>st</sup> October and 31<sup>st</sup> December 2003.
- The Publication Scheme itself will take effect from 29<sup>th</sup> February 2004.
- From January 2005 the public, including other corporate bodies, will have the right to make a request for any other information not already published under the Publication Scheme.



# The Publication Scheme

- The Publication Scheme is a listing of:
  - the various classes of information that are, or will be made, available to the public,
  - how these can be obtained, and
  - if there is any associated cost.
- The RNO must be able to publish all information included on its scheme by 29<sup>th</sup> February 2004.



# Model Publication Schemes

- The JISC has produced a model publication scheme for Further and Higher Education.
- However, this model scheme contains several classes of information which do not apply to RNOs, such as 'Student Administration and Support' and 'Teaching and Learning'.
- It is difficult to remove classes from model schemes which have been adopted, so it is more appropriate for RNOs to devise their own publication schemes.



# Charging for information

- The Publication Scheme must set out how the RNO will publish its information and whether a charge will be made. For example:
  - World Wide Web (free)
  - Hard copies such as pre-printed leaflets, brochures, etc. (usually free)
  - Other hard copies such as committee minutes (costs of production may be charged)



# The Publication Scheme

- It is best to include as much information as possible on a publication scheme to avoid requests for additional information;
- But, it will be easier to add items to the Publication scheme than to remove them so care should be taken not to make the description of a class of information too vague.



# Requests for Information

- From 1 January 2005 members of the public and corporate bodies may enquire about any other information not already published by the RNO.
- Applicants have the right:
  - To be told whether the information is held by the RNO; and,
  - To receive the information.



# Requests for Information

- The RNO:
  - Has a duty to assist the Applicant
  - Must respond to requests within 20 days (but the clock stops if the request is unclear until a response is received from the applicant).
  - Must determine whether the information requested can be released (the Act includes certain exemptions)
  - Must determine the fee to be charged for the information (but only in accordance with Fee Regulations)



# Exemptions

- Some information held by an RNO will be exempt and does not have to be released.
- Exemptions include:
  - Information already published
  - Information covered by the Data Protection Act
  - National security
  - Law enforcement
  - Commercial interests



# Exemptions

- Before an exemption can be enforced, the RNO must consider two further points:
  - Prejudice
  - Public Interest



# Requests for Information

- Dealing with requests for information will be complex, time-consuming and expensive.
- Increasing the amount of information included in the Publication Scheme should reduce the number of individual requests for information.



# Codes of Practice

- The Act also provides for the introduction of codes of practice with which the RNO will have to comply.
- These cover:
  - Records Management, and
  - The method used to deal with individual requests for information.



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# What Next?

- A Publication Scheme needs to be finalised.
  - The scheme for Kent MAN Ltd is being produced, based on the draft scheme drawn up by UKERNA.
- Policies and Codes of Practice need to be developed.
- The website needs to be updated to ensure that it includes all the information described in the publication scheme.
- Training may be required for those who will be dealing with requests for information.