Freedom of Information Act Policy

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1. Purpose

1.1 The Freedom of Information Act (FOIA) became law in 2000 and came into force on the 1st of January 2005.

1.2 The legislation applies to all public authorities and obliges them to advise requesters whether information falling within the scope of a request is held and, if it is held, to communicate that information to the requester in a format of their choice.

1.3 LTE Group has a statutory duty to respond correctly under this legislation. This policy provides a framework for access to information that ensures LTE Group meets its obligations under the FOIA.

1.4 The purpose of this policy is to assist everyone in understanding LTE Group's approach to meeting its statutory duties under the FOIA. In line with the Government's Transparency Agenda, there is a presumption in favour of the disclosure of information. However, this is balanced with a need to ensure the confidentiality of some information relating to areas such as personal data, commercial interests, legal processes, and other instances where disclosure would not be in the public interest. In certain circumstances, requests for information may be refused.

1.5 Set out what the policy will provide to colleagues so it is clear what purpose it serves and what it will tell colleagues to do (or not to do). If this document is Compliance policy this section should also include any regulations and or statutes that must be complied with

1.6 This document has been written with regard to the Freedom of Information Act 2000 (FOIA).

2. Scope

2.1 This policy applies to all requests for information under The FOIA and, therefore, to all information held by or on behalf of LTE Group.

2.2 The information can be recorded on paper, disc and, as most common now, electronically. Information, which is known but not recorded is not 'held information' in FOIA terms. If information has been destroyed before a request is received, then it is no longer held. Information should not be created in order to provide a response.

3. Roles and Responsibilities

3.1 This policy applies to all LTE Group employees, contractors, agency workers, consultants, interim and temporary staff (collectively, "Colleagues").

3.2 This policy applies to 'Everyone' as listed in point 3.1 above. Everyone needs to be aware of the provisions of the FOIA and their own obligations with regard to the use and disclosure of LTE Group Information.

4. Policy Statement and Principles

4.1 It is recognised that the information held by LTE Group is an important asset. Group information must be treated as a Group asset and not as being personally owned by the individual staff-members that create or use it.

4.2 LTE Group recognises the need to be transparent and it takes a positive view of its FOI duties; consequently, there is a presumption in favour of disclosure when a request is received. Information should be disclosed unless there is a valid reason (and an appropriate exemption under the FOIA) for refusing the request.

4.3 Reasons for refusal:

4.3.1 The information is not held.

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4.3.2 The request is "vexatious". Considering the context and history of the issue – is the request likely to cause unjustified distress, disruption, or irritation without any proper or justified cause?

4.3.3 The request is a repeated request. Is the request identical or substantially similar to previous requests? An authority isn't obliged to comply unless a reasonable timescale between requests has elapsed.

4.3.4 The costs of complying with the request are over the 'Appropriate Limit' – this means that it will take over 18 hours to determine, locate, retrieve, and extract the information before it is provided to the requester.

4.3.5 An exemption under the FOIA applies. If this is the case, a Refusal Notice must be issued by the Data Protection Office. This will give the reason(s) for refusal, consider the public interest test[1] and offer an internal review (appeal) should the requester be unhappy with LTE Group's initial response.

4.4 The FOIA Exemptions:

4.4.1 Section 21: Information reasonably accessible to the applicant by other means.

4.4.2 Sections 22 and 22A: Information intended for future publication and research information.

4.4.3 Section 23: Security bodies.

4.4.4 Section 24: Safeguarding national security.

4.4.5 How Sections 23 and 24 interact.

4.4.6 Section 26: Defence.

4.4.7 Section 27: International relations.

4.4.8 Section 28: Relations within the UK.

4.4.9 Section 29: The economy.

4.4.10 Section 30: Investigations and proceedings.

4.4.11 Section 31: Law enforcement.

4.4.12 Section 32: Court, inquiry, or arbitration records.

4.4.13 Section 33: Public audit.

4.4.14 Section 34: Parliamentary privilege.

4.4.15 Section 35: Government policy.

4.4.16 Section 36: Effective conduct of public affairs.

4.4.17 Section 37: Communications with His Majesty and the awarding of honours.

4.4.18 Section 38: Health and safety.

[1]some exemptions are 'qualified rather than 'absolute'. Qualified exemptions require LTE Group to consider and explain whether the public interest is best served by releasing the information or by withholding it, absolute exemptions do not.

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4.4.19 Section 39: Environmental information.

4.4.20 Section 40(1&2): Personal data.

4.4.21 Section 41: Information provided in confidence.

4.4.22 Section 42: Legal professional privilege.

4.4.23 Section 43: Commercial interest.

4.4.24 Section 44: Prohibitions on disclosure.

4.5 Requests for recorded information must be dealt with under the FOIA except when they are 'business as usual' requests, e.g. a request asking for the name and contact details of a specific staff-member, which would routinely be disclosed.

4.6 Requests for information must be immediately forwarded to the Data Protection Office at FOI@LTEGroup.co.uk.

4.7 Requests must be responded to promptly, and no later than 20 working days after receipt. LTE Group aims for a 100% compliance rate. The Information Commissioner expects a minimum 90% compliance rate. If this is not achieved, the Information Commissioner can put LTE Group into special measures and undertake close monitoring of the handling of requests.

4.8 Anyone asked to provide information in order to respond to a The FOIA request must cooperate fully and promptly with their FOI Coordinator and the Data Protection Office. They must confirm whether the information requested is held and provide the information requested promptly and within the relevant timescales (or discuss whether an extension to the timescale is possible). Where an exemption may apply, staff-members are also required to identify why this may apply and supply arguments to substantiate this so that a thorough public interest test can be undertaken by the Data Protection Office. All information should be supplied to the Data Protection Office who will then decide whether an exemption will apply. Services should not apply exemptions and filter the responses themselves.

4.9 Information must not be deleted following receipt of a request as this is a criminal offence.

4.10 LTE Group acknowledges that, where exemptions are 'qualified', and thus subject to the public interest test, this test should be applied by LTE Group alone (not, for instance, by a contractor). LTE Group's decision on where the public interest lies will be final, though the opinion of any relevant third parties should be taken into account.

4.11 LTE Group staff-members should be proactive in always offering advice and assistance to requesters. For example, this could be by helping them in framing or wording their requests or telling them how to access information not held by LTE Group but by other organisations.

4.12 Guidance on the handling of FOI requests is available in the FOIA Procedure document.

5. Policy Governance, Review and Approval

5.1 This document is proprietary to The Group. It is supplied in confidence and should not be disclosed or otherwise revealed to outside parties without prior written consent of an authorised LTE Group representative.

5.2 This group policy is approved by the Group Board and this version of the policy remains effective until it is withdrawn, or an update approved. The policy will be reviewed on an annual/every two years basis [delete as appropriate].

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5.3 If any material changes are required to the policy prior to its annual review, the policy MUST be re-approved. If the changes required were insignificant (i.e. changing a job title, or department name to reflect changes in the current structure), the Accountable SMF for the policy can approve the policy, and the policy just submitted for noting to the Policy Management Framework Owner.

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6. Information, Communication and Training

The policy will be stored on the Hub and communicated through internal communications channels as deemed appropriate. If the policy will be required to have an e-Learning requirement – either an attestation from colleagues that they have read it and/or the completion of a training module – this should be stated in the policy here along with any other training plans.

7. Policy Monitoring and Breaches

It is a mandatory requirement for all colleagues to fully comply with the requirements of approved LTE Group policies. Where breaches of the policy occur, they should be reported to the policy's Accountable SMF (see final section) and to the Group SHE Director.

8. Associated Policies and Documents

POLICIES	PROCEDURES & OTHER DOCUMENTS
Data Protection Policy	Freedom of Information Act Procedure

9. Definitions

TERM	DEFINITION
Business Unit	A Distinct Business Unit within The Group, such as: Total People, MOL, Novus, UCEN, The Manchester College, Group Ops.
Colleagues	All employees, workers, contractors, agency workers, consultants, directors, members, and other individuals who work for and/or are employed by The Group.
Data Protection Office ("DPO")	The Colleagues within The Group who are responsible for managing the day-to-day requirements arising from The Group's Data Protection obligations.
Data Protection Officer	The individual responsible for managing and overseeing the data protection within an organisation.
Information Commissioner's Office ("ICO")	The governing body responsible for upholding information rights in the UK. The ICO are responsible for enforcing many aspects of UK GDPR & FOIA, including levying fines against companies in breach of the laws.
LTE Group ("The Group")	The UK's first integrated education and skills group offering learning right across the spectrum. LTE Group is the largest social enterprise of its kind which retains charitable status and supports national and regional government aims.

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10. Version Control and Accountability

Version number	Version 2.1		
Policy Owner	Data Protection Officer		
Accountable SMF	Company Secretary & General Council/Data Protection Officer		
Approved by	LTE Group Board		
Approval Date	November 2023	**Next Review Date**	December 2025

Version	Status	Date	Revision Reason	Reviewed by	Outcome
1.0	Original Version	April 2016			
1.1	Full document review and revision.	July 2016	Minor Updates		
2.0	Full document review & Revision.	November 2023	Requested by Data Protection Officer	Simon Richardson	
2.1	Transfer to new policy framework	November 2024		Simon Richardson	

APPENDIX A: EQUALITY IMPACT ASSESSMENT (EIA)

Are there concerns that this policy could have an adverse impact on any of these protected characteristics?		If Yes, is action required?
Age		
Disability		
Gender reassignment		
Marriage or civil partnership		
Pregnancy and maternity		
Race		
Religion		
Sex		
Sexual orientation		
EIA Summary		
Person responsible for EIA		
EIA Outcome & statement		

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