

<b>FREEDOM OF INFORMATION POLICY</b>			
<b>Department</b>	Secretariat Office		
<b>Author</b>	Designated Freedom of Information Officer/General Counsel and University Secretary		
<b>Authorised By:</b>	Vice-Chancellor's Executive Team		
<b>Implementation By:</b>	Freedom of Information Officer		
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### 1. Policy

Wrexham University takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which this effective management can be achieved and audited.

The Freedom of Information Act 2000 imposes a duty on public authorities such as Wrexham University Wrexham ('Wrexham):

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 Wrexham and Wrexham must comply promptly and within 20 working days. Unless subject to one of 24 exemptions described by the Act, the information must be provided. In some circumstances an additional 20 working days may be permitted to consider the application of qualified exemptions that require a public interest test.

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 of the policy

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

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

Staff guidance on our procedures and what to do when an FOI request is received is available on the Freedom of Information pages of the Wrexham website:

<https://wrexham.ac.uk/information-governance/freedom-of-information/>

## **2.1 Relationship with the UK General Data Protection Regulations**

This policy does not cover Subject Access Requests (SAR) (requests from an individual for their own personal information held by the University). These requests are exempt from the Act under section 40(1) and will be processed in accordance with the UK General Data Protection Regulations.

### **3. Roles and Responsibilities**

Wrexham Vice Chancellor and Board of Governors have overall responsibility for Freedom of Information at Wrexham. Operational responsibility is delegated to the designated Freedom of Information Officer. The designated Freedom of Information Officer will work to respond to requests and ensure compliance with the Act.

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

### **4. Relationship with existing policies**

This policy has been formulated within the context of the following Wrexham University's documents:

- Communications Policy
- Data Protection and Data Disposal Policy
- Records Management Policy
- Welsh Language Scheme

### **5. The University's Publication Scheme**

Wrexham 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 Wrexham's website and hard copies of documents can be obtained from the relevant departments. The Scheme is reviewed annually.

### **6. Codes of practice**

Wrexham 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 Head of Strategic Planning and Student Administration is responsible for implementing Wrexham's approach to records management.

## **7. Handling and tracking of requests**

The designated Freedom of Information Officer is responsible for the processing and monitoring of Freedom of Information requests.

The dedicated routes for information requests are:

- The email address: **foi@wrexham.ac.uk**
- By post to:

Freedom of Information Officer  
Vice Chancellor's Office  
Wrexham University  
Plas Coch  
Mold Road  
Wrexham  
LL11 2AW

All Freedom of Information requests will be logged and tracked by the designated Freedom of Information Officer. 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, Wrexham 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.

Please note that the Students' Union is a separate organisation which is not subject to the Act.

## **8. Exemptions and the public interest test**

There are 24 exemptions from the right of access. Some are designated 'absolute', meaning that if an absolute exemption applies, then 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), the designated Qualified Person will decide on the exemption's engagement. In Wrexham's case this is the Vice Chancellor.

If legal opinion is thought to be necessary, it will be sought by the designated Freedom of Information Officer.

See also Appendix B

## **9. 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. This request will be forwarded onto the Data Protection Officer should it be sent to the designated Freedom of Information officer in the first instance.

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

- a) 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.
- b) Disclosure would contravene Section 10 of the Data Protection Act (right to prevent processing likely to cause damage or distress).
- c) The data subject would not be entitled to receive the data.
- d) Disclosure would contravene Wrexham's notification to the Information Commissioner under Section 17 of the Data Protection Act.

## **10 Third party information**

In accordance with the Code of Practice, where requests relate to persons other than the applicant and Wrexham, or disclosure may affect the interests of persons other than the applicant or Wrexham, Wrexham 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 Wrexham.

## **11. Fees**

Wrexham 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, Wrexham 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, to calculate fees or to perform any redactions. 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 may be charged in full for these costs above that level. In these circumstances 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, Wrexham is released from its obligation to provide the information.

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

## **12. Complaints**

The Code of Practice issued under Section 45 of the Freedom of Information Act places a duty on public authorities to put in place an appeals procedure to ensure that applicants are able to call for an internal review if they are not content with the public authority's handling of their request. Such requests for an internal review must be received in writing within 40 days of receiving the initial response from the University.

Any written reply from the applicant expressing dissatisfaction with Wrexham'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.

### *Types of complaints:*

- Your application was not dealt with within the 20 working days timescale
- You did not receive all of the information requested
- You feel that exemptions have been wrongly applied
- You feel that a fee has been wrongly charged

### *Who is responsible for dealing with complaints?*

The Vice Chancellor, is responsible for handling complaints. Wrexham will endeavour to provide a response within 20 working days. The Vice Chancellor has delegated her powers to authorised officers outlined in Appendix A who are collectively known as Internal Reviewers

### *Time limit for submitting a complaint*

In line with guidance from the Information Commissioners Office ('ICO') an appeal request must be submitted within two months of Wrexham's final response to the request. Complaints received more than two months after the initial decision will not be considered.

On receipt of the complaint an acknowledgement with an indication of when the requester should expect a response shall be sent.

### *Review*

A review will be undertaken by an authorised Internal Reviewer that was not party to the original decision on whether to release information. The Internal Reviewers are outlined in Appendix A.

### *Review Process*

The review must provide a fair and impartial means of reviewing decisions made during the original consideration of whether to release information or on any of the above types of complaints.

All internal reviews will consider the information released against the information requested and make a full review of the papers associated with the original application.

The Internal Reviewer may discuss the original decision with members of staff who were involved with the application, to ascertain how the decision was made, and will view documents gathered or retained to support this decision

The Internal Reviewer will discuss their findings with the designated Freedom of Information Officer in order to ensure that any internal processes which may need to be altered are fully reviewed.

On completion of the review, the requester shall be fully informed of its outcome.

### **Timescales**

Internal reviews must be completed within a reasonable timescale. Wrexham will aim to deal with simple considerations within 20 working days of receiving the complaint, whilst aiming to deal with more complex reviews, such as reconsidering the public interest test, within 40 working days of receiving the complaint.

If it becomes clear at any stage of the internal review that the deadline set is unlikely to be met, Wrexham will ensure that the requester is notified and a secondary deadline will be set, by which the reviewer should make every effort to abide.

### *Result of Internal Review*

Either

The original decision is confirmed

**or**

The complaint is upheld

Where the complaint is upheld, the requester should be informed by the reviewer and made aware of when they can expect any (further) information requested to be provided

Where the original decision is confirmed, the requester will be notified by the reviewer.

The reviewer shall provide the next steps within their outcome letter irrespective of the result of the internal review.

*If you are still dissatisfied, you have the right to seek a review from the Information Commissioners Office who has the power to uphold or overturn the decision. Wrexham will abide by the decision of the Information Commissioners Office, unless it considers itself to have the grounds for an appeal to the First-Tier Tribunal (Information Rights)*

Contact:

Information Commissioner's Office, Wycliffe  
House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF  
[www.ico.org.uk](http://www.ico.org.uk)

## APPENDIX A

AUTHORISED INTERNAL REVIEWERS	
Vice Chancellor	Professor Joe Yates
Deputy Vice Chancellor	Professor Paul Davies
Interim Executive Director of Finance	Emma Forfar
Executive Director of Operations	Lynda Powell
Executive Director of Human Resources	Peter Gibbs
General Counsel and University Secretary	Joy Morton

## APPENDIX B

### Exemptions Clauses

The table below sets out a straightforward reference guide to the exemption clauses that are set out under Part II of the FOI Act. Detailed guidance on the application of these exemptions is set out on the website of the Information Commissioner's Office.

\* starred exemptions are absolute; all other exemptions require a public interest test.

Section Number and description

21 \* Information reasonably accessible to the applicant by other means

22 Information intended for future publication, including that obtained in the course of a programme of research.

23 \* Information supplied by, or relating to, bodies dealing with security matters

24 Information for the purpose of safeguarding national security

27 Information that may prejudice international relations

28 Information that may prejudice relations between administrations within the United Kingdom

29 Information that may prejudice the economic or financial interests of the United Kingdom

30 Information held for the purposes of investigations and proceedings conducted by public authorities

31 Information that may prejudice law enforcement

32 \* Information contained in court documents and records

33 Information that may prejudice the exercise of audit functions

34 \* Information that may infringe the privileges of either House of Parliament

35 Information that relates to the formulation or development of Government policy

36 Information that may prejudice the collective responsibility of Ministers, inhibit the free and frank provision of advice, or prejudice the effective conduct of public affairs

37\* Information relating to communications with Her Majesty and other members of the Royal Household or the conferring of honours (absolute exemption in relation only to communications with the Sovereign, the heir to the Throne and second in line to the Throne)

38 Information that may be likely to endanger the safety or the physical or mental health of an individual

39 Information relating to environmental information

40 \* Personal data (absolute exemption in relation only to information that is the personal data of the applicant)

41 \* Information that is obtained from another person or public authority and would constitute a breach of confidence

42 Information that is covered by legal professional privilege

43 Information that constitutes a trade secret or may prejudice commercial interests

44 \* Information that is prohibited from disclosure by any enactment, EU obligation or would constitute contempt of court