

ISC16D037

Title: *Information compliance policy update*
Author: Raymond Scott (ISD)
Date: 12 May 2017
Circulation: ISSC
Agenda: ISC16A003
Version: Draft 0.1
Status: Open

Issue

To seek the committee's approval for proposed changes to a number of information compliance policies: Freedom of Information Act policy, Environmental Information Regulations policy, and Information Classification and Data Management policy.

Note that a revised Data protection policy will be subject to a major review in the light of the introduction of the new data protection legislation – GDPR – applying from 25 May 2018. Guidance on the new legislation is still being developed by the regulators, and the UK Government will be deciding on what derogations to include in its application in the UK. The revised Data protection policy is expected to be brought to ISSC for their approval at their Spring 2018 meeting.

Recommendation

Recipients are invited:

- To note the changes to the policies;
- To approve the updated policies

Resource Implications

No change to service is required and therefore there is no impact on resources.

Risk Implications

The local policies are offered to determine how the University will be compliant with various information compliance regimes. The proposed changes are made to help reduce the risk of non-compliance and to make the policy more accessible.

Timing of decisions

One approval is obtained the revised policies can be put into effect and published.

Further Information

- Contact details for enquiries: Raymond Scott, x3651, r.scott@uea.ac.uk

Discussion

Information compliance policies are subject to regular review – every two years. Changes to the policies are clearly shown as tracked changes in the two attachments. Short explanatory notes are in the margin. The notes will be removed from the final version.

When considering the revision of the policies, as both the FOIA and EIR documents share a lot of content it was noted that they could be combined into a single document. While there is support for this approach, it was decided to postpone this to a later date citing the following potential unknowns.

- UK leaving the EU will likely have an effect on the application of EIR in the UK
- FOIA will need updating should EIR be deemed no longer applicable
- The results of any review of the structure for ISD following the departure of the Director of Information Services

Consequently, the review at this stage is light touch.

Attachments

- FOIA policy v4.1 – DRAFT
- EIR policy v2.1 – DRAFT
- Information classification policy v 3.1 - DRAFT



FREEDOM OF INFORMATION ACT POLICY

v. 4.10

~~20 January 2015~~ 12 April 2017

Document Control Information

Title: Freedom of Information Act Policy
Date: ~~20 January 2015~~ 12 April 2017
Version: 4.~~10~~
Reference:
Authors: Dave Palmer
Quality Assurance: Raymond Scott

REVISION	DATE	REVISION DESCRIPTION
V1.0	22 Nov 2004	Information Framework Project Board approved draft, with rev. from SC
V1.1	29 June 2010	Review by Director Information Services and Information Policy Compliance Manager, subsequently adopted by Executive Team.
V1.2	24 September 2010	Revision in light of recommendations of Good Practice & Enforcement Unit of the Information Commissioners Office
V1.3	2 November 2010	Further revisions based on input from the Registrar & Secretary
V1.4	23 January 2012	Minor edits and corrections following internal review by ISD
V2.0	3 February 2012	Approved by ISSC
V2.1	10 January 2013	Reviewed by SPC
V3.0	1 February 2013	Approved by ISSC
V3.1	20 January 2015	Reviewed by SPC
V4.0	16 February 2015	Approved by ISSC
<u>V4.1</u>	<u>12 April 2017</u>	<u>Reviewed by SPC</u>

TABLE OF CONTENTS

<u>Executive Summary</u>	3
<u>Acknowledgements</u>	4
<u>Definitions</u>	4
<u>Introduction</u>	4
<u>Data Protection</u>	5
<u>Records Management</u>	6
<u>Responsibilities</u>	6
<u>Responding to Requests for Information Under the Act</u>	9
<u>Complaints Procedure</u>	13
<u>Tracking and Review of FOIA Administration</u>	13
<u>Contacts</u>	14
<u>Annex A – Assisting Applicants & Dealing with Requests</u>	16
<u>Annex B – Consultation with Third Parties</u>	16
<u>Annex C – Refusal of Request</u>	17
<u>Annex D – Contracting Practice</u>	18
<u>Annex E – Complaints Procedure</u>	19
Executive Summary	3
Acknowledgements	3
Definitions	4
Introduction	4
Data Protection	5
Records Management	5
Responsibilities	6
Responding to Requests for Information Under the Act	8
Complaints Procedure	12
Tracking and Review of FOIA Administration	12
Contacts	13
Annex A – Assisting Applicants & Dealing with Requests	15
Annex B – Consultation with Third Parties	15
Annex C – Refusal of Request	16
Annex D – Contracting Practice	17
Annex E – Complaints Procedure	18

EXECUTIVE SUMMARY

This Policy, based on similar work undertaken by Imperial College, and guided significantly by the provisions of the Secretary of State Code of Practice¹ provides guidance on the handling of requests for information under the Freedom of Information Act 2000 (FOIA).

UEA commits to complying with the Act and all associated Codes of Practice issued pursuant to the Act. This includes a commitment to proper records management processes and procedures.

Not all valid requests for information that fall within FOIA will be treated within the FOIA request handling process. For example, those received as normal course of business will continue to be treated in that manner.

Responsibility for the process of dealing with requests for information made under FOIA rests with the Registrar & Secretary. The Director of Information Services has delegated authority to act on behalf of the Registrar in all aspects of the management and implementation of those processes unless the Registrar determines otherwise. Primary operational responsibility for the administration of FOIA will rest with the Information Policy and Compliance Managers (IPCMs). The Managers will be assisted by other members of the ISD Strategy, Policy and Compliance team, and Faculty/Unit Contacts will be consulted on the location of information and applicability of exemptions. Deans of Faculty and the Registrar will be responsible for compliance with FOIA in their Faculties/Divisions.

UEA will encourage receipt of requests via a webpage specifically designed for that purpose. However, UEA will accept all written requests and commits to complying with the requirement to assist requesters. UEA will acknowledge receipt of all requests with the IPCMs cooperating with Faculty/Unit Contacts to locate documents, estimate time of recovery and establish the need to assess fees. A tracking system records all requests, inclusive of time to respond and outcome.

UEA has twenty (20) working days to respond to any request under the FOIA. The IPCMs will inspect all information and make a determination in relation to possible exemptions from disclosure. The IPCMs will take into account the need to consult 3rd parties where necessary, consult with the Press Office as appropriate, and will sign off on release of information. Where appropriate, authority for release will be exercised on behalf of the University by the Registrar & Secretary or the Director of Information Services acting on his or her behalf.

Where any information is not disclosed, UEA will inform the applicant of his/her right of complaint under the UEA complaints procedures, and will also inform the applicant of the reason for non-disclosure.

¹ Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 Issued under section 45 of the Act. London: HMSO, 2004.

ACKNOWLEDGEMENTS

This Policy is substantially based on work undertaken and published by Imperial College, London and UEA wishes to thank Imperial College for permission to liberally use the structure and wording of their Policy as the model for the UEA Policy.

DEFINITIONS

1. Terms. Throughout this document the following terms are used:

a. "The Act" means the Freedom of Information Act 2000.

b. "Information Commissioner's Office (ICO)" refers to the regulatory body for the Act.

c. "DPA" means the Data Protection Act 1998, relating to the processing of personal data, and applying in the UK up to 25 May 2018.

d. "GDPR" means the General Data Protection Regulation, regulation 2016/679 of the European Parliament, relating to the processing of personal data, and applying in the UK from 25 May 2018.

e. "The EIR" means the Environmental Information Regulations 2004.

f. "Formal Request" means a written request for information under the provisions of the Act.

g. "UEA" means the University of East Anglia.

INTRODUCTION

2. Purpose of Policy. This Policy provides guidance on the handling of requests for information submitted under the Freedom of Information Act 2000 ('the Act').

3. FOIA Obligations on Institutions. The Act requires that institutions implement and maintain an effective system for responding to requests for information. UEA will comply fully with the Act and it will place in the public domain as much information about its activities as is practicable, and, subject to the exemptions permitted under the Act, will make all other information available on request. In particular, it will conform to the Secretary of State's Code of Practice on the Discharge of Public Authorities' Functions².

² <https://www.gov.uk/government/publications/code-of-practice-on-the-discharge-of-public-authorities-functions-under-part-1-of-the-freedom-of-information-act-2000>

4. UEA Publication Scheme. UEA has a publication scheme³ which details the classes of information that it is required to make publicly available, together with details of how the information can be obtained and any associated cost.

5. Application of Policy

a. UEA regularly receives requests for information as part of the normal course of business. Members of staff will be expected to continue dealing with these requests as normal. Standard business requests for confidential information or personal data should be considered in consultation with the ~~proper authority heads or managers of relevant departments.~~

b. This Policy relates to requests for information where a member of UEA is unable to respond to the request, the request is exceptional or the information requested is not covered in the UEA's Publication Scheme, or not subject to release as business as usual. All requests of this nature must be passed to the appropriate FOIA Contact⁴ as a matter of urgency. The appropriate FOIA Contact will then contact the IPCMs who will consider the request and work with the appropriate faculties or divisions to locate the information. The IPCMs will also consider any exemptions that might apply to releasing the information and determine any associated fees.

6. Summary of information. The Act mandates public authorities to provide the information requested, but does not specify the content or form of the information to be provided. Therefore, it is permissible to prepare and provide a summary that contains the requested information if the requester agrees to accept a summary.

7. Documents. Requests for documents ~~are understood following ICO guidance to be requests for all the information contained within those documents will be handled in accordance with ICO guidance.~~

DATA PROTECTION

8. Interaction with DPA. Personal information must always be obtained, processed, stored and disclosed in accordance with the Data Protection Act⁵ and successor legislation ~~- the GDPR⁶; even where a request for information has been~~

³ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/publication-scheme>~~https://www.uea.ac.uk/is/foi/pub-sch~~

⁴ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/foi-eir-contacts>

⁵ <http://www.legislation.gov.uk/ukpga/1998/29/contents>

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

~~made under the provisions of the Act.~~ The University offers guidance on our obligations under ~~the Data Protection Act~~privacy legislation⁷.

RECORDS MANAGEMENT

9. Requirement for Records Management. FOIA provides the public with wide rights of access to UEA's records and therefore requires UEA to implement and maintain a comprehensive records management system. There is a duty under the Secretary of State Code of Practice⁸, issued pursuant to s.46 of the FOIA, to have certain records management policies and practices in place. While it is essential that UEA complies with the Act in implementing a Records Management system, good record keeping practice is important in its own right.⁹

10. UEA Records Management Commitment. UEA commits to the creation and maintenance of a systematic and planned approach to the management of all records within the organisation that ensures, from the moment a record is created until its ultimate disposal, that the organisation can control both the quality and quantity of information it generates; can maintain that information in a manner that effectively services its needs and those of its stakeholders; and it can dispose of the information appropriately when it is no longer required. This commitment extends to both paper-based and electronic records.

RESPONSIBILITIES

~~**11. Summary of Responsibilities.** Responsibility for the processes for dealing with requests for information made under FOIA rests with the Registrar. The Director of Information Services has delegated authority to act on behalf of the Registrar in all aspects of the management and implementation of those processes unless the Registrar determines otherwise. Primary operational responsibility for the administration of FOIA will rest with the IPCMs. The Managers will be assisted by other members of the ISD Strategy, Policy and Compliance team, and Faculty/Division Contacts will be consulted on the location of information and applicability of exemptions. Deans of Faculty and the Registrar will be responsible for compliance with FOIA in their Faculties/Divisions. A further breakdown of responsibilities can be found in sections 12-18 of this Policy.~~

12.1. The Registrar and Secretary. The Registrar or his delegate will review complaints where the Director of Information Services has been materially involved in any decision which is the subject of a complaint. The Registrar ~~may~~

⁷ ~~<https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/data-protection><https://www.uea.ac.uk/is/strategies/infregs/dp>~~

⁸ ~~<https://ico.org.uk/media/for-organisations/research-and-reports/1432475/foi-section-46-code-of-practice-1.pdf><http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section-46-code-of-practice.pdf>~~

⁹ Further information on records management is available from ~~<https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/records-management>[https://intranet.uea.ac.uk/is/strategies/infregs/Records + managemen](https://intranet.uea.ac.uk/is/strategies/infregs/Records+managemen)~~
~~nt~~

~~exceptionally be involved in~~ retains final responsibility in determining whether or not information is released or is subject to exemptions.

123. Director of Information Services. The Director of Information Services, acting on behalf of the Registrar of UEA, has delegated authority for the overall management of FOIA administration and procedures, and their implementation, unless determined otherwise. In circumstances where there are issues surrounding the release of information which cannot be resolved by the IPCMs, particularly where the application of exemptions is contentious with those holding the information, the Director will become involved. In exceptional circumstances matters may be referred to the Registrar for resolution, either at the request of the Director or the Registrar.

Management of the administration of requests may be delegated to the Assistant Director Strategy, Policy and Compliance.

The Director is also responsible for reporting FOIA activities to the University by way of submission of an Annual Report via the formal UEA Committee structure. The Director has the responsibility for conducting formal internal reviews of release decisions that are appealed (see Annex E), unless the Director has been materially involved in the decision being reviewed.

134. Information Policy and Compliance Manager. The IPCMs are responsible for:

- a. Working with Faculties and Units to ensure they are aware of their responsibilities under the Act by way of training, promotion and awareness activities and materials.
- b. Ensuring all requests under the Act are handled in accordance with the all statutory obligations under the Act, the Secretary of State Code of Practice, associated regulations, ICO guidelines, and UEA policies.
- c. Determining at first instance whether the Act is the appropriate legislative regime or mechanism under which to consider any request for information.
- d. Assisting and advising individuals and organisations making requests under the Act.
- e. Ensuring that, in considering requests for information and accepting or refusing them, the public interest is properly assessed and exemptions are properly applied.
- f. Ensuring information is released within the timescales specified within this Policy (see Para. 20+).
- g. Maintaining the Publication Scheme.
- h. Keeping the UEA's Freedom of Information Policy under review.

- i. Maintaining the Freedom of Information request management database.
- j. Maintain the UEA Freedom of Information web pages.
- k. Alerting the Registrar or Press Office of cases where required.

145. UEA Faculties/Units. Faculties/Units are responsible for:

- a. Ensuring that they comply with these procedures and that local arrangements are in place to this end.
- b. Retrieval of information in any form of storage upon request from the IPCMs.
- c. Liaising with their own and other Faculties & Units to retrieve information.
- d. Ensuring that adequately trained ~~and aware~~ staff are available to act as FOIA Contacts.

156. Faculty/Unit FOIA Contacts. Faculty/Unit Contacts are responsible for:

- a. Ensuring that all requests for information are passed on promptly to the IPCMs and systems are in place for checking and, if necessary, redirecting the post and electronic mail of staff absent from UEA.
- b. Assisting the IPCMs in locating and retrieving information.
- c. Assisting the IPCMs in drafting the UEA's response to a request, inclusive of advising on potential exemptions, and preparing the information in a suitable form, electronic or physical, for disclosure to the applicant.
- d. Informing the IPCMs of changes to any information covered by the Publication Scheme, including changes to URL addresses.

167. Members of UEA. Individual Members of UEA are responsible for:

- a. Knowing their responsibilities under the Act.
- b. Ensuring that, when they are absent from UEA for any reason, arrangements are in place for their post and electronic mail to be checked or redirected (for example by means of an out of office message) to someone who can deal with it promptly.
- c. Responding to requests for information within the normal course and scope of their duties, and, where a request is outside this scope, or they are unable to do so, referring the request to the Faculty/Unit FOIA Contact.
- d. Seeking advice when they are uncertain on how to respond to a request.

178. The Vice-Chancellor. The Vice-Chancellor is the qualified person under Section 36 of the FOIA who may certify that information is exempt from

disclosure as disclosure would prejudice the free and frank exchange of views, provision of advice, or the conduct of public affairs.

RESPONDING TO REQUESTS FOR INFORMATION UNDER THE ACT

189. General

- a. UEA ~~will~~ will offer a web interface as the means by which requests are submitted to UEA but acknowledges that any written communication received at any level of the institution is potentially an FOIA request.
- b. Where requests are not sent via the web interface, the IPCMs and relevant FOIA Contact will determine how each request is to be handled.

1920. Initial Request - Assisting the Applicant

- a. There is an obligation on UEA to provide advice and assistance to those making requests under the Act. The duty on UEA is to provide advice and assistance "so far as it would be reasonable to expect [it] to do so"¹⁰.
- b. Not all potential applicants will be aware of the Act, or Regulations made under it. Members of UEA receiving requests must draw these to the attention of potential applicants who appear to be unaware of them.
- c. A request for information under the Act must be made in writing (which can include e-mail). Where a person is unable to submit a written request, the member of staff must assist the applicant and should refer them to the appropriate FOIA Contact or to the IPCMs.
- d. Further details on assisting applicants and dealing with requests can be found in Annex A.

204. Initial Request – Initial Actions

- a. Determination of request status - UEA regularly receives requests for information as part of the normal course of business. Members of staff will be expected to continue dealing with these requests as normal. Requests for information where:
 - (1) a member of UEA is unable or unsure if it is appropriate to respond to the request, or
 - (2) the request is explicitly made under the Act,
 - (3) the request is out of the normal course of business AND

¹⁰ <http://www.legislation.gov.uk/ukpga/2000/36/section/16>

(4) the information requested is not covered in the UEA's Publication Scheme, should be considered and treated as formal FOIA requests.

The IPCMs will also determine whether the request is valid based on the requirements of the Act¹¹, and will determine the appropriate legislative regime under which to consider the request (FOIA or EIR).

b. Initial Handling of Request – A valid request will be logged within the request tracking system and a pro forma acknowledgement of the request will be sent to the contact details provided by the requester. The request documentation will be filed ~~in the appropriate FOIA files~~ and the request administration assigned to a member of the ISD Strategy, Policy and Compliance team.

c. Identifying If and Where Information is Held

(1) Documents and information stored electronically will be accessed and obtained from centralised and distributed sources: document archives, email mailboxes, filestore, networked and individual PCs and so on, and work will be done in cooperation with the individuals, Faculties and/or Units concerned. This work will be coordinated by the Faculty/Unit FOI Contact.

(2) Paper documents will be identified and recovered by staff within the relevant Faculty or Unit.

d. When UEA does not hold the Information - In addition to providing the information which UEA does hold as part of the request where it believes another public authority holds some or all of the information it must redirect the applicant to enable him or her to pursue his or her request.

212. Timescale for Responding to Requests

a. The Act requires that replies to requests for information be made within 20 working days.

b. The 20 day period starts the day after a request is received by an institution, regardless of whether the institution recognises that it is, in fact, a request.

c. The IPCMs aim 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.

d. The Act allows for extra time to be taken in responding to a request when applying the Public Interest Test. If the information being sought has to be considered under an exemption to which the public interest test applies, then the timescale can be extended by a 'reasonable period'. Although there is no statutory time limit on how long the 'reasonable period' may be, UEA will, under

¹¹ <http://www.legislation.gov.uk/ukpga/2000/36/section/8>

section 17(2), give an estimate of the date by which we expect to reach such a decision.

e. Where clarification is required from a requester in order to allow the University to identify the information requested, the time for response will not start until such clarification is received. However, the total amount of time to respond remains at 20 working days. Where such clarification applies only to a portion of the request, the remainder of the request will be processed as per usual practice.

f. In those instances when it is not possible for UEA to deal with an application within 20 working days, we will:

(1) Give an estimate of the date by which we expect to reach such a decision.

(2) Ensure that our estimates are realistic and reasonable in the circumstances of the particular case, taking account, for example, of the need to consult third parties where this is necessary. A record should be maintained detailing how any such estimates were arrived at.

(3) Comply with our estimates unless there are good reasons not to do so. If we exceed our estimate, we will apologise to the applicant and explain the reason(s) for the delay. If the IPCMs find, while considering the public interest, that the estimate given is proving unrealistic, he/she must keep the applicant informed. A record of instances where estimates are exceeded will be kept, and where this happens more than occasionally, the IPCMs will take steps to identify the problem and rectify it wherever possible.

223. Retrieval of Requested Information. The Faculty / Unit contact will:

a. Assist the IPCMs to locate and retrieve the information requested.

b. Advise the IPCMs if they believe there are any reasons under the Act why the information should be withheld pursuant to an applicable exemption.

c. Advise the IPCMs if they believe there are any reasons why third parties may need to be consulted.

d. Advise the IPCMs if locating, retrieving and extracting the requested information will exceed 18 hours (the appropriate limit) and provide details on the time calculation.

e. IPCMs may if necessary and with departmental agreement conduct central searches for information following an agreed protocol.

234. Release of requested information. Unless directed otherwise by the Registrar or the Director of Information Services, the IPCMs will respond to all requests. Subject to such approvals as may be required by this Policy, the information will be released where the IPCMs are first satisfied that:

- a. The release of any information complies with the ~~Data Protection Act 1998~~ privacy legislation.
- b. The information requested or any part thereof is not subject to an exemption under the Act.
- c. Where appropriate, the public interest is better served by disclosure than non-disclosure.
- d. Where appropriate, consultation has taken place with third parties. Further details can be found in Annex B.
- e. Where appropriate, the Press Office, Director of Information Services or Registrar has been informed of any information that is being released.
- f. Any release of data sets will conform to the provisions of the Protection of Freedoms Act (2012).¹²

245. Fee Charging. UEA has discretion to charge applicants a fee in accordance with the Fees Regulations in respect of requests made under the general right of access.

265. Refusal of Request. UEA ~~has the will exercise, as appropriate, its statutory~~ right to refuse the release of information under the Act where an exemption applies or where the request would take too long to complete, or where it is vexatious/repeated.

- a. Where UEA relies on an exemption to refuse a request for information, the IPCMs must inform the applicant which exemption has been claimed, and why that exemption applies.
- b. The Act also requires UEA, 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. The IPCMs must consider and specify the public interest factors (for and against disclosure) taken into account before reaching the decision. Further details on the exemptions that may be claimed under the Act are available in Annex C.
- c. The IPCMs must provide details of the complaints procedure, including how to make a complaint, and must inform the applicant of his or her right to complain to the Information Commissioner if he or she is still dissatisfied following the UEA's review.

267. Transfer of Requests under FOIA. There are limited situations in which it is appropriate for the UEA to transfer a request to another institution. Where UEA

- does not hold the requested information
- is aware another institution holds the information

¹² <http://www.legislation.gov.uk/ukpga/2012/9/section/102>

- has secured consent of the requester of the transfer, and
- has informed the holding authority of the transfer

UEA may transfer the request to other authority. The IPCMs will determine whether a formal transfer, or simply providing the requester with details of the holding authority and letting them contact the holding authority themselves is the best course of action.

279. Contracts and 3rd Party Confidence. UEA will make clear in all our dealings with third parties of our obligations under the Freedom of Information Act. Further details are given in Annex B and in Annex D.

COMPLAINTS PROCEDURE

289. Applicability. The complaints procedure may be used by any person who considers that UEA is not complying with its Publication Scheme, or who wishes to complain about the handling or outcome of their request. Further details are in Annex E.

TRACKING AND REVIEW OF FOIA ADMINISTRATION

~~**2930. Tracking Requests.** In addition to a record of the numbers of requests and the eventual disposition of each request, senior managers in UEA need information on each case to determine whether cases are being properly considered, and whether the reasons for refusals are sound.~~

For monitoring purposes the IPCMs will keep a record of all requests. This will include requests where all or part of the requested information is withheld. Information to be gathered includes identity and category of requester, categorisation of request itself, exemptions claimed, and any other metadata that is relevant and required for the analysis and administration of the Act.

The IPCMs will also keep a record of all complaints and of their outcome.

304. Disclosure Log. The IPCMs will ensure that a disclosure log¹³ of the last five years of completed requests is maintained and available for public view on the UEA website. The IPCMs will also ensure that any information available in the disclosure log meets the requirements of the Data Protection Act 1998.

312. Publication Scheme Updating. Where information is released, it is good practice to add the released information to the institutional Publication Scheme. The IPCMs will encourage Faculties/Units to update the Publication Scheme to include any material that is the subject of repeated requests.

323. Policy Review Process. The Policy ~~and Procedures (a formal procedure review has not happened in my time, to my knowledge)~~ will be reviewed every

¹³ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/disclosure-log>
<http://www.uea.ac.uk/is/foi/disclosure>

two years by the Information Strategy and Services Committee. ~~The review will also monitor appropriate statistics, complaints and be responsible for reviewing, and, if necessary, amending, procedures for dealing with requests for information where such action is indicated by more than occasional reversals of initial decisions. (again, does this actually happen?)~~

CONTACTS

334. Enquiries and complaints. Any enquiries or complaints about this Policy, the Publication Scheme, or a request for information should be directed to:

Information Policy and Compliance Manager
University of East Anglia
Norwich Research Park
Norwich
NR4 7TJ

Tel: 01603 59 3523/2431
Fax: 01603 591010
E-mail: foi@uea.ac.uk

345. Information Commissioner's Office¹⁴. The official regulator for the Freedom of Information Act is:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

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

¹⁴ <https://ico.org.uk/global/contact-us/postal-addresses/>

ANNEXES

ANNEX A – ASSISTING APPLICANTS & DEALING WITH REQUESTS

1. When a person is unable to submit a written request, the IPCMs and/or Faculty / Unit Contact will provide further assistance as appropriate.
2. Where the request is vague or ambiguous UEA is obliged, as far as practicable, to assist the applicant in clarifying the request. The purpose of this is to clarify the nature of the information sought, not to determine the aims or motivation of the applicant.
3. If, following the provision of such assistance, the applicant is still unable to describe the information requested in a way that would enable UEA to identify and locate it, UEA is not expected to seek further clarification. It is, however, required to disclose any information that has been successfully identified and explain to the applicant why it cannot take the request any further. It must also provide the applicant with details of the UEA's Complaints Procedure.
4. The University, in line with ICO guidance, will place a time limit on the ability of requesters to respond to a request for clarification; specifically 60 calendar days from the date that the clarification request is sent to a requester. If a response is not received by the deadline, the request will be closed. Any response to a request for clarification received after the expiry of the deadline will be handled as a new request.
5. It is UEA policy not to ~~not~~ charge fees where the cost of complying with a request would exceed the 'appropriate limit' as defined by section 12 of the Act and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004/3244. Where UEA is not obliged to supply the information requested because the cost of doing so would exceed the "appropriate limit" (i.e. cost threshold), and where UEA is not prepared to meet the additional costs itself, it should nevertheless provide an indication of what information could be provided within the cost ceiling.
6. UEA is not expected to nor will provide assistance to applicants whose requests are deemed vexatious within the meaning of the Act.

ANNEX B – CONSULTATION WITH THIRD PARTIES

1. In some cases the disclosure of information pursuant to a request may make mention, or affect the legal rights of, a third party. Members of staff must always remember that, unless an exemption provided for in the Act applies in relation to any particular information, the University will be obliged to disclose that information in response to a request. Members of staff will inform third parties of our obligations under the Act where appropriate in the course of their work (see Annex D).
2. In some cases, a disclosure of information cannot be made without the input of a third party. In such instances, the IPCM must consult that third party with a view to seeking their opinion on the disclosure where practicable.

3. Consultation should take place where:
 - a. The views of the third party may assist UEA to determine whether an exemption under the Act applies to the information requested.
 - b. The views of the third party may assist UEA to determine where the public interest lies under Section 2 of the Act.
 - c. The legal rights of the third party would be affected by the disclosure of requested information.
4. Consultation will not be undertaken where:
 - a. UEA does not intend to disclose the information relying on some other legitimate ground under the terms of the Act.
 - b. The views of the third party can have no effect on the decision regarding release.
 - c. No exemption applies and so, under the Act's provisions, the information must be provided.
5. Where the interests of a number of third parties may be affected by a disclosure and those parties have a representative organisation which can express views on behalf of those parties, UEA may, if it considers consultation appropriate, consider that it would be sufficient to consult that representative organisation. If there is no representative organisation, UEA may consider that it would be sufficient to consult a representative sample of the third parties in question.
6. The fact that the third party has not responded to consultation does not relieve UEA of its duty to disclose information under the Act, or its duty to reply within the time specified in the Act.
7. In all cases, it is the responsibility of UEA, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the Act. A refusal to consent to disclosure by a third party does not, in itself, mean information should be withheld.

ANNEX C – REFUSAL OF REQUEST

1. Some of the information held by UEA may be regarded as exempt information and will not be provided in response to a request. UEA will not refuse any request for information, or element thereof, unless it believes a valid exemption applies to that information. It is the responsibility of the IPCMs in consultation with the departmental FOIA contact to determine which exemptions apply to the requested information.
2. However, the exemption in Section 36 applies where, in the reasonable opinion of a qualified person, disclosure would be likely to inhibit the free and frank

provision of advice or exchange of views or otherwise prejudice the effective conduct of public affairs. The Vice-Chancellor is the qualified person in the case of UEA. In considering an exemption under the terms of Section 36, the Vice-Chancellor may have regard to the views and analysis of those who provided the information in question, of senior colleagues and advisers, and of the Information Policy and Compliance Manager. As only the Vice-Chancellor is qualified to take a decision under Section 36, it follows that such a decision is not open to review by a more senior colleague in the event of a complaint.

3. Before relying on an exemption, the IPCMs may be obliged to consider whether the release of the information would, or would be likely to, cause prejudice to the interests which the exemption protects, and/ or whether the public interest in withholding the exempt information outweighs the public interest in releasing it.

4. Only the information to which an exemption applies will be withheld. Thus, if a particular document had been requested which contained some exempt information, only those specific items of exempt information could be withheld. The rest of the document would still have to be released.

5. Where a refusal notice is warranted, the IPCMs will specify each and every exemption that has been claimed and will give a full explanation of what information is subject to the exemption and why the exemptions applies to the noted information. If an exemption is based upon prejudice to the interests of any party, the University will define the nature and extent of the prejudice resulting from the release of the information. Where the public interest test is required, the IPCMs will state the reasons why the public interest in non-disclosure outweighs that in favour of disclosure.

6. A record will be kept of all requests where information is withheld and of the reasons for the refusal in each and every case.

7. Any refusal notice will include details of the complaints procedures of the University in relation to requests under the Act, and will advise the requester of their right of subsequent appeal to the Information Commissioner's Office.

8. If information is not held by the University, a refusal notice is not required, but the University will inform the requester that it does not hold the requested information.

ANNEX D – CONTRACTING PRACTICE

1. When entering into contracts UEA should minimise the use of contractual terms which purport to restrict the disclosure of information held by UEA and relating to the contract beyond the restrictions permitted by the Act. UEA cannot "contract out" its obligations under the Act.

2. When entering into contracts with non-public authority contractors, UEA will discourage, wherever possible, the inclusion in any contract confidentiality clauses that unjustifiably restrict the release of information relating to the terms

of the contract, its value and performance from disclosure. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, UEA will explore the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. UEA recognises that, when drawing up any such schedule, any restrictions on disclosure provided for could potentially be overridden by its obligations under the Act.

3. UEA will ensure that third parties are aware that any information received described as in confidence will not be exempted from release unless it is, in law, truly received in confidence. It should be aware that the exemption provided for in the Act only applies if information has been obtained by UEA from another person, and the disclosure of the information to the public, other than under the Act, would constitute a breach of confidence actionable by that, or any other, person.

4. It is for UEA to disclose information pursuant to the Act, and not the body with whom UEA contracts. However, UEA may wish to protect from disclosure by the contractor, by appropriate contractual terms, information which it has provided to the contractor, which would clearly be exempt from disclosure under the Act. In order to avoid unnecessary secrecy, any such constraints should be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, UEA will not impose terms of secrecy on contractors.

5. The University, as standard practice, will take appropriate steps to ensure that any third parties with whom we contract, or who supply the University with information, are aware of the University's duty to comply with the Act, and that therefore information will have to be disclosed upon request unless an exemption applies.

ANNEX E – COMPLAINTS PROCEDURE

Receipt of complaint

1. Any written correspondence from an identifiable applicant expressing dissatisfaction with the UEA's response to a valid request for information, or that UEA is not complying with its Publication Scheme, will be treated as a complaint.
2. For a complaint to be valid, it must be received within 60 calendar days of the issuance of the response to the requester. Any complaint received after that date will neither be acknowledged nor actioned in any way. This time limit will be posted on the University website and will be made clear to the requester in any response letter.
3. Complaints will be handled in accordance with the procedure outlined below, even if the applicant does not state a wish for UEA to review its decision or its handling of the application.
4. Complaints will be acknowledged and the complainant will be informed of UEA's target date for completion of the internal review generated by the complaint. Where it is apparent that the internal review will take longer than the target time

(for example because of the complexity of the particular case), UEA will inform the applicant and explain the reason for the delay.

5. UEA's target time for a response is no longer than twenty (20) working days from the receipt of the complaint, which accords with ICO guidance.

6. Target times for response to a complaint will be kept under review and the University will follow best practice and ICO guidance in this matter.

7. When acknowledging the complaint, the IPCMs will inform the complainant about its internal complaints procedure, and of their right to contact the Information Commissioner should they be dissatisfied with the response to their complaint.

Outcome of Complaint

8. Where the outcome of an internal review is that information should be disclosed which was previously withheld, the information in question will be disclosed as soon as practicable.

9. Where the outcome of an internal review is that UEA staff have not properly followed the procedures within UEA, UEA will apologise to the complainant. UEA will also take appropriate remedial measures to prevent similar errors occurring in future.

10. Where the outcome of an internal review is that an initial decision to withhold information is upheld, or is otherwise in the UEA's favour, the requester will be informed of his or her right to apply to the Information Commissioner, and will be given details of how to make an application, for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

Processing of Complaint

11. General – The University will have in place a procedure for dealing with complaints in relation to the handling of requests under the Act as set out in Paragraphs 12 to 14 below.

12. Informal resolution – There may be instances where the matter can be resolved quickly by the IPCMs and without recourse to a formal review; for example providing information inadvertently omitted, or correcting a misunderstanding.

13. Formal review – Where an informal resolution of a complaint is neither possible nor advisable, a formal internal review of the complaint will be conducted.

a. The review will be conducted, where practicable, by a staff member who played no material role in the original decision. Additionally, any such person will have sufficient training and knowledge of the Act to undertake the review. In most

instances the Director of Information Services will conduct the review, with assistance from the IPCM who did not handle the original request. Where appropriate, the review may be undertaken by another senior member of staff; normally the Registrar, a Pro-Vice-Chancellor, or the Vice-Chancellor.

b. The review will consider afresh the reasonableness of the decision and handling of the request.

c. The review will be impartial and will be free to substitute a different decision on a reconsideration of all factors relevant to the issue.

d. The outcome of the review will include the reasons for outcome of the review, details of any changes to the original decision, including precise citation of any exemptions added, where appropriate an explanation of any reconsideration of the public interest, and advise the complainant of his or her right to appeal the result of the internal review to the Information Commissioner's Office.

e. The outcome of the review will be communicated to the complainant promptly and any action required to be undertaken by the University as a result of the review will be carried out as soon as practicable.

f. The University will keep records of all complaints and their outcome and monitor their own performance in handling complaints.



ENVIRONMENTAL INFORMATION REGULATIONS POLICY

v. 2.10

~~20 January 2015~~ 12 April 2017

Document Control Information

Title: Environmental Information Regulations Policy
Date: ~~20 January 2015~~ 12 April 2017
Version: ~~2.10~~
Reference:
Authors: Dave Palmer
Quality Assurance: Raymond Scott

REVISION	DATE	REVISION DESCRIPTION
V0.1	16 Jan 2013	Initial internal draft
V1.0	1 Feb 2013	Approved by ISSC
V1.1	20 Jan 2015	Reviewed by SPC
V2.0	16 February 2015	Approved by ISSC
<u>V2.1</u>	<u>12 April 2017</u>	<u>Reviewed by SPC</u>

TABLE OF CONTENTS

<u>Executive Summary</u>	3
<u>Acknowledgements</u>	4
<u>Definitions</u>	4
<u>Introduction</u>	4
<u>Data Protection</u>	5
<u>Records Management</u>	6
<u>Responsibilities</u>	6
<u>Proactive Dissemination of Information Under EIR</u>	9
<u>Responding to Requests for Information Under EIR</u>	9
<u>Complaints Procedure</u>	13
<u>Tracking AND review of EIR Administration</u>	14
<u>UEA Contacts</u>	14
<u>Annex A – Assisting Applicants & Dealing with Requests</u>	17
<u>Annex B – Consultation with Third Parties</u>	17
<u>Annex C – Refusal of Request</u>	19
<u>Annex D – Contracting Practice</u>	20
<u>Annex E – Complaints Procedure</u>	21
Executive Summary	3
Acknowledgements	4
Definitions	4
Introduction	4
Data Protection	5
Records Management	5
Responsibilities	6
Proactive Dissemination of Information Under EIR	8
Responding to Requests for Information Under EIR	9
Complaints Procedure	13
Tracking AND review of EIR Administration	13
UEA Contacts	14
Annex A – Assisting Applicants & Dealing with Requests	16
Annex B – Consultation with Third Parties	16
Annex C – Refusal of Request	18
Annex D – Contracting Practice	19
Annex E – Complaints Procedure	20

EXECUTIVE SUMMARY

This Policy, based on similar work undertaken by Imperial College in relation to the Freedom of Information Act 2000, and guided significantly by the Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004 (SI 2004 No. 3391)¹, and by the provisions of the Information Commissioner's Office publication, Guide to Environmental Information Regulations².

UEA commits to complying with the EIR and all associated Codes of Practice issued pursuant to the EIR. -This includes a commitment to proper records management processes and procedures.

Not all valid requests for environmental information that fall within the EIR will be treated with the EIR response handling process. For example, those received as normal course of business will continue to be treated in that manner.

Responsibility for the process of dealing with requests for information made under EIR rests with the Registrar & Secretary. The Director of Information Services has delegated authority to act on behalf of the Registrar in all aspects of the management and implementation of those processes unless the Registrar, determines otherwise. -Primary operational responsibility for the administration of EIR will rest with the Information Policy and Compliance Managers (IPCM).- The IPCMs will be assisted by other members of the ISD Strategy, Policy and Compliance team, and Faculty/Unit Contacts will be consulted on the location of information and applicability of exceptions. Deans of Faculty and the Registrar will be responsible for compliance with EIR in their Faculties/Divisions.

UEA will encourage receipt of requests via a webpage specifically designed for that purpose but will have in place procedures for the receipt of oral requests as allowed by the EIR. -UEA will accept all requests and commits to complying with the requirement to assist requesters. -UEA will acknowledge receipt of all requests with the UEA IPCM cooperating with Faculty/Unit Contacts to locate documents, estimate time of recovery and establish the need to assess fees. -A tracking system records all requests, inclusive of time to respond and outcome.

UEA has twenty (20) working days to respond to any request under the EIR. The UEA IPCMs will inspect all information and make a determination in relation to possible exceptions from disclosure. -The IPCMs will take into account the need to consult 3rd parties where necessary, consult with the Press Office as appropriate, and will sign off on release of information. Where appropriate, authority for release will be exercised on behalf of the University by the Registrar & Secretary or the Director of Information Services acting on his or her behalf.

¹https://ico.org.uk/media/for-organisations/documents/1641/guide_to_environmental_information_regulations.pdf

²<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/>

Where any information is not disclosed, UEA will inform the applicant of his/her right of complaint under the UEA complaints procedures, and will also inform the applicant of the reason for non-disclosure.

ACKNOWLEDGEMENTS

The format of this Policy is based on work undertaken and published by Imperial College, London in relation to the Freedom of Information Act 2000 and UEA wishes to thank Imperial College for permission to liberally use the structure and wording of their Policy as the model for the UEA Policy.

DEFINITIONS

1. **Terms.** Throughout this document the following terms are used:

- a. "The EIR" means the Environmental Information Regulations 2004.
- b. "Information Commissioner's Office (ICO)" refers to the regulatory body for the EIR.
- c. "DPA" means the Data Protection Act 1998, relating to the processing of personal data, and applying in the UK up to 25 May 2018.
- d. "GDPR" mean the General Data Protection Regulation, regulation 2016/679 of the European Parliament, relating to the processing of personal data, and applying in the UK from 25 May 2018.
- e. "The FOIA" means the Freedom of Information Act 2000.
- f. "Formal Request" means a written or oral request for information under the provisions of the EIR.
- g. "UEA" means the University of East Anglia.

INTRODUCTION

2. Purpose of Policy. This Policy provides guidance on the handling of requests for information submitted under the Environmental Information Regulations 2004 ('the EIR').

3. EIR Obligations on Institutions - General. The EIR requires that institutions implement and maintain an effective system for responding to requests for information. UEA will comply fully with the EIR and it will place in the public domain as much information about its activities as is practicable, and, subject to the exceptions permitted under the EIR will make all other information available on request. In particular, it will conform to the Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004 (SI 2004 No. 3391).

4. UEA Publication Scheme. UEA has a publication scheme³ which details the classes of information that it is required to make publicly available, together with details of how the information can be obtained and any associated cost. This tool will be part of the strategy to comply with our obligation to proactively disseminate environmental information.

5. Application of Policy

a. UEA regularly receives requests for information as part of the normal course of business. Members of staff will be expected to continue dealing with these requests as normal. Standard business requests for confidential information or personal data should be considered in consultation with the ~~proper authority heads~~ or managers of relevant departments.

b. This Policy relates to requests for information where a member of UEA is unable to respond to the request, the request is exceptional and the information requested is not covered in the UEA's Publication Scheme, or not subject to release as business as usual. All requests of this nature must be passed to the appropriate FOI/EIR Contact⁴ as a matter of urgency. The appropriate FOI/EIR Contact will then contact the IPCMs who will consider the request and work with the appropriate faculties or divisions to locate the information. The IPCMs will also consider any exceptions that might apply to releasing the information and determine any associated fees.

6. Summary of information. The EIR mandates public authorities to provide the information requested, but does not specify the content or form of the information to be provided. Therefore, it is permissible to prepare and provide a summary that contains the requested information.

7. Documents. ~~Following ICO guidance, r~~Requests for documents are understood ~~following ICO guidance~~ to be requests for all the information contained within those documents.

DATA PROTECTION

8. Interaction with DPA. Personal information must always be obtained, processed, stored and disclosed in accordance with the Data Protection Act and successor legislation the GDPR⁵, ~~even where a request for information has been made under the provisions of the Regulations~~. The University offers guidance on our obligations under ~~the Data Protection Act~~ privacy legislation⁶.

³ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/publication-scheme>~~https://www.uea.ac.uk/is/foi/pub-sch~~

⁴ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/foi-eir-contacts>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

⁶ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/data-protection>~~https://www.uea.ac.uk/is/strategies/infregs/dp~~

RECORDS MANAGEMENT

9. Requirement for Records Management. EIR provides the public with wide rights of access to UEA's records and therefore requires UEA to implement and maintain a comprehensive records management system. There is a duty under the Secretary of State Code of Practice⁷, issued pursuant to s.46 of the FOIA, to have certain records management policies and practices in place, and the Code of Practice explicitly adopts these policies and practices as the standard for authorities subject to EIR. Additionally, Regulation 4 requires organisations holding environmental information relevant to its functions to disseminate actively and systematically that information to the public. While it is essential that UEA complies with the EIR in implementing a Records Management system, good record keeping practice is important in its own right.⁸

10. UEA Records Management Commitment. UEA commits to the creation and maintenance of a systematic and planned approach to the management of all records within the organisation that ensures, from the moment a record is created until its ultimate disposal, that the organisation can control both the quality and quantity of information it generates; can maintain that information in a manner that effectively services its needs and those of its stakeholders; and it can dispose of the information appropriately when it is no longer required. This commitment extends to both paper-based and electronic records.

RESPONSIBILITIES

~~**11. Summary of Responsibilities.** Responsibility for the processes for dealing with requests for information made under EIR rests with the Registrar. The Director of Information Services has delegated authority to act on behalf of the Registrar in all aspects of the management and implementation of those processes unless the Registrar determines otherwise. Primary operational responsibility for the administration of EIR will rest with the IPCMs. The Managers will be assisted by other members of the ISD Strategy, Policy and Compliance team, and Faculty/Division Contacts will be consulted on the location of information and applicability of exceptions. Deans of Faculty and the Registrar will be responsible for compliance with EIR in their Faculties/Divisions. A further breakdown of responsibilities can be found in sections 12-18 of this Policy.~~

~~**112. The Registrar and Secretary.**— The Registrar or his delegate will review complaints where the Director of Information Sservices has been materially involved in any decision which is the subject of a complaint. The Registrar ~~may exceptionally be involved in~~ retains final responsibility in determining whether or not information is released or is subject to exceptions.~~

~~**123. Director of Information Services.** The Director of Information Services, acting on behalf of the Registrar of UEA, has delegated authority for the overall~~

⁷ <https://ico.org.uk/media/for-organisations/research-and-reports/1432475/foi-section-46-code-of-practice-1.pdf><http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section-46-code-of-practice.pdf>

⁸ Further information on records management is available from <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/records-management><https://intranet.uea.ac.uk/its/strategies/infregs/Records+management>

management of EIR administration and procedures, and their implementation, unless determined otherwise. In circumstances where there are issues surrounding the release of information which cannot be resolved by the IPCMs, particularly where the application of exceptions is contentious with those holding the information, the Director will become involved. In exceptional circumstances matters may be referred to the Registrar for resolution, either at the request of the Director or the Registrar.

The Director is also responsible for reporting EIR activities to the University by way of submission of an Annual Report via the formal UEA Committee structure. The Director has the responsibility for conducting formal internal reviews of release decisions that are appealed (see Annex E), unless the Director has been materially involved in the decision being reviewed.

Management of the administration of requests may be delegated to the Assistant Director Strategy, Policy and Compliance.

Finally, the Director is ultimately responsible for liaising with other units and Faculties within the University to ensure compliance with our obligation to progressively make environmental information available via electronic means. The Director may well delegate some of these functions to persons reporting to him where the nature of the work is such to merit such delegation.

134. UEA Information Policy and Compliance Managers. The Information Policy and Compliance Managers are responsible for:

- a. Working with Faculties and Units to ensure they are aware of their responsibilities under the EIR by way of training, promotion and awareness activities and materials.
- b. Ensuring all requests under the EIR are handled in accordance with the all statutory obligations under the EIR, the Secretary of State Code of Practice, associated EIR, ICO guidelines, and UEA policies.
- c. Determining at first instance whether the EIR is the appropriate legislative regime or mechanism under which to consider any request for information.
- d. Assisting and advising individuals and organisations making requests under the EIR.
- e. Ensuring that, in considering requests for information and accepting or refusing them, the public interest is properly assessed and exceptions are properly applied.
- f. Ensuring information is released within the timescales specified within this Policy (see Para. 275).
- g. Maintaining the Publication Scheme.
- h. Keeping the UEA's EIR Policy under review.

- i. Maintaining the information request management database.
- j. Maintain the UEA Environmental Information Regulations web pages.
- k. Alerting the Registrar or Press Office of cases where required.

145. UEA Faculties/Units. Faculties/Units are responsible for:

- a. Ensuring that they comply with these procedures and that local arrangements are in place to this end.
- b. Retrieval of information in any form of storage upon request from the IPCMs.
- c. Liaising with their own and other Faculties & Units to retrieve information.
- d. Ensuring that adequately trained and aware staff are available to act as FOI/EIR Contacts.

156. Faculty/Unit FOI/EIR Contacts. Faculty/Unit Contacts are responsible for:

- a. Ensuring that all requests for information are passed on promptly to the IPCMs and systems are in place for checking and, if necessary, redirecting the post and electronic mail of staff absent from UEA.
- b. Assisting the IPCMs in locating and retrieving information.
- c. Assisting the IPCMs in drafting the UEA's response to a request, inclusive of advising on potential exceptions, and preparing the information in a suitable form, electronic or physical, for disclosure to the applicant.
- d. Informing the IPCMs of changes to any environmental information covered by the Publication Scheme, including changes to URL addresses.

167. Members of UEA. Individual Members of UEA are responsible for:

- a. Knowing their responsibilities under the EIR.
- b. Ensuring that, when they are absent from UEA for any reason, arrangements are in place for their post, electronic mail and voicemail to be checked or redirected (for example by means of an out of office message) to someone who can deal with it promptly.
- c. Responding to requests for information within the normal course and scope of their duties, and, where a request is outside this scope, or they are unable to do so, referring the request to the Faculty/Unit FOI/EIR Contact.
- d. Seeking advice when they are uncertain on how to respond to a request.

178. The Vice-Chancellor. The Vice-Chancellor is ultimately responsible for the strategic approach to compliance with the EIR.

PROACTIVE DISSEMINATION OF INFORMATION UNDER EIR

189. General. Regulation 4 of the EIR places an obligation on every institution subject to the EIR to progressively make the information available to the public by easily accessible electronic means and to take reasonable steps to organize environmental information with a view to the active and systematic dissemination to the public of the information. -The UEA website will be the primary vehicle by which UEA meets its Regulation 4 obligations.

1920. Means of Proactive Dissemination. UEA commits to the provision of simple, clear, accessible access to environmental information via the UEA website by use of search functionality, clear hierarchies of information, and provision of other finding tools. UEA will endeavour, as much as possible, to take a holistic and coordinated approach to the dissemination of environmental information. All units within the University holding environmental information will be made aware of their obligations under the EIR and will comply with Regulation 4. Each unit will be responsible for ensuring that this information is made proactively available.

204. Information to be Proactively Disseminated. The UEA will not limit itself to the minimum requirements as demanded by the EU Directive but will seek to disseminate frequently requested information, information of current and wide interest, and adding such information as is requested under the EIR as appropriate.

212. Organising Environmental Information. Regulation 4 places an obligation on organisations to organise information with a view to its proactive dissemination. For general provisions relating to records management, see sections 11 and 12 above. Both administrative and research generated environmental information not otherwise subject to an exception under the EIR will be identified and organised according to UEA records and data management policies. -Priority will be placed on organising information specifically mentioned referenced in Regulation 4, and information most likely to be of interest to the public.

RESPONDING TO REQUESTS FOR INFORMATION UNDER EIR

223. General

a. UEA will offer a web interface as the means by which requests are submitted to UEA but acknowledges that any written or oral communication received at any level of the institution is potentially an EIR request.

b. Where requests are not sent via the web interface the IPCMs and relevant FOI/EIR Contact will determine how each request is to be handled.

234. Initial Request - Assisting the Applicant

a. There is an obligation on UEA to provide advice and assistance to those making requests under the EIR. The duty on UEA is to provide advice and assistance "so far as it would be reasonable to expect [it] to do so"⁹.

b. Not all potential applicants will be aware of the EIR, or further amendments made to it. Members of UEA receiving requests must draw these to the attention of potential applicants who appear to be unaware of them.

c. A request for information under the EIR does not need to be made in writing. Where a person is unable or unwilling to submit a written request, the member of staff must undertake such actions as noted below to assist the requester in making a request that we can respond to.

d. Further details on assisting applicants and dealing with requests can be found in Annex A.

245. Initial Request – Initial Actions

a. Determination of request status - UEA regularly receives requests for information as part of the normal course of business. Members of staff will be expected to continue dealing with these requests as normal. -Requests for information where:

(1) a member of UEA is unable or unsure if it is appropriate to respond to the request, or

(2) the request is explicitly made under the EIR,

(3) the request is out of the normal course of business AND

(4) the information requested is not covered in the UEA's Publication Scheme, should be considered and treated as a formal EIR request.

The IPCMs will also determine whether the request is valid based on the requirements of the EIR, and will determine the appropriate legislative regime under which to consider the request (EIR or FOIA).

b. Handling of oral requests - As noted above, a request does not have to be in writing to be valid under the EIR and special provisions must be in place to ensure that such requests are not overlooked.

(1) UEA cannot, and will not insist that the request be made in writing, but to suggest and encourage the requester to do so via the means provided by our website.

(2) If the requester does not wish to submit their request in writing, it is our policy that the person receiving the request will, in all cases make a written note of the request, inclusive of the date of the request and contact details, and confirm its accuracy with the requester at that time. Additionally, if they so wish

⁹<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/>

and it is agreed with the requester, a written copy of the request will be provided to the requester for confirmation of the content of the request.

(3) Whenever an oral request is made, whatever staff member that has received it will immediately contact their FOI/Unit Contact.

c. Initial Handling of Request – A valid request will be logged within the request tracking system and a pro forma acknowledgement of the request will be sent to the contact details provided by the requester. The request documentation will be filed ~~in the appropriate EIR files~~ and the request administration assigned to a member of the ISD Strategy, Policy and Compliance team.

d. Identifying If and Where Information is Held

(1) Documents and information stored electronically will be accessed and obtained from centralised and distributed sources: document archives, email mailboxes, filestores, and so on, and work will be done in cooperation with the individuals, Faculties and/or Units concerned. -This work will be coordinated by the Faculty/Unit FOI/EIR Contact.

(2) Paper documents will be identified and recovered by staff within the relevant Faculty or Unit.

e. When UEA does not hold the Information - In addition to providing the information which UEA does hold as part of the request where it believes another public authority holds some or all of the information it must redirect the applicant to enable him or her to pursue his or her request.

256. Timescale for Responding to Requests

a. The EIR requires that replies to requests for information be made within 20 working days.

b. The 20 day period starts the day after a request is received by an institution, regardless of whether the institution recognises that it is, in fact, a request.

c. The IPCMs aim 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.

d. The EIR allow for extra time, up to a maximum of 40 working days to be taken in responding to a request and it is the responsibility of the IPCM, in consultation with Faculty/Unit EIR Contacts to determine if an extension is warranted.

e. In those instances when it is not possible for UEA to deal with an application within 20 working days we will:

(1) Give an estimate of the date by which we expect to reach such a decision.

(2) Ensure that our estimates are realistic and reasonable in the circumstances of the particular case, taking account, for example, of the need to consult third

parties where this is necessary. -A record should be maintained detailing how any such estimates were arrived at.

(3) Comply with our estimates unless there are good reasons not to do so. If we exceed our estimate, we will apologise to the applicant and explain the reason(s) for the delay. If the IPCMs find, while considering the public interest, that the estimate given is proving unrealistic, he/she must keep the applicant informed. A record of instances where estimates are exceeded will be kept, and where this happens more than occasionally, the IPCMs will take steps to identify the problem and rectify it wherever possible.

267. Retrieval of Requested Information. The Faculty/Unit contact will:

- a. Assist the IPCM to locate and retrieve the information requested.
- b. Advise the IPCMs if they believe there are any reasons under the EIR why the information should be withheld pursuant to an applicable exception.
- c. Advise the IPCMs if they believe there are any reasons why third parties may need to be consulted.
- d. IPCMs may if necessary and with departmental agreement conduct central searches for information following an agreed protocol.

278. Release of requested information. Unless directed otherwise by the Registrar or the Director of Information Services, the IPCMs will respond to all requests. Subject to such approvals as may be required by this Policy, the information will be released where the IPCMs are first satisfied that:

- a. The release of any information complies with the ~~Data Protection Act 1998~~ privacy legislation.
- b. The information requested or any part thereof is not subject to an exception under the EIR.
- c. Where appropriate that the public interest is better served by disclosure, than non-disclosure.
- d. Where appropriate, that consultation has taken place with third parties. Further details can be found in Annex B.
- e. Where appropriate, ~~has informed~~ the Press Office, Director of Information Services or Registrar has been informed of any information that is being released.
- f. Any release of data sets will conform to the provisions of the Protection of Freedoms Act (2012).¹⁰

¹⁰ <http://www.legislation.gov.uk/ukpga/2012/9/section/102>

289. Fee Charging. UEA has discretion to charge applicants a fee in accordance with the fee regulations in respect of requests made under the general right of access. It is not the policy of UEA to charge fees for requests for environmental information under EIR.

2930. Refusal of Request. UEA ~~has~~will exercise, as appropriate, the-it's statutory right to refuse the release of information under the EIR subject to the following conditions:

a. Where UEA relies on an exception to refuse a request for information, the IPCMs must inform the applicant which exception has been claimed, and why that exception applies.

b. The EIR also requires UEA, when withholding information to state the reasons for claiming that the public interest in maintaining the exception outweighs the public interest in disclosure. The IPCMs will consider and specify the public interest factors (for and against disclosure) taken into account before reaching the decision. Further details on the application of exceptions under the EIR are available in Annex C.

c. The IPCMs must provide details of the complaints procedure, including how to make a complaint, and must inform the applicant of his or her right to complain to the Information Commissioner if he or she is still dissatisfied following the UEA's review.

304. Transfer of Requests under EIR. There are limited situations in which it is appropriate for the UEA to transfer a request to another institution. Where UEA

- does not hold the requested information
- is aware another institution holds the information
- has secured consent of the requester of the transfer, and
- has informed the holding authority of the transfer

UEA may transfer the request to other authority. The IPCMs will determine whether a formal transfer, or simply providing the requester with details of the holding authority and letting them contact the holding authority themselves is the best course of action.

312. Contracts and 3rd Party Confidence.

UEA will not enter into contracts that purport to restrict the release of environmental information unless the information would otherwise be subject to a valid exception under the EIR. UEA will make clear in our dealings with third parties of our obligations under the Regulations. Further details are given in Annex B and in Annex D.

COMPLAINTS PROCEDURE

323. Applicability. The complaints procedure may be used by any person who considers that UEA is not complying with its Publication Scheme, or who wishes to

complain about the handling or outcome of their request under the EIR. Further details are in Annex E.

TRACKING AND REVIEW OF EIR ADMINISTRATION

334. Tracking Requests. ~~In addition to a record of the numbers of requests and the eventual disposition of each request, senior managers in UEA need information on each case to determine whether cases are being properly considered, and whether the reasons for refusals are sound.~~

For monitoring purposes the IPCMs will keep a record of all requests. This will include requests where all or part of the requested information is withheld. Information to be gathered includes identity and category of requester, categorisation of request itself, exceptions claimed, and any other metadata that is relevant and required for the analysis and administration of the EIR.

The IPCMs will also keep a record of all complaints and of their outcome.

345. Disclosure Log. The IPCMs will ensure that a disclosure log¹¹ of the last five years of completed requests under both EIR and FOIA is maintained and available for public view on the UEA website. The IPCMs will also ensure that any information available in the disclosure log meets the requirements of the Data Protection Act 1998.

356. Disclosure and Proactive Dissemination. Where information is released, UEA will endeavour to ensure that the released information is published, either within the institutional Publication Scheme, or more generally on the UEA website so as to comply with its obligations under Regulation 4 of the EIR. The IPCM will encourage Faculties/Units to proactively disseminate any material that is the subject of repeated requests.

367. Policy Review Process. The Policy and Procedures will be reviewed every two years by the Information Strategy and Services Committee. The review will also monitor appropriate statistics, complaints and be responsible for reviewing, and, if necessary, amending, procedures for dealing with requests for information where such action is indicated by more than occasional reversals of initial decisions.

UEA CONTACTS

378. Enquiries and complaints. Any enquiries or complaints about this Policy, the Publication Scheme, or a request for information should be directed to:

Information Policy and Compliance Manager
University of East Anglia
Norwich Research Park
Norwich
NR4 7TJ

¹¹ <https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/disclosure-log>
<http://www.uea.ac.uk/is/foi/disclosure>

Tel: 01603 59 3523/2431

Fax: 01603 591010

E-mail: FOI@uea.ac.uk

389. Information Commissioner's Office¹². The official regulator for the Environmental Information Regulations is:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113

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

¹² <https://ico.org.uk/global/contact-us/postal-addresses/>

ANNEXES

ANNEX A – ASSISTING APPLICANTS & DEALING WITH REQUESTS

1. When a person is unable to submit a valid request, the IPCMs and/or Faculty/Unit Contact will provide further assistance as appropriate

Where the requester does not wish to provide the request in writing, offering to take a note of the application over the phone and then either reading back the note to the requester, or sending the note to the applicant for confirmation.

2. Where the request is vague or ambiguous UEA should, as far as practicable, assist the applicant in clarifying the request in order to allow UEA to respond with the desired information. There is, however, no obligation under EIR, as under FOIA, for the request to be clear enough to be understood. The purpose of this is to clarify the nature of the information sought, not to determine the aims or motivation of the applicant.

3. If, following the provision of such assistance, the applicant is still unable to describe the information requested in a way that would enable UEA to identify and locate it, UEA may choose to apply the exception under Regulation 12(4)(c), citing the request as too general. This exception can only be applied, however, if our obligation under Regulation 9 to provide advice and guidance has been fulfilled.

4. The EIR itself places a time limit on the ability of requesters to respond to a request for clarification in that a response from UEA must be given within 20 working days of receipt of the request. -If we have not received clarification within that time frame, the IPCM will determine whether, in all the circumstances, the request should be refused forthwith pursuant to Reg. 12(4)(c), or whether it would be reasonable to extend the time limit for response to the ultimate limit of 40 working days.

Any response to a request for clarification received after the expiry of any set deadline will be handled as a new request.

5. UEA is expected to provide assistance to applicants whose requests would fall within the exception within Regulation 12(4)(b) as 'manifestly unreasonable' in order to allow the requester to modify the request so as to allow the UEA to provide some information.

ANNEX B – CONSULTATION WITH THIRD PARTIES

1. In some cases the disclosure of information pursuant to a request may make mention, or affect the legal rights of a third party. Members of staff must always remember that, unless an exception provided for in the EIR applies in relation to any particular information, it will be obliged to disclose that information in response to a request.

2. In some cases, a disclosure of information cannot be made without the input of a third party. In such instances, the IPCM must consult that third party with a view to seeking their opinion on the disclosure where practicable. In such cases,

the UEA must make clear to the third party that UEA alone has the responsibility and authority to approve release or non-disclosure of information and that the input of the third party, although important, is not determinative to the question of disclosure.

3. Consultation should take place where:

a. The views of the third party may assist UEA to determine whether an exception under the EIR applies to the information requested; or

b. The views of the third party may assist UEA to determine where the public interest lies under Regulation 12(2) of the EIR.

c. The legal rights of the third party would be affected by the disclosure of requested information.

4. Consultation will be unnecessary where:

a. UEA does not intend to disclose the information relying on an exception or some other legitimate ground under the terms of the EIR;

b. The views of the third party can have no effect on the decision of the authority, for example, where there is other legislation preventing or requiring the disclosure of this information;

c. No exception applies and so, under the EIR's provisions, the information must be provided.

However, the IPCM reserves the right to consult with a third party even if one of the above conditions exists.

5. Where the interests of a number of third parties may be affected by a disclosure and those parties have a representative organisation which can express views on behalf of those parties, UEA may, if it considers consultation appropriate, consider that it would be sufficient to consult that representative organisation. If there is no representative organisation, UEA may consider that it would be sufficient to consult a representative sample of the third parties in question.

6. The fact that the third party has not responded to consultation does not relieve UEA of its duty to disclose information under the EIR, or its duty to reply within the time specified in the EIR.

7. In all cases, it is the responsibility of UEA, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the EIR. A refusal to consent to disclosure by a third party does not, in itself, mean information should be withheld.

ANNEX C – REFUSAL OF REQUEST

1. Some of the information held by UEA may be regarded as information not subject to disclosure and will not be provided in response to a request. UEA will not refuse any request for information, or element thereof, unless it believes a valid exception applies to that information. It is the responsibility of the IPCMs in consultation with the departmental FOIA/EIR contact to determine which exceptions apply to the requested information.

The EIR exceptions are listed within [Regulation 12\(4\) and 12\(5\)](#) of the EIR. Regulation 12(4) exceptions are based upon the nature of the request or of the material requested, whilst, on the other hand, Regulation 12(5) exceptions are based upon the 'adverse effect' the disclosure will produce.

2. Before relying on an exception, the IPCMs may be obliged to consider two further points. First, some of the exceptions can only be claimed if the release of the information would 'adversely affect' the purpose to which the exception relates. This is roughly equivalent to the prejudice test within the FOIA. Secondly, all of the exceptions under the EIR also require the IPCM to apply the "public interest" test before making a final decision as to whether or not to release the information. The public interest test requires UEA to consider whether the public interest in withholding the exempt information outweighs the public interest in releasing it.

3. Many of the exceptions will require the IPCMs to consider both the test of 'adverse effect' and the public interest test. However, care must be taken to determine if a specific exception can be relied upon. It should be noted that only the information to which an exception applies will be withheld. Thus, if a particular document had been requested which contained some excepted information, only those specific items of excepted information should be withheld. The rest of the document would still have to be released.

4. Where a refusal notice is warranted, the IPCMs will specify each and every exception that has been claimed in precise detail and will give a full explanation of what information is subject to the exception and why the exceptions applies to the noted information. -If an exception is based upon adverse effect to the interests of any party, the University will define the nature and extent of the effect resulting from the release of the information. Where the public interest test is required, the IPCM will state the reasons why the public interest in non-disclosure outweighs that in favour of disclosure.

5. A record will be kept of all requests where information is withheld and of the reasons for the refusal in each and every case.

6. Any refusal notice will include details of the complaints procedures of the University in relation to requests under the EIR, and will advise the requester of their right of subsequent appeal to the Information Commissioner's Office.

7. If information is not held by the University, the University will invoke the appropriate exception, Reg. 12(4)(a), stating that the information was not held when the request was received.

8. If information is publicly available elsewhere, UEA will guide the requester to that source and will invoke Regulation 6(1)(b), noting that the information is easily accessible to the requester in another format.

ANNEX D – CONTRACTING PRACTICE

1. When entering into contracts UEA should minimise the use of contractual terms which purport to restrict the disclosure of information held by UEA and relating to the contract beyond the restrictions permitted by the EIR. UEA cannot "contract out" its obligations under the EIR.

2. When entering into contracts with non-public authority contractors, UEA will discourage, wherever possible, the inclusion in any contract confidentiality clauses that unjustifiably restrict the release of information relating to the terms of the contract, its value and performance from disclosure. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, UEA will explore the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. UEA recognises that, when drawing up any such schedule, any restrictions on disclosure provided for could potentially be overridden by its obligations under the EIR.

3. UEA will ensure that third parties are aware that any information received described as in confidence will not be excepted from release unless it is, in law, truly received in confidence. It should be aware that the exception provided for in the EIR only applies if information has been obtained by UEA from another person, and the disclosure of the information to the public, other than under the EIR, would constitute a breach of confidence actionable by that, or any other, person.

4. It is for UEA to disclose information pursuant to the EIR, and not the body with whom UEA contracts. However, UEA may wish to protect from disclosure by the contractor, by appropriate contractual terms, information which it has provided to the contractor, which would clearly be exempt from disclosure under the EIR. In order to avoid unnecessary secrecy, any such constraints should be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, UEA will not impose terms of secrecy on contractors.

5. The University, as standard practice, will take appropriate steps to ensure that any third parties with whom we contract, or who supply the University with information, are aware of the University's duty to comply with the EIR, and that therefore information will have to be disclosed upon request unless an exception applies.

ANNEX E – COMPLAINTS PROCEDURE

Receipt of complaint

1. Any written correspondence from an identifiable applicant expressing dissatisfaction with the UEA's response to a valid request for information, or that UEA is not complying with its Publication Scheme, will be treated as a complaint.
2. For a complaint to be valid, it must, pursuant to Regulation 11(2), be received within 40 working days of the issuance of the response to the requester. -Any complaint received after that date will neither be acknowledged nor actioned in any way.- This time limit will be posted on the University website and will be made clear to the requester in any response letter.
3. Complaints will be handled in accordance with the procedure outlined below, even if the applicant does not state a wish for UEA to review its decision or its handling of the application.
4. Complaints will be acknowledged and the complainant will be informed of the UEA's target date for determining the complaint. Where it is apparent that determination of the complaint will take longer than the target time (for example because of the complexity of the particular case), UEA will inform the applicant and explain the reason for the delay.
5. UEA's target time for a response is no longer than twenty (20) working days from the receipt of the complaint, and in no case will exceed the statutory limit under Regulation 11(4) of 40 working days.
6. Target times for response to an appeal will be kept under review and the University will follow best practice and ICO guidance in this matter.
7. When acknowledging the complaint, the IPCMs will inform the complainant about its internal complaints procedure, and of their right to contact the Information Commissioner should they be dissatisfied with the response to their complaint.

Outcome of Complaint

8. Where the outcome of a complaint is that information should be disclosed which was previously withheld, the information in question will be disclosed as soon as practicable.
9. Where the outcome of a complaint is that UEA staff has not properly followed the procedures within UEA, UEA will apologise to the complainant. UEA will also take appropriate remedial measures to prevent similar errors occurring in future.
10. Where the outcome of a complaint is that an initial decision to withhold information is upheld, or is otherwise in the UEA's favour, the requester will be informed of his or her right to apply to the Information Commissioner, and will be given details of how to make an application, for a decision on whether the request

for information has been dealt with in accordance with the requirements of the EIR.

Processing of Complaint

11. General. -The University will have in place a procedure for dealing with complaints in relation to the handling of requests under the EIR as set out below.

12. Informal resolution. There may be instances where the matter can be resolved quickly by the IPCMs and without recourse to a formal review; for example providing information inadvertently omitted, or correcting a misunderstanding.

13. Formal review. -Where an informal resolution of a complaint is neither possible nor advisable, a formal internal review of the complaint will be conducted as follows:

a. The review will be conducted, where practicable, by a staff member who played no material role in the original decision. -Additionally, any such person will have sufficient training and knowledge of the EIR to undertake the review. In most instances the Director of Information Services will conduct the review with assistance from the IPCM who did not handle the original request. Where appropriate, the review may be undertaken by another senior member of staff; normally the Registrar, a Pro-Vice-Chancellor, or the Vice-Chancellor.

b. The review will consider afresh the reasonableness of the decision and handling of the request.

c. The review will be impartial and will be free to substitute a different decision on a reconsideration of all factors relevant to the issue.

d. The outcome of the review will include the reasons for outcome of the review, details of any changes to the original decision, including precise citation of any exceptions added, and where appropriate an explanation of any reconsideration of the public interest.

e. The outcome of the review will be communicated to the complainant promptly and any action required to be undertaken by the University as a result of the review will be carried out as soon as practicable.

f. The University will keep records of all complaints and their outcome and monitor their own performance in handling complaints.

Information Classification and Data Management policy

Report Control Information

Title:	Information Classification and Data Management Policy
Date:	16 January 2015 <u>20 April 2017</u>
Version:	3.0 <u>1</u> (Approved by ISSC 16 February 2015)
Authors:	ISD SPC
Quality Assurance:	ISSC
Security class	Open

Revision	Date	Revision Description
v.1.0	17/7/07	As approved by ISSC
v.1.2	9/5/11	Reviewed and approved by ISSC June 2011. Revised by Security Review project and including external consultant recommendations
v.1.3	14/5/11	Updated for review by IT Forum 21/5/12 and ISSC 12/6/12
v.2.0	12/6/12	As approved by ISSC
v.2.2	16/1/15	Reviewed and updated (removed Internal class and renamed Public to Open)
v.3.0	16/2/15	As approved by ISSC
<u>v.3.1</u>	<u>20/4/17</u>	<u>Reviewed and updated</u>

Definitions of terms

Information Asset	An information asset is a collection of any type of data, irrespective of type (e.g. numerical data, text) and format (<u>e.g. digital or hard copy</u>).
Data Owner	The Data Owner is the person or department within UEA who <u>acts as the principle authority and</u> has overall responsibility for the information asset and for ensuring that it is managed securely and in compliance with University and government regulations and policies. The Data Owner may delegate day-to-day responsibility for management of the data to a Data Administrator, service group or other persons.
Data Administrator	The Data Administrator is the UEA staff member or department delegated with overall responsibility for day-to-day <u>day-to-day</u> management of the information asset in accordance with University and government regulations and policies. Processes and procedures used to manage the data should have been agreed with the Data Owner. For some data, particularly small datasets, the Data Owner and Data Administrator may be the same person.
Security class	Defines how an information asset should be handled. The classes are: Open, Confidential and Secret. <u>The classification of an information asset may change over time.</u>

Data management plan	A document which describes how you will handle the data associated with a project, both during its lifetime and after it has completed.
Information asset register	A document listing your information assets and key metadata about them: owner, administrator, location, user access, retention policy, and information class.

Objective

The objective of this policy is to provide a classification system for all University data and documents (**information assets**) to which an appropriate **security class** can be assigned.

The University holds many information assets that must be protected against unauthorized access, disclosure, modification, or other misuse. Efficient management of these assets is also necessary in order to comply with legal obligations under the Data Protection Act and [the General Data Protection Regulation \(GDPR\) successor legislation](#), the Freedom of Information Act and Environmental Information Regulations.

Different types of information assets require different security measures. Proper classification is vital to ensuring effective data security and management. Each security class listed in the summary tables below has defined data management controls which determine how information assets should be handled throughout its lifecycle. These controls should be applied to all information assets held by the University.

Scope

This policy is to be applied to all information held by the University, including data and documents relating to UEA teaching, research and administration. The **main** focus of the policy is on information held in an electronic format, however [the policy also requires](#) departments ~~should also to~~ apply appropriate controls to information held in hard copy. The policy encompasses storage, access, sharing and resilience of information assets.

Responsibility

Data Owners and **Data Administrators** are responsible for identifying the appropriate security class for any information assets within their care and ensuring that the appropriate data management policies governing storage, dissemination, disposal etc. are followed. [Where the asset contains personal data, the data owner is also responsible for deciding on and applying appropriate technical and organisational measures required to protect the data from loss, destruction or damage. These measures are reviewed and approved by the Data Protection Officer \(DPO\).](#)

Where information is classified not for public consumption (i.e. Confidential or Secret) this should be made clear to those who have access to the data. If management of such data is delegated to other individuals [or third party organisations](#), the Data Owner and Data Administrator must ensure that appropriate guidance [and/or contracts as appropriate are in place is provided.](#)

Data Owners and Administrators are responsible for ensuring that information assets are processed and managed in accordance with UEA's Records Management policies as detailed at: <https://www.uea.ac.uk/is/strategies/infregs/Records+management>.

~~Incident management~~

~~Where data has been incorrectly classified, or has not been managed in accordance with its security class, this should be reported immediately to the Strategy, Policy and Compliance team who will log the incident and refer it to the service team, Data Administrator or Data Owner as appropriate for them to action.~~

Audit and accountability

All projects and services with significant handling of data should have a documented **data management plan/information asset register** describing the data to be used, the Security Classes assigned to these categories of data, the identity of the data owners and the data management policies to be applied. The plan/register should be made available on request to those authorised by the University to carry out security or data protection audits (contact [ISD Information Policy and Compliance Managers](#) [SPC](#) for details).

Implementation

At the point of creation, all University data will be classified and handled in accordance with the following tables of Information Classes and Data Management Policies. By default, all data are classed Open (accessible to the world). One of the other security classes is applied to data which must be protected.

Incident management

Where data has been incorrectly classified, or has not been managed in accordance with its security class, this should be reported immediately to the Strategy, Policy and Compliance team who will log the incident and refer it to the service team, Data Administrator or Data Owner as appropriate for them to action.

Review

The policy will be reviewed every two years by the Strategy, Policy and Compliance team. Changes will be agreed with the Director of Information Services, and approval and quality assurance will be provided by the Information Strategy and Services Committee.

Summary tables of Information Classes and Data Management

Security class	OPEN
Description	Public information relating to the University. E.g. programme and course information on UEA's web pages, press releases, published research papers, printed University prospectus
Storage	Stored on centrally managed facilities backed up on a 24hr basis, e.g. centrally managed filestore, UEA Office 365 OneDrive for Business and UEA web pages including intranet pages ¹ . Or Appropriate third party storage ²
Dissemination, and access, and handling	<ul style="list-style-type: none"> • Widely available • Unrestricted dissemination via electronic or hard copy • Dissemination must not violate any applicable laws or regulations. • Information should be identifiable as from UEA • Permissions to modify limited to authorised persons and procedures in place to ensure that information is kept up to date.
Transmission or collaboration	Via web, email, UEA Office 365 OneDrive for Business , appropriate third party storage or printed copy
Security impact ³	Negligible <u>Confidentiality: N/A</u> <u>Integrity: Low to medium</u> <u>Availability: Low to medium</u>
Example security measures ⁴	<ul style="list-style-type: none"> • Stored on UEA Content Management System (CMS) and public-facing web pages • Stored on author's centrally managed filestore • Stored on OneDrive for Business • Stored on departmental central filestore share with write permissions restricted to authorised individuals
Disposal	<ul style="list-style-type: none"> • Electronic data deleted using normal file deletion processes • Printed material disposed of via non-confidential recycled waste, i.e. does not require shredding or disposal in 'blue bins'

¹ You may choose to put Open documents on the intranet if they do not need to be secured, but you want to limit access only to UEA staff and students for some other reason.

² ~~See separate guidance.~~

³ The likely impact on the University's business and reputation if appropriate security controls and data management were not applied and unauthorised persons were to gain access to the information, the data were damaged or rendered inaccessible. Three elements of security are considered separately: confidentiality, integrity, and availability.

⁴ The listed example security measures are not exhaustive and other methods of securing data may be appropriate. Contact isd.spc@uea.ac.uk or infosec@uea.ac.uk for advice.

Security class	CONFIDENTIAL
Description	<ul style="list-style-type: none"> Information restricted to members of UEA, partner organisations and other <u>non-University members and</u> individuals, as authorised by Data Owners Information may be restricted to a specific subset of the University including a restricted set of non-University members Information which is operationally sensitive / valuable or contains personal information relating to individuals. E.g. employee information such as payroll, exam papers, exam marks, notes relating to disciplinary processes, research data containing personal information or information which is of a high value.
Storage	<p>Stored on centrally managed facilities backed up on a 24hr basis with access restricted to authorised individuals, e.g. centrally managed filestore, UEA Office 365 OneDrive for Business, <u>encrypted device. Hard copy stored in physically secured areas such as locked filing cabinets, offices.</u></p> <p>Or</p> <p>Appropriate third party storage</p>
Dissemination, and access <u>and handling</u>	<ul style="list-style-type: none"> Dissemination limited to <u>personnel</u> authorised personnel by the data owner only Where restricted to a particular group, only authorised personnel allowed to have access to the information
Transmission or collaboration	<ul style="list-style-type: none"> May only be transmitted outside institution systems in encrypted format Any distributed documents (electronic or paper) to be marked as 'Confidential' and the intended recipients clearly indicated Printed copies to be delivered by hand directly to the recipient. Use of shared folders on centrally managed facilities, for collaboration with external parties use <u>UEA Office 365</u> OneDrive for Business or a UEA account with VPN access Appropriate 3rd party storage can be used provided encryption /appropriate security controls are in place
Security impact	<p><u>Confidentiality: Medium to high</u></p> <p><u>Integrity: Medium to high</u></p> <p><u>Availability: Medium to high</u></p>
Example security measures	<ul style="list-style-type: none"> <u>Security measures will be appropriate to the security impact of data damage or loss</u> Stored on centrally managed filestore with access control mechanisms applied Stored on <u>UEA Office 365</u> OneDrive for Business In exceptional circumstances where information is stored on portable electronic storage devices or media, that storage to be encrypted Printed copies kept secure, e.g. in locked filing cabinet with only authorised individuals having access
Disposal	<p>On decommissioning of equipment used to store the data, the storage should be securely wiped to CESG Enhanced standard⁵, or physically destroyed. Printed copies to be shredded <u>in a cross-cut shredder.</u></p>

⁵ CESG Enhanced standard - UK Communications Electronics Security Group (CESG) Enhanced standards

Security class	SECRET
Description	Any confidential information which can have a major impact on the long-term viability or interests of the University.
Storage	Stored on centrally provided special facilities or UEA Office 365 OneDrive for Business in an encrypted format. Or Appropriate third party storage
Dissemination, and access <u>and handling</u>	Dissemination, and access <u>and handling</u> strictly controlled by the Data Owner, limited to very few authorised individuals and all access <u>and handling</u> logged <u>in an auditable manner</u> .
Transmission or collaboration	<ul style="list-style-type: none"> • Not normally transmitted via email, but where this is essential both the transmission and the content must be encrypted • Shared folders on centrally managed facilities and OneDrive for Business can be used • <u>Appropriate 3rd party storage can be used provided encryption/appropriate security controls are in place. Data owners are advised to seek advice from ISD in advance of using third party storage for this data class</u> • <u>Where printed, handled according to Committee Office procedures for secret documents</u>
Security impact	<u>Confidentiality: Very high to critical</u> <u>Integrity: Very high to critical</u> <u>Availability: Very high to critical</u>
Example security measures	<ul style="list-style-type: none"> • <u>The highest level of security control will be applied to Secret information</u> • Stored on special area of central filestore to which only the Data Owner has access and only they can allow access to other authorised individuals • <u>Document access limited at all times by encryption keys</u> • <u>Documents may be distributed only on paper during a meeting to review the information, and collected from all recipients before the meeting closes</u>
Disposal	As for Confidential class. <u>Records of disposal should be created and maintained.</u>

Commented [P(1)]: Do these actually exist?

Commented [RS(2R1)]: Ian – can you provide any guidance here on how Secret documents are handled?