



St David's  
Coleg Catholig Dewi Sant  
Catholic Sixth Form College

## FREEDOM OF INFORMATION (FOI) AND ENVIRONMENTAL INFORMATION REGULATIONS (EIR) POLICY

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# 1. Scope and Purpose

## 1.1: Purpose

This *Freedom of Information (FOI) and Environmental Information Regulations (EIR) Policy* sets out the commitment of St David's Catholic College to comply fully with the Freedom of Information Act (FOIA), Environmental Information Regulations (EIR) and ICO guidance.

As a Catholic FE College, our mission is underpinned by values of honesty, respect and service to the community. This means that openness, accountability and fairness are integral to how we operate and how we respond to requests for information.

THE FOIA and EIR provide the public a general right of access to recorded information held by public authorities, subject to certain exemptions or exceptions. As a publicly funded further education (FE) college in Wales, we have a legal duty to:

- Confirm or deny whether we hold requested information (the "duty to confirm or deny"), unless an exemption applies.
- Provide the information within 20 days (or other statutory timescale), unless an exemption or exception applies.
- Maintain a *Publication Scheme* in line with guidance from the Information Commissioner's Office (ICO) guidance outlining classes of information we routinely make available.
- Apply the public interest test where required by law, documenting and justifying decisions.
- Give advice and assistance to requesters helping them to make valid and focused requests.

This policy aims to:

- Support a culture where openness is the default unless there is lawful reason for non-disclosure.
- Provide clarity to staff, governors, students and the public about our FOI and EIR commitments.
- Ensure compliance with legal and regulatory requirements, recognising the rights of the individuals and the needs of the wider public interest.

## 1.2: Scope

This policy applies to all recorded information held by or on behalf of the college, regardless of format, medium or storage locations.

The policy covers:

- Freedom of Information Requests
  - Any written request for recorded information under the FOIA or EIR.
  - Requests for environmental information regardless of format.
- Proactive Publication
  - Information published under the College's *Publication Scheme*.
  - Classes of information routinely made available, with details of format, charges (if any) and how to access it.
- Responsibilities of All College Representatives
  - Applies to governors, all staff, contractors, volunteers and any third-party service providers handling information on behalf of the college.

This policy **does not** cover:

- Requests for personal information about the requester (Subject Access Requests), which are handled under the *Data Protection Policy* and *Data Protection Procedures – SAR*.
- Routine service request that does not constitute FOI or EIR requests e.g. asking for copies of prospectus or timetables.

### 1.3: Links with related policies and procedures

This policy aligns with and support a range of college policies and procedures to ensure a unified approach to data and records management. It should be read in conjunction with:

- *FOI Procedures and EIR Procedures*
- *Data Protection Policy and Procedures*
- *Records Management Policy and Procedures*
- *Data Breach Policy and Procedures*
- *Safeguarding Policy*
- *Privacy Notices*

### 1.4: Relevant legislation and regulatory frameworks

This policy is designed to comply with key legislation, regulatory frameworks and government and industry guidance including:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- UK GDPR and Data Protection Act 2018
- ICO Guidance

## 2. Definitions

2.1: **Freedom of Information (FOI)**: The statutory right of access to recorded information held by public authorities, subject to exemptions.

2.2: **Environmental Information Regulations (EIR)**: Regulations providing access to environmental information held by public authorities.

2.3: **Publication Scheme**: A guide to the classes of information the college routinely publishes, how information is made available and whether there is any charge.

2.4: **Exemptions or Exceptions**: Specific circumstances in which information may lawfully be withheld under FOIA or EIR.

2.5: **Public Interest Test**: The requirement to decide whether the public interest in disclosing information outweighs the public interest in withholding it when a qualified exemption or exception applies.

2.6: **Requester**: An individual or organisation making a request for information under FOIA or EIR.

2.7: **Internal Review**: A process by which a requester can ask the college to reconsider its response to their request.

## 3. Policy Statement

### 3.1: Key Principles

The College's approach to FOI and EIR compliance is built on the following principles:

### **3.1(i) Openness by Default**

- The College will make the information available unless there is a legitimate reason for withholding it under the FOIA or EIR.
- The College will consider proactive publication before the information is requested.

### **3.1(ii) Transparency in Decision-Making**

- The College will explain the decisions to disclose or withhold information clearly, citing relevant legal provisions.
- Where an exemption or exceptions applies the College will provide sufficient reasoning for the requester to understand and, if necessary, challenge the decision.

### **3.1(iii) Timeliness and Efficiency**

- The College will respond to FOI and EIR requests within the statutory timescales (normally 20 working days) and will keep the requester informed if a permitted extension is required.

### **3.1(iv) Equality of Treatment**

- The College will treat all requesters equally, regardless of their identity, background or reason for making the request.
- Decisions will be made solely on the content of the request and relevant legal requirements.

### **3.1(v) Proportionality and Fairness**

- The College will apply a proportionate approach to requests, balancing transparency with the need to protect sensitive information and prevent unreasonable burdens on the College's resources.

### **3.1(vi) Accountability and Learning**

- The College will record and monitor FOI or EIR performance and report regularly to the Senior Leadership Team and Governors and use lessons learned from requests, appeals and ICO decisions to improve practices.

## **3.2: Key Commitments**

To uphold these principles St David's Catholic College commits to:

### **3.2(i) Legal Compliance**

- Ensure all staff understand and follow their responsibilities under the FOIA and EIR.
- Responding to all valid requests promptly and in accordance with statutory requirements.
- Applying exemptions and exceptions only when supported by evidence and in compliance with ICO guidance.

### **3.2(ii) Proactive Publication**

- Maintain a *Publication Scheme* that sets out the classes of information the college routinely publishes.
- The *Publication Scheme* will be reviewed where there are significant organisational changes.
- Making information available in accessible formats and making it available online, and on request in hard copy or alternative formats.

### **3.2(iii) Advice and Assistance**

- Providing clear and helpful guidance to requesters to enable them to make valid and precise requests.

- Supporting members of the public who may have difficulty in formulating their request.

### **3.2(iv) Records Management**

- Ensuring that information is accurate, complete and stored in accordance with the college's *Records Management Policy and Procedures*.
- Maintaining records in a way that allows for efficient search and retrieval in response to FOI or EIR requests.

### **3.2(v) Decision-Making and Public Interest Consideration**

- Documenting the decision-making process when applying exemptions or exceptions.
- Where the public interest test applies, weighing the benefits of disclosure against the potential harm or prejudice with the presumption in favour of disclosure.

### **3.2(vi) Monitoring and Reporting**

- Logging all FOI or EIR request in the college's *FOI and EIR Register* tracking deadlines, outcomes and exemptions used.
- Reporting FOI and EIR performance statistics, trends and notable cases to the Senior Leadership Team and Governors on a quarterly basis.

## 3.3: Publication Scheme

The College will:

- Adopt an ICO-approved *Publication Scheme*, tailoring it to reflect the nature of the College's work as an FE Catholic institution in Wales.
- Organise the *Publication Scheme* into standard classes of information:
  - Who we are and what we do
  - What we spend and how we spend it
  - What our priorities are and how we are doing
  - Our policies and procedures
  - Lists and registers
  - Services we offer
- Review the *Publication Scheme* regularly and after significant organisational changes.
- Publish the scheme on the College's website ensuring it is available in Welsh and English.
- Indicate clearly any charges for information provided in hard copy or in specially prepared formats.

## 3.4: Public Interest Test

When an exemption under FOIA is qualified i.e. requires a public interest test, the College will:

- Start from the presumption in favour of disclosure.
- Consider factors in favour of disclosure, such as:
  - Promoting transparency and accountability.
  - Supporting informed public debate and decision-making.
  - Demonstrating responsible stewardship of public funds.
- Consider factors in favour of withholding, such as:
  - Protecting personal privacy.
  - Avoiding harm to the college's ability to carry out its functions effectively.
  - Preserving legitimate commercial or contractual interests.
- Document the reasoning and ensure the balancing test is evidenced-based.
- Explain the outcome to the requester in a clear and accessible manner.

## 4. Responsibilities

### 4.1: Governors

- Ensure FOI and EIR compliance is embedded in the college's governance framework and risk management processes.
- Approve the *FOI and EIR Policy* and oversee significant amendments ensuring alignment with the college's mission and legal duties.
- Review quarterly FOI and EIR compliance reports from the Director of Policy, Assurance and Compliance.
- Promote a culture of openness and transparency in the College's decision-making and communications.

### 4.2: Senior Leadership Team

- Embed FOI and EIR responsibilities in all areas of strategic and operational management.
- Oversee and monitor FOI and EIR compliance within their areas of responsibility.
- Ensure teams within their areas of responsibility prioritise locating and supplying relevant information to meet statutory deadlines.
- Analyse FOI and EIR performance data provided by the Director of Policy, Assurance and Compliance.
- Oversee internal reviews of FOI and EIR decisions ensuring independence from the original decision-maker, where possible, and that the review process meets statutory deadlines and ICO best practice.

### 4.3: Director of Policy, Assurance and Compliance

- Act as the main point of contact with the Information Commissioner's Office (ICO).
- Provide leadership for FOI and EIR compliance ensuring the college meets its statutory obligations and operates in line with ICO guidance and sector best practice.
- Maintain, review and update the *FOI and EIR Policy* and *Procedures* and the *Publication Scheme* in line with legislation and ICO guidance.
- Produce quarterly reports to SLT and Governors on compliance performance, trends, risks and recommendations for improvement.

### 4.4: Head of IT

- Ensure IT infrastructure supports secure, efficient and compliant information storage and retrieval for FOI and EIR purposes.
- Work with the Director of Policy, Assurance and Compliance to ensure digital systems enable lawful disclosure of information and protect exempt information.
- Maintain robust backup, recovery and security measures to safeguard recorded information.

### 4.5: Deans, Directors, Departmental Managers and Learning Area Leads

- Promote FOI and EIR awareness within their teams and ensure compliance principles are embedded in departmental culture.
- Flag potential compliance risks or high-profile requests to the Director of Policy, Assurance and Compliance promptly.

### 4.6: All Staff

- Contribute to a workplace culture that supports openness, lawful information sharing and accountability.
- Understand that the college operates on a presumption of transparency, subject to legal limits.

- Follow college policies and procedures to support the strategic aim of meeting statutory obligations and maintaining public trust.

## 5. Equality and Welsh Impact Assessment Statement

An Equality and Welsh Impact Assessment has been completed. It has been determined that there is a positive impact in relation to both areas. The policy specifically states that it will apply equally to all with decision-making being based solely on the content of the request rather than the characteristics of the requester. There is a positive impact on the Welsh language with the Policy and Publication Scheme being available in Welsh and English and communication with the public will be compliant with Welsh Language Standards.

## 6. Communication and Storage

- 6.1: The Policy will be published to staff on the 'Every' platform.
- 6.2: The Policy will be published to students, parents, carers and the public via the college website.
- 6.3: The Policy and the Publication Scheme will be available in Welsh.