



The Institute  
of Contemporary  
Music Performance

# FREEDOM OF INFORMATION POLICY

Version number	Date approved (including committee)	Reason for production/revision	Author	Proposed next review date
V1.1	IGG Oct 23	Periodic review	Data Protection Officer	Q1 25-26
V1.0	Sept 2021 ExCo	Alignment with the Information Governance Framework	Data Protection Officer	Biennially and as required
<b>Related policies</b>				
Data Protection Policy Employee Records Data Protection Policy Records Management Policy Data Security Policy Email Use Policy Acceptable Use of IT Policy Bring Your Own Device Policy Business Continuity Policy Staff Disciplinary Policy Student Disciplinary Policy Equality & Diversity Policy Safeguarding Policy				
<b>External Reference</b>				
Freedom of Information Act 2000, Environmental Information Regulations 2004, General Data Protection Regulation (GDPR), UK GDPR, the Data Protection Act 2018 and the Privacy and Electronic Communications Regulation (PECR),				

## 1. Introduction

- 1.1. ICMP as an HEP is legally required to comply with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).
- 1.2. ICMP is committed to supporting and implementing the FOIA and the EIR and this document provides the policy statement and framework through which this compliance is achieved.
- 1.3. The FOIA gives the public a general right to ask public authorities whether they hold certain information and, if they do, the right to be given that information, subject to certain conditions and exemptions.
- 1.4. The EIR regulates public access to all environmental information held by public authorities.
- 1.5. Requests for information can be made by anyone, anywhere and for any reason. The FOIA applies to both historic and new information held by ICMP and applies to all information recorded in any format.

## 2. Scope

- 2.1. This policy applies to all information that is created, received, or maintained by staff and students at ICMP and by external partners on behalf of ICMP.
- 2.2. This Policy applies to all records of information regardless of format, i.e. both hard copy and electronic records, formal and informal.
- 2.3. The FOIA does not deal with the collection and use of personal data, which is governed by the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018 (DPA 2018). Subject access requests should be dealt with under the GDPR and DPA 2018 and not FOIA (see ICMP's Data Protection Policy)
- 2.4. This Policy equally applies to any EIR requests and references to the FOIA should also be read to include EIR where relevant.

## 3. Requirements

Under the regulations ICMP is required to:

- 3.1. Maintain a Publication Scheme which outlines the information that is routinely published to the public domain;
- 3.2. provide access to ICMP information which is not otherwise published on receipt of a written request, stating the name and address of the requestor and describing the information required;
- 3.3. provide Datasets in a re-usable form and under licensing conditions that permit re-use;
- 3.4. inform the requestor in writing whether ICMP holds the information requested and, where applicable, to communicate that information to the requestor within 20 working

days, subject to any exemption or fees (see below);

- 3.5. where information is exempt from disclosure, send the requestor a notice which specifies and explains the reason why;
- 3.6. if a fee is chargeable, send the requestor notice, stating the amount required; and
- 3.7. provide advice and assistance, as far as is reasonably possible, to anyone seeking information from ICMP.
- 3.8. ICMP will ensure that robust systems for the management records and information are in place, including maintaining a records disposal schedule setting out retention and disposal periods for records (see ICMP's Records Management Policy).

#### **4. Roles and Responsibilities**

- 4.1. The Information Governance Group (IGG) is responsible for ensuring that ICMP has sufficient policies, guidance and training available in order to comply with the FOIA.
- 4.2. It is the responsibility of all members of ICMP to comply with this Policy and the FOIA/EIR legislation, and to consult with the IGG when requested. This includes staff, students and those who are contracted to ICMP.
- 4.3. Senior Management are responsible for ensuring that staff within their areas are made aware of the existence and contents of this Policy and to comply with requests for information from the IGG.
- 4.4. The IGG will advise staff on any exemptions that may apply to requests for information (see below). Any dispute regarding whether an exemption should be used will be ultimately decided upon by the SIRO.

#### **5. Publication Scheme**

- 5.1. ICMP's publication scheme is available on MY.ICMP

#### **6. Requests for information**

- 6.1. Information not available via the Publication Scheme will generally be accessible through written requests for information which may be submitted in any format to any member of staff. Oral requests are not acceptable.
- 6.2. Requests for information do not need to make direct reference to the FOIA, but they must describe clearly the information being sought.
- 6.3. Applicants who submit a request have the right to be informed whether the information is held, a right to receive the information (subject to exemptions; see below) and the right to appeal non-disclosures and to request internal reviews.
- 6.4. Applicants who submit a request do not need to give a reason for their request nor proof of identity. A valid name and correspondence address is required with all requests (which can be either electronic or postal).

- 6.5. All requests for information that are outside of normal working practice will be dealt with by the IGG. Requests for information received by staff should be forwarded immediately to the IGG.
- 6.6. Valid requests shall be dealt with within 20 working days of receipt, unless there is a requirement for the applicant to provide further clarification or the payment of fees, in which circumstances the 20 working days will re-start once the further clarification or fee has been received.
- 6.7. The IGG will screen all requests to determine if possible:
  - 6.7.1. Whether ICMP holds the information and where that information may be held; and
  - 6.7.2. Whether there are any obvious exemptions applicable (for example, information that is already published, personal data and so on);

## 7. Exemptions

- 7.1. Some information is exempt from disclosure under the FOIA and so does not need to be provided. Where information is exempt from disclosure, ICMP will:
  - 7.1.1. where the exemption allows, state whether the information is held;
  - 7.1.2. give details of the reasons why the information has been withheld;
  - 7.1.3. explain which sections of the FOIA details the exemption used to withhold the information; and
  - 7.1.4. inform the applicant of their right to appeal the decision, initially to the Data Protection Officer (DPO) and then subsequently to the Senior Non-Executive Director (SNED) and ultimately, if still unsatisfied, to the Information Commissioner's Office (ICO).
- 7.2. There are 25 exemptions under the FOIA. Many of the exemptions may only be applied if the public interest in withholding the information is greater than the public interest in releasing it; these are referred to as **qualified exemptions**. Some exemptions are automatic, such as personal information and these are referred to as **absolute exemptions**. See Appendix A for the full list of exemptions under the FOIA Part II Section 21 to 44.
- 7.3. ICMP can refuse an entire request under the following circumstances:
  - 7.3.1. it would cost too much or take too much staff time to deal with the request;
  - 7.3.2. the request is vexatious; or
  - 7.3.3. the request repeats a previous request from the same person.
- 7.4. The DPO will apply an exemption or grounds for refusal if they believe it to be justifiable.

7.5. If the DPO concludes that the exemption does not apply then, if necessary, the final decision can be referred to the Senior Information Risk Owner (SIRO).

## 8. Charges and Fees

8.1. Unless otherwise specified, information made available through the Publication Scheme will be free of charge.

8.2. In cases where it is appropriate to provide information in hard copy format, ICMP may charge to cover the photocopying costs only if the documents in question exceed 50 sheets of A4 paper. This is charged at 10p per sheet plus postage and packaging.

8.3. If the costs of obtaining information exceed reasonable limits (as set out by the Fees Regulations, currently £450 or 18 hours of staff time), ICMP will alert the applicant and attempt to refine the request so as to reduce the potential retrieval cost. Where this is not possible, ICMP may pass on the cost to the applicant. In this instance, ICMP will issue an official invoice based on its estimate of costs and will undertake retrieval after payment of the costs. In extreme circumstances, ICMP may still exercise the right of exemption of the information through disproportionate effort.

## 9. Appeals and Complaints

9.1. If an applicant is dissatisfied with the outcome of a request, or the manner in which it was handled, applicants have the right to appeal to the DPO within 40 working days from the date the initial response was issued. Receipt of the appeal shall be acknowledged and a comprehensive reply will be provided within 20 working days.

9.2. If the applicant is still dissatisfied, applicants have the right to complain to the Senior Non-Executive Director for review. Receipt of the complaint will be acknowledged and a comprehensive reply provided within 20 working days.

9.3. If a complainant remains dissatisfied with the outcome of their complaint, they may seek an independent review from the ICO who can be contacted at [www.ico.org.uk/make-a-complaint/](http://www.ico.org.uk/make-a-complaint/) or via the following address:

Information Commissioner's Office,  
Wycliffe House,  
Wilmslow,  
Cheshire  
SK9 5AF.

**APPENDIX A – FOIA Exemptions** (Possible exemptions applicable to ICMP are highlighted in **bold**)

**Section 21 – information already reasonably available**

**Section 22 – information intended for future publication**

**Section 22A – research information**

Sections 23 to 25 – security bodies & national security

Sections 26 to 29 – likely to prejudice – defence; armed forces; international relations; relations between devolved administrations; the economy; financial interest of UK, Scottish, Welsh or NI Administrations.

Sections 30 – investigations

**Section 31 – prejudice to law enforcement**

Section 32 – Court records

Section 33 – prejudice to audit functions

Section 34 – parliamentary privilege

Section 35 – government policy

**Section 36 – prejudice to the effective conduct of public affairs (note that this requires the CEO's opinion acting as ICMP's 'qualified person').**

Section 37 – communications with the royal family and the granting of honours

**Section 38 – endangering health and safety**

**Section 39 – environmental information (use an EIA request instead)**

**Section 40 (1) – personal information of the requester (use a Subject Access Request under GDPR instead)**

**Section 40 (2) – data protection (see GDPR/DPA18)**

**Section 41 – information provided to ICMP in confidence**

**Section 42 – legal professional privilege**

**Section 43 – trade secrets and prejudice to commercial interests**

Section 44 – prohibitions on disclosure

Further guidance: [ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/)