



## FREEDOM OF INFORMATION ACT POLICY

### 1. Purpose

WJEC CBAC Ltd **WJEC** will use all appropriate and necessary means to ensure that it complies with the legislation and associated codes of practice issued pursuant to sections 45(5) and 46(6) of the Freedom of Information Act 2000 ( **FOIA** )

### 2. Scope

This Policy applies to all staff working for or on behalf of WJEC, including contractors, temporary and agency staff and secondees.

All employees are required to read, digest and adhere to this Policy. Failure to do so may result in disciplinary action.


### 3. Aim

The aim of this Policy is to communicate the contents of FOIA to all staff so that the basic tenets of FOIA as it applies to WJEC, may be understood and where action is required, that there is a framework to enable them to do so.

The underlying principle of this policy is that the public have a right of access to recorded information held by WJEC. WJEC wish to promote an open regime regarding access to information, subject to exemptions contained within the relevant legislation.

### 4. The Freedom of Information Act 2000

FOIA applies to all public authorities and came fully into force on 1<sup>st</sup> January 2005. It provides the public with a statutory right of access to recorded information held by authorities ( FOI ), subject to certain exemptions, within twenty working days. FOIA is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1<sup>st</sup> January 2005. Section 19 of FOIA also obliges WJEC to make information pro-actively available in the form of an approved



Public authorities must make arrangements for enforcement and appeal.

Places a duty to provide advice and assistance to people who wish to make, or have made,





reasons for its determination and WJEC will provide the information by such means as which it deems reasonable in the circumstances.

#### 6.4 Refusal of an FOI Request

The duty to confirm or deny whether information is, or is not, held does not arise if:

An exemption applies under section 2 of FOIA (see Annex A);

An estimate demonstrates that the cost of compliance will exceed the applicable limit; or

It can be demonstrated that the request is repeated or vexatious.

Upon refusal of a request for information, the individual will be informed of the reasons for this decision within **20 working days**, and at the same time will be informed of the procedures for making a complaint about the discharge of the duties of WJEC and their rights in relation to FOI.

If WJEC is reliant upon exemption under part 2 of FOIA (see Annex A), relating to the duty to confirm or deny, a notice will be issued within 20







The views of the third party may assist in determining whether an exemption under FOIA applies; or

The views of the third party may assist in determining where the public interest lies.

WJEC may consider that consultation is not appropriate where the cost or amount of time and/or effort of consulting with the third party would be disproportionate. In such cases, it will consider the most reasonable course of action to ensure that the requirements of FOIA are met. Consultation will be unnecessary where:

WJEC does not intend to disclose the information; or

The view of the third party can have no effect on the decision as to whether to disclose the requested information.

Where the interests of a number of third parties may be affected by a disclosure and those parties have a representative, WJEC will, if it considers consultation appropriate, consider it sufficient to disclose the information.








## Exempt Information under Part 2 of the Act The Exemptions

There are two types of class exemption identified within the Freedom of Information Act 2000:

**Absolute** which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.





Information that may inhibit the ability of a public authority to conduct its business effectively, should that information be made freely available in the public domain use of this exemption requires sign off from the CEO following a recommendation from the Operations Director.

**Section 37 Communication with Her Majesty and n**