

Statutory Requests for Information (FOI, DPA, EIR)

Introduction

This policy covers requests for information made under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, as well as requests for personal data made under the UK General Data Protection Regulation and Data Protection Act 2018.

Freedom of Information Act 2000

The Freedom of Information Act 2000 ('FOIA') provides for a general right of access to information held in recorded form by public bodies, including De Montfort University. The Act enables anyone, anywhere in the world, to submit a Freedom of Information Request to DMU.

For an FOI request to be valid it must meet the following criteria:

- Requests must be made in writing (email, letter etc)
- Requests must include a requester's real name: Any variation of a title or first name combined with a surname (e.g. Mr Smith, John Smith) will be sufficient to meet this requirement. However, a first name or surname provided in isolation, or a set of initials, will not.
- Requests must include an address (an email address is sufficient) where the requestor can be contacted with our reply.

The request does not have to mention that it is under the Freedom of Information Act, but it is helpful if it does. The University prefers to receive requests via email to foi@dmu.ac.uk , but will respond to all legitimate requests.

In line with Section 12 of the Freedom of Information Act, FOI requests may be refused if the request will take more than 18 hours to locate and extract the information required. The requestor will be assisted with ways in which they could modify the request to bring it below this limit. If they are unable to do so, the university will not respond to the request.

Subject to the information being held and not being legally exempt from disclosure, it will be supplied to the requester within 20 working days, with the first working day counting as the day after a receipt of the request

Where the University has recently responded to a manifestly similar request in the view



solely of the University, the requester may be offered a copy of this in the first instance to ensure a quicker response.

Where the university considers that an exemption or exemptions may prevent some or all of the requested information being released, it will explain which exemption has been applied and why. The University complies with the regulations and with the guidance on the [Information Commissioner's website or other appropriate codes of practice](#).

Where information requested may be held in different parts of the University, the Information Governance Team will co-ordinate gathering, assessing and formulating the response.

The University will not normally compile new records to comply with requests, but will collate and extract information from existing records in compliance with the regulations.

The University will reply supplying the information held as of the date of the request.

Publication Scheme

Under the provisions of the Freedom of Information Act, the university must have a Publication Scheme approved by the Information Commissioner (Independent person responsible for ensuring compliance with the Act) in place.

To view the Publication Scheme, please view our [Publication Scheme](#) page on the DMU website.

The Environmental Information Regulations 2004

The Environmental Information Regulations 2004 ('EIR') is an access regime that shares many similarities (and some crucial differences) with the Freedom of Information Act. Requests for the following will be considered in accordance with EIR:

- The state of the elements of the environment, such as air, water, soil, land and biological diversity
- Emissions and discharges (gases and fluids), noise, energy, radiation, waste and other such substances
- Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment
- Reports, cost-benefit and economic analyses
- The state of human health and safety, contamination of the food chain
- Cultural sites and built structures (as they may be affected by environmental factors)

Requests do not have to be made in writing, however, it is helpful to do so and likely to lead to a quicker response. Where information is not subject to a legal exception from disclosure, we will supply information within 20 working days.

De Montfort Expertise Ltd



De Montfort Expertise Let (DMEL) is a wholly owned subsidiary, through which the university offers commercial activities. As a wholly owned subsidiary DMEL does fall under the Freedom of Information Act or the Environmental Information Regulations. Any requests for DMEL related information will be handled in the same way as De Montfort University requests.

The Students' Union

De Montfort Students' Union is a Private company limited by guarantee and as such not a "public authority" in the sense of the Freedom of Information Act. The Freedom of Information Act allows access to information held by a Public Authority, therefore records that the Student Union hold are not subject to the Act. It is also unlikely that the Union would be considered to be covered by the Environmental Information Regulations

(The definition of a "public authority" in the Regulations is broader and vaguer than that in the Freedom of Information Act).

Records which De Montfort University holds about the Students' Union, including communications with the Union and information provided to the University by the Students' Union, are covered by the Freedom of Information Act and the Environmental Information Regulations, and can be requested.

In cases where FOI requests are made to the parent institution, De Montfort University may consult with the Students' Union in all cases where a Freedom of Information or Environmental Information request may involve the disclosure of information which was provided to the University by the Union, or where the disclosure may affect the commercial interests of the Union. However, the ultimate legal responsibility for deciding whether or not to release the information requested of the University, rests with De Montfort University. In all cases, the University's Information Governance Manager and Data Protection Officer will provide advice to the Student Union.

Requesting your own data

All living people for whom the University holds personal data have the right to make a Subject Access Request (SAR) to find out what information DMU holds about them. The University will respond to any such requests within one calendar month as is defined by Information Commissioner's Office guidance. Where a request is deemed particularly complex this period can be extended by a further two months. In these circumstances DMU shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

There is not normally a fee for a SAR, but if the request involves an excessive amount of information, we have the option to charge an administration fee or refuse the request. The university will notify the requestor as soon as possible if we feel the request is excessive and offer assistance in ways you may modify the request to allow us to respond to it.



To help us locate the information, the request should include the data subject's name (and any other names they have been known by, if relevant), the period for which the information relates (the calendar year(s), or academic year(s) for students), the date of birth, the address at the time, and the DMU identification number (if relevant). In addition information such as the faculty the individual studied or worked in, or the directorate they worked in, as well as named individuals likely to hold relevant information will help us to locate information efficiently.

We will normally send the information to you by email in an encrypted format unless you specify an alternative.

We will normally need to verify the identity of the requestor and hence may need to see evidence of their identity. We ask for photo ID such as passport or driver's licence if possible, or a birth certificate or other approved ID if this is not possible. This information will not be retained once Information Governance Staff confirm its veracity.

The fact and details that a data subject sent or received an email, and the subject line and date is deemed that person's personal data, the contents of those emails are not unless they include specific additional information concerning that person.

Third Party Requests

The Data Subject can ask a third party (for example a solicitor) to make a SAR on their behalf. We will need to see evidence that the person making the request is entitled to act on the Data Subject's behalf if we have any concerns they will also need to provide us with evidence of the Data Subject's identity.

Please note, the timeframe of a calendar month will not begin until we have confirmation of the information that is being requested, **and** confirmation of either the Data Subject's identity, or confirmation that a third party is entitled to act on their behalf.

Requests from official bodies

Where requests are received for the personal data of individuals from bodies that have a legal right to access the personal information of the Data Subject without their consent, these requests will be handled by De Montfort University's Security office with support from Legal Services. Examples include organisations such as the police, law firms engaged in legal action, NHS antifraud bodies and similar. Requests from the Student Loan Company will be handled by Student and Academic Services with support from Legal Services.

How To Make A Request For Information

The Information Governance Manager is responsible for responding to requests for information under FOI, DPA and EIR. They can be contacted at the following address:

Information Governance Manager



The Gateway
De Montfort
University Leicester
Leicestershire
LE2 7DP

T: +44 (0)116 257 7655

E: foi@dmu.ac.uk (FOI and EIR requests) or dataprotection@dmu.ac.uk (SAR requests)

Clarification of Information Requested

Requests should contain sufficient detail for us to be able to identify the information requested. If we require further information to enable us to respond to the request, we will seek clarification from the requestor through the provided address. In regard to FOI/EIR requests the time for making a response will be reset from the point the response is received presuming sufficient detail has been provided. In regard to SARs the clock does not pause or reset, however a swift response will help us to meet our statutory deadlines.

The requester will be advised that, should a response not be received within the statutory timescales for which the University has to respond to requests (for example 20 working days for an FOI request or one calendar month for a SAR), then the request will be regarded as withdrawn and closed, and should a response be received thereafter, it will be regarded as a new request.

Where Information Cannot Be Supplied

Where the university considers that an exemption or exception may prevent some information being released under FOI or EIR, they will explain which exemption has been applied and why.

Where a response contains the personal information of third parties, this information may be withheld or redacted from the final response in order to protect the rights of the third party data subjects.

Where an individual is unhappy with the response to an FOI or EIR request received from De Montfort University, they can request an internal review of the University's decision. This review will normally be undertaken by the Head of Legal Services. Requests for internal reviews of FOI decisions must be received within two months of our dated response and requests for reviews of EIR requests must be submitted within 40 working days of our dated response.

If a requester remains dissatisfied with the decision, they have a right of appeal to the information Commissioner's Office (ICO). Appeals cannot be made to the ICO unless De Montfort University's review process has been exhausted/completed first. Appeals to the ICO can be made at the following address:

Complaints
Wycliffe House



Water Lane
Wilmslow
Cheshire SK9
5AF

Or via the ICO website <https://ico.org.uk/> where more information about complaints and your rights can be found.

If a requester is unhappy with the university's response to a Subject Access Request, they may appeal directly to the Information Commissioner.

Records and Statistics

Records relating to requests will be held in line with De Montfort University's Retention Schedule. Statistical reports on numbers and trends relating to requests will be submitted on a regular basis to the Information Governance and Cyber Security Board.

1. Document Approval

Approved by: Information Governance and Cyber Security Board

Reviewer: Information Governance Manager

Document History

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- 1.3. 05/01/2017 – Draft 3 Fraser Marshall
- 1.4. 25/07/2018 – Draft 4 Interim Information Governance Manager
- 1.5. 08/10/2018 – Draft 5 Paul Starkey
- 1.6. 24/01/2019 – Draft 6 Paul Starkey
- 1.7. 25/02/2021 --Draft 7 Paul Starkey
- 1.8. 16/07/2021 -- Draft 8 Paul Starkey