

Freedom of Information and Environmental Information Regulations Request Submission Procedure

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<p><i>Note: All policies must be read in conjunction with all other SOAS policy, procedure and guidance documents. Printed copies of policies may not be the most up to date, therefore please refer to the policy pages on the SOAS external website or intranet for the latest version.</i></p>			

1. Introduction

1.1. What are the laws?

The Freedom of Information Act 2000 ("FoIA") has created a general right of access to information held by public authorities. This includes the right to be told whether the authority holds the information which you have requested, and a right of access to information held by the authority, subject to certain exemptions.

The Environmental Information Regulations 2004 ("EIRs") have created similar rights of access to information about the environment. The definition of 'environmental information' is broad, and includes information about the elements of the environment (such as land, water, biological organisms, etc); factors which affect the environment, such as emissions or discharges; policies, plans, activities and other measures which affect any of these elements and factors; economic analyses of measures and activities; and human health and safety, food contamination, living conditions, built structures or cultural sites, to the extent that they are affected by environmental factors or elements.

SOAS is a public authority which is covered by the FoIA and the Environmental Information Regulations. This means that SOAS has to respond to requests for information in accordance with the FoIA and the EIRs. Requests can be submitted by anyone within or outside the UK. There are very few restrictions on who can make a request and how requests can be made, and these are described below in section 3 - Making a request.

1.2. Refusing requests and withholding information

If you are planning to make a request, you should be aware that your request may be refused, or the information you asked for might be withheld.

A request might be refused if it is considered to be a repeat request (a request that will return similar information to a request you previously submitted, usually within a period of 60 working days, but the request may be refused outside of that period if it is unlikely the information would have changed). A request may also be refused if it is considered

vexatious (a request likely to cause a disproportionate level of disruption, irritation or distress). And finally, a request may be refused if it exceeds the 'appropriate limit', which is a cost limit in the FoIA and allows authorities to refuse requests which it estimates will take more than 18 hours to locate, retrieve and extract the information.

The FoIA and the EIRs also contain a number of exemptions (known as 'exceptions' in the EIRs), which specify the circumstances in which public authorities are not obliged to disclose information. Further information on exemptions and exceptions can be found on the ICO website: <https://ico.org.uk/>

We will inform you in all cases where information has been withheld because of an exemption or because your request has been refused.

1.3. The Publication Scheme

The FoIA also requires SOAS to produce and maintain a publication scheme in the interests of openness and accountability.

The purpose of a publication scheme is to describe the information which the authority routinely makes available, including the manner in which the information is published and whether any charges apply. Our Publication Scheme is published on our website here:

<https://www.soas.ac.uk/infocomp/foi/pubscheme/>

SOAS has adopted the model publication scheme which has been approved for the higher education sector. It outlines the classes of information which SOAS publishes or intends to publish, and is a commitment by SOAS to make available the information described. In many cases, the Scheme includes links to information which is available on-line.

We recommend that you consult the scheme before submitting a FoIA or EIRs request, as it may be the most efficient way of obtaining the information you want.

2. Making a Request

2.1. FoIA requests must be made in writing, but EIRs requests can be made orally. Whilst you can make an information request to any part of the University, to ensure your request is dealt with promptly please submit through the following channels:

- Email: freedomofinformation@soas.ac.uk
- Post: Information Compliance Manager, SOAS Library, SOAS, Thornhaugh Street, Russell Square, London WC1H 0XG, United Kingdom.
- Telephone (EIRs only): +44 (0)20 7898 4817

2.2. Please include the following information in your request:

- Your name.
- An address which we can use for correspondence, and the address to which you wish us to send the information (if different).
- A description of the information which you are requesting.

Whilst EIRs requests do not have to be in writing, we recommend that you send a written request to avoid ambiguity.

- 2.3. Your request may be refused if you do not provide a 'real' name, as required under section 8(1) of the FoIA. SOAS is not required to check your identity, but there is a general expectation that individuals will submit requests under their real name, and not under a pseudonym, or a name that does not provide sufficient detail to give anyone reading that request a reasonable indication of their identity. The ICO has developed the following rules to help individuals provide valid names. These are:
- Full name (e.g. John Robert Smith)
 - Title and surname (e.g. Mr Smith)
 - First initial and surname (J Smith)
 - Middle name(s) and surname (Robert Smith)
 - Variations in writing name, such as reversing forename/surname (e.g. Ali Muhammed/Muhammed Ali)

3. Our Response

- 3.1. We will acknowledge that we have received your request as soon as possible, and usually on the day it is received. We will also tell you under what regime we will be processing the request (FoIA or EIRs).
- 3.2. We may also ask you to provide further information or clarification if we require this to process your request, and may contact you again for additional information or clarification if necessary.
- 3.3. The FoIA and EIRs require us to respond to your request within 20 working days, commencing on the day after receipt of your request. This period can be extended in the following circumstances:
- Any period when we are waiting for you to pay a fee which we have told you is due in a fees notice does not count towards the deadline. This applies to both requests under FoIA and the EIRs.
 - If we ask you for further information or clarification to enable us to process your FoIA request, the 20 working day deadline starts on the date when we receive the information. This doesn't apply to the EIRs.
 - The FoIA allows public authorities to extend the deadline for a "reasonable" period (generally considered to be 20 working days) if they need extra time to decide whether the public interest in upholding an exemption outweighs the public interest in releasing the information. This does not apply to the EIRs.
 - The EIRs allow the deadline to be extended to 40 working days if the information requested is so extensive or complex that compliance within 20 days would be impractical.
- 3.4. During the first 20 working days after we receive your request, SOAS must either:
- issue you with a final response to your request,
 - ask for clarification,
 - refuse your request, or
 - provide you with an explanation why an extension to the deadline applies.

- 3.5. When processing your request, we may need to consult other organisations or individuals who could be affected by the release of information to you. This may involve passing on some details of your request to those organisations or individuals.

4. Appeals

- 4.1. If you are dissatisfied with the handling of your FoIA or EIRs request, you can ask for an internal review of SOAS's handling of your request. Appeals for internal review should be submitted promptly, and within 40 calendar days of the School's response to your request. SOAS will not conduct a review of your appeal outside this period. The appeal should be sent to:
- Email: freedomofinformation@soas.ac.uk
 - Or by post to: Information Compliance Manager, Library, SOAS University of London, 10 Russell Square, London, WC1H 0XG
- 4.2. When requesting an internal review, you should state as fully as possible why you think your request was not dealt with in accordance with the FoIA or EIRs, and the remedy which you are seeking from the School.
- 4.3. The Director of Governance will carry out the review, unless they are unavailable or were involved in supplying information for the original response, in which case an alternative senior manager will carry out the review. The review will be concluded within 20 working days of receipt.
- 4.4. If the reviewer decides that information should be released to you, the information will be provided to you as soon as is practically possible. For further information about the appeal process, see [SOAS's Freedom of Information and Environmental Information Appeal Procedures](#).
- 4.5. If you are dissatisfied with SOAS's response to your appeal, you can apply to the Information Commissioner. for a decision on whether your request has been dealt with in accordance with the requirements of the FoIA or EIRs. The Commissioner will normally require you to have gone through our internal appeal process first before they consider your appeal. If the Commissioner finds in your favour, the Commissioner can require SOAS to release the information to you. The Commissioner can be contacted through their FoIA and EIRs online complaint form (<https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>) or by post at:

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

5. How You Can Receive Information

- 5.1. When you submit your request or any time before we have responded to it, you can specify a preferred method by which the information should be communicated to you. This can include asking us to prepare a digest or summary of the information; asking for the information in a particular format (e.g. in electronic form or on paper); or asking for the opportunity to inspect records containing the information. A public authority must provide the information in the form which you have requested if it is reasonably practicable to do so.
- 5.2. SOAS will make reasonable efforts to match your preferred format, but applicants should note the following:
 - We are unable to digitize information which is only held in paper form unless you are prepared to pay the full costs of the digitization.
 - If you are allowed to inspect original records, this will be done by appointment in the SOAS Library and will be subject to the Library's rules.
- 5.3. In all cases, you will receive an explanation if we are unable to provide the information in your preferred format.
- 5.4. If you do not indicate a preference as to how the information should be communicated to you, we will choose the method which involves the least cost to you and to SOAS.

6. Charges for Information

- 6.1. If your request is a FoIA request and the cost of locating the information is below the "appropriate limit" we can only charge you for postage and for costs associated with reproducing the information, such as printing and photocopying. We will charge for printing and photocopying at the rate of £0.25 per page. Charges may be waived at the discretion of the Information Compliance Manager.
- 6.2. The EIRs allow authorities to levy a "reasonable" charge for the provision of information. As long as the cost of locating the information is likely to be below the "appropriate limit" set by the FoIA, we will only charge you for printing, photocopying and postage, at the same rate as for FoIA requests. Charges may be waived at the discretion of the Information Compliance Manager.
- 6.3. Where charges apply, we will send you a fees notice as soon as possible specifying what you have to pay. We must receive payment from you before we can supply you with the information which you have requested. If we do not receive payment from you within 60 working days for EIRs requests, or 3 months for FoIA requests, we will treat your request as having been withdrawn.
- 6.4. Separate charges apply to requests for information under SOAS's Publication Scheme: see [Publication Scheme: Ordering Copies](#) for further information.

7. Multiple Requests for Information

- 7.1. You can submit more than one request. However, if you submit Freedom of Information requests relating to the same or similar information within 60 working days of each other, we can treat them as if they were one request for the purpose of determining whether the cost of locating the information exceeds the "appropriate limit". This does not apply to Environmental Information requests.
- 7.2. If you make a single request for information which includes information covered by both the FoIA and EIRS, we may separate the request into multiple requests in order to manage and co-ordinate the requests properly under the separate legal regimes. If we need to do this, we will tell you when we acknowledge the request, or at the earliest subsequent opportunity.

8. Re-using Information

- 8.1. The copyright of any information which is supplied to you will be owned by SOAS unless otherwise indicated. The supply of information under the Freedom of Information Act or the Environmental Information Regulations does not give the person or organisation who receives it an automatic right to re-use the information in a way which would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.
- 8.2. Brief extracts of any material which is supplied to you may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. More extensive re-use must only be carried out with prior written permission from SOAS.
- 8.3. Enquiries about the re-use of material should be directed to SOAS's Information Compliance Manager

9. Advice

- 9.1. Public authorities have a legal duty to provide applicants with reasonable advice and assistance in relation to their FoIA and EIRs requests. For example, SOAS can help you to narrow down your request to one which will fall within the "appropriate limit" set by the FoIA. If you require advice or assistance, please contact the Information Compliance Manager.
- 9.2. Other organisations, such as the Citizens Advice Bureau, may also be able to assist you in developing your request. Information about your rights and how to submit a Freedom of Information and Environmental Information request is available on the website of the Information Commissioner: www.ico.org.uk.