

## The Development and Maintenance Initiative (DMI)

### Higher Education Circular



Information Commissioner's Office  
Promoting public access to official information  
and protecting your personal information

## Circular 1

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Education	(Wales 19_01_07) (Manchester 06_03_07)
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### 1.1 Issues affecting the higher education sector

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The majority of higher education institutions have adopted the model scheme. As is the case in many public authorities the schemes are somewhat static. They do not always have the necessary buy-in at a senior level to prioritise upkeep. It can also be difficult to secure the interest and enthusiasm needed to build effective schemes from colleagues outside the FOIA/Data Protection/Records Management fields.

As with many authorities, some schemes within the Higher Education (HE) sector haven't been updated since approval. The individuals who implemented the first schemes have often moved on, and responsibility for the scheme isn't always clear following their departure. Conversely, in some authorities schemes are nurtured by one staff member who may not wish to relinquish ownership.

A move towards a simplified, more readily updated system appears to be welcomed from the HE sector. However, care must be taken to avoid the creation of schemes which encourage less proactive dissemination. Necessary mechanisms must be in place to ensure that Section 19 is adhered to. A carrot and stick approach using the [enforcement](#) powers at the Commissioner's disposal was suggested.

Both the ICO and higher education FOIA practitioners recognise that schemes need to be more proactive. There was also recognition that the present image of schemes was somewhat negative.

Many HE institutions operate partnerships and alliances with other HE and private industry bodies. Mergers and partnership working in this sector looks set

to be increasingly prevalent in the future. The DMI may need to take into account such progress when developing schemes.

The status of many subsidiary and related HE bodies are unclear. The complexities of ownership and function can often frustrate attempts to establish who is covered. The ICO will produce relevant guidance to be included within the sector packs to clarify this issue.

The importance of having strong cross references between the information contained within the scheme submitted to the ICO and that presented to the public was noted. This is because the scheme itself is likely to be based on the language of Section 19, whilst the public authority will have some autonomy over the presentation of the scheme to the public. In order to be sure what information is actually published the ICO may have to instil a relationship between the two.

The breadth and diversity of the work undertaken within the HE Sector is often underestimated. Learning, development and research are often seen as the core functions of HE and this can encompass scientific research, charity work, estate management and business operations amongst others.

Much of the work carried out by universities crosses both national and international boundaries, particularly within the research field. It may be appropriate to refer to this within the model schemes.

## **1.2 Access to schemes**

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It is difficult to get a definitive figure on the number of times a publication scheme has been accessed. However, for some of those HE institutions attending the workshops, internet traffic suggests that very few people are accessing current schemes. Furthermore, one of the delegates explained that the pattern of internet traffic within his authority suggests that visitors view the first page of a scheme and leave quickly after. There was a general consensus that this may be because the public do not understand what a scheme is, or have difficulty navigating its contents.

For some schemes, it is almost as if the public have to know exactly what they are looking for before they can undertake to find it, suggesting that schemes are too internally focussed. The emphasis should be upon public access.

It was suggested that some HE websites operate systems whereby the user journey for certain types of information is critical to the structure of the website itself. For example, the ICO understands that information on how students can make a complaint should be accessible within three 'clicks'.

It may be necessary for HE institutions, and other authorities to carry out a cost benefit analysis into the extent to which a scheme merits investment.

Not all HE staff will have internet access and it is important to encourage a culture of staff accessibility alongside the wider drive for public access.

### **1.3 Classification of information**

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In order to avoid unnecessary duplication of effort, the development of model schemes should consider existing classification methods such as the [Higher Education Institute Business Classification Scheme](#). This classification scheme sets out the following high level classification structure, which is organised into broad function groups:

- Teaching & Learning
- Research
- Knowledge Transfer & Enterprise
- Academic Administration
- Corporate Management
- Corporate Resources
- Corporate Relations
- Related Companies
- Commercial Services
- Corporate Services
- Student Services
- Business Units

The ICO would welcome feedback from the HE sector as to whether this method of classification would be a practical starting point for classes, and comments on the extent to which this method is (or is to) be used within institutions.

Terminology and abbreviations within the HE sector can cause misunderstandings when providing information to the public. There is a general recognition of the importance to provide a context to information, whether supplied via a publication scheme or the general rights of access conferred by Section 1.

As we have established in previous workshops, the term 'classes' is often meaningless to the public. This is of particular relevance in the HE sector as it can cause confusion alongside references to classes in a tutorial sense.

It was noted that the system of request handling will have a bearing upon the way in which regularly requested information is collated. For example, a centralised system will be able to track trends and identify patterns of requests more readily. It was also noted that FOI officers may not be aware of every request made to an authority. This may have a bearing upon the construction of schemes in some institutions.

A self audit system was suggested as a method of ensuring that authorities provide information in accordance with a scheme.

#### **1.4 Relationship to other committees and initiatives**

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The ICO is mindful of the need to collaborate with other established networks such as the [Joint Information Systems Committee \(JISC\)](#) and the related JISC Information Governance Gateway (JIGG) and would like to express our thanks for the assistance provided so far. An example of the work carried out by JISC which could help inform the initiative can be found online at:

<http://www.jiscinfonet.ac.uk/foi-survey/foi-survey-results-2005-pdf>

The results of the 2006 Information Legislation & Management Survey have recently been released and can be found at:

<http://www.jiscinfonet.ac.uk/foi-survey/2006/results>

The ICO welcomes approaches from HE practitioner groups who would like to work with us to develop new model schemes.

#### **1.5 Charging**

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The feedback from those who attended the workshops suggests that HE institutions rarely charge for information contained within schemes.

Authorities would like to retain the ability to charge but would welcome some consistent guidance in this area. For the example, the possibility of charging for the provision of information costing £10 or more was discussed. Similarly, a charging system based on the number of pages that made up the information was suggested. Any charges levied would need to have due regard for the public interest in access to information.

The provision of information on inspection and particularly, within archives needs to be considered. For example, a charge for information contained within archives which is viewed in situ often is often paid for there and then. As such,

the provision of this type of information may not result in an invoice, and may not be included within schemes. In order to avoid confusion it may be practical to allude to archive services and costs in future schemes.

## **1.6 Archived Material**

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A key feature of the information culture within the HE sector is archived material. When creating new model schemes care must be taken to accommodate this. It may be necessary to create standard paragraphs explaining the way in which archived information is dealt with. Similarly, institutions may wish to qualify the extent to which information contained within schemes is limited to a certain timeframe.

The importance of intellectual property was also noted. It may be appropriate for the ICO to provide some standard paragraphs on this issue.

## **1.7 Further Input**

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If you have any comments on this circular or anything you would like to contribute to the initiative, please contact Paul Damerill at [paul.damerill@ico.gsi.gov.uk](mailto:paul.damerill@ico.gsi.gov.uk)

The next education workshop will be held as follows:

- Manchester : 24/04/2007