

## **FREEDOM OF INFORMATION POLICY**

### **Rationale**

The governing body recognises its responsibility to ensure that the school meets the requirements of the Freedom of Information Act 2000 (FOIA) including the provision of guidance for staff.

### **Policy**

The Freedom of Information Act 2000 (FOIA) came into force on 1 January 2005. This means there is now a legal responsibility for the school to provide access to information requested under the terms of the Act by members of the public.

### **Guidelines**

- 1 The school has a duty to provide advice and assistance to anyone requesting information. All requests for information should be referred to the Headteacher.
- 2 The Freedom of Information Act 2000 presumes openness. However, it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. Even where certain exemptions apply, information must still be released if it is in the public interest to do so.
- 3 When the school receives a request for information they must first decide whether it holds the information, or whether the request should be transferred to another organisation. The school has a duty to inform the enquirer if they do not hold the information.
- 4 If the school holds the information it should then provide the information within 20 working days, excluding school holidays. Where the school has asked the enquirer for more information, the 20 days starts when the further information has been received. Where the school makes a charge, the 20 days starts from the point when payment has been received.
- 5 Access to information includes providing extracts of a document, a summary of the information sought, or access to the original document. The need to preserve confidentiality of sensitive information must be taken into consideration.
- 6 There are certain circumstances when the school should not comply with a request
  - If it would cost over £450 to provide
  - If the request is considered vexatious or repeated
  - If one or more of the Act's exemptions apply
- 7 Many of the exemptions are intended to protect sensitive or confidential information. Some of the exemptions are there to avoid the legal position where two pieces of law cover the same information requested, or where the information is already available by some other means. These include:

- Personal information: a request for personal information is covered by the Data Protection Act (DPA) 1998. Individuals may continue to make a ‘subject access request’ under the DPA – these are where the enquirer asks to see what personal information the school holds about their son or daughter.
  - Environmental information: where information is covered by the Environmental Information Regulations 1992. This includes information that relates to air, water, land, natural sites, built environment, flora and fauna, health and any decisions and activities affecting any of these. These could include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information the school will follow the guidance on the DEFRA website.
  - Information accessible by other means: eg information that other legislation requires the school to provide.
- 8 The school will not charge for straightforward enquiries. Where there are significant costs in photocopying information the school will charge using the current reprographics ‘scale of charges’. The enquirer requesting information must be informed, in writing, of any charges, and pay the fee before the information is provided.
- 9 Requests for information must be in writing, which includes fax or email. Enquirers do not have to say why they want the information and the request does not have to mention the FOIA. The request must state the enquirer’s name and correspondence address (email addresses are allowed) and describe the information requested.
- 10 Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence and may result in criminal proceedings.
- 11 If the school decides to refuse a request, the enquirer should be issued with a refusal notice as specified in the guidance – [www.teachernet.gov.uk/foi](http://www.teachernet.gov.uk/foi). The Head Teacher should keep a record of all refusals and the reasons for the refusals. These records should be retained for 5 years. There is no requirement to keep records where information has been supplied.
- 12 Information includes both hard copy and digital information, including email.
- 13 If the information requested is already in the public domain, eg through the school’s Publication Scheme or on the website the enquirer should be directed to the information and informed how to access it.
- 14 There is no obligation to comply with vexatious requests. That is, a request that is designed to cause inconvenience, harassment or expense rather than to obtain information. This does not provide an excuse for bad records management.
- 15 If the school does not hold the information but believes the local authority holds the

information, the school should check with the LA, and then transfer the request to them. The school should inform the enquirer that the school does not hold the information and that they have transferred the request to the LA.

- 16 Where disclosure of information affects third parties they must be consulted.
- 17 Where the school has concerns about disclosing information they should look to see whether an exemption applies by consulting Annex A [www.teachernet.gov.uk/foi](http://www.teachernet.gov.uk/foi) at the same time applying the public interest test.
- 18 If an exemption applies and the school needs more time to consider the public interest test, the school should reply within 20 days stating that an exemption applies. An estimate must be provided stating when a decision on the public interest test will be made. This must be within a reasonable time – the recommendation is within 10 working days.
- 19 Where a request is made for a document that contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information.
- 20 All complaints should be handled through the school's existing complaints procedure which should be fair and impartial. The school should maintain records of all complaints and their outcome. Where the outcome is that the information should be disclosed this should be done as soon as practicable. When the outcome upholds the school's original decision, the applicant should be informed of their right to appeal to the Information Commissioner. They should appeal in writing to: FOI Compliance Team (complaints), Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
- 21 The school will provide an annual list of all documents available through the school's Publication Scheme.

### **Monitoring, Evaluation and Review**

The Head Teacher will monitor, evaluate the policy triennially through the Curriculum and Student Welfare Sub-Committee. The Deputy Head (Pastoral) will review the policy triennially.

### **Dissemination of the Policy**

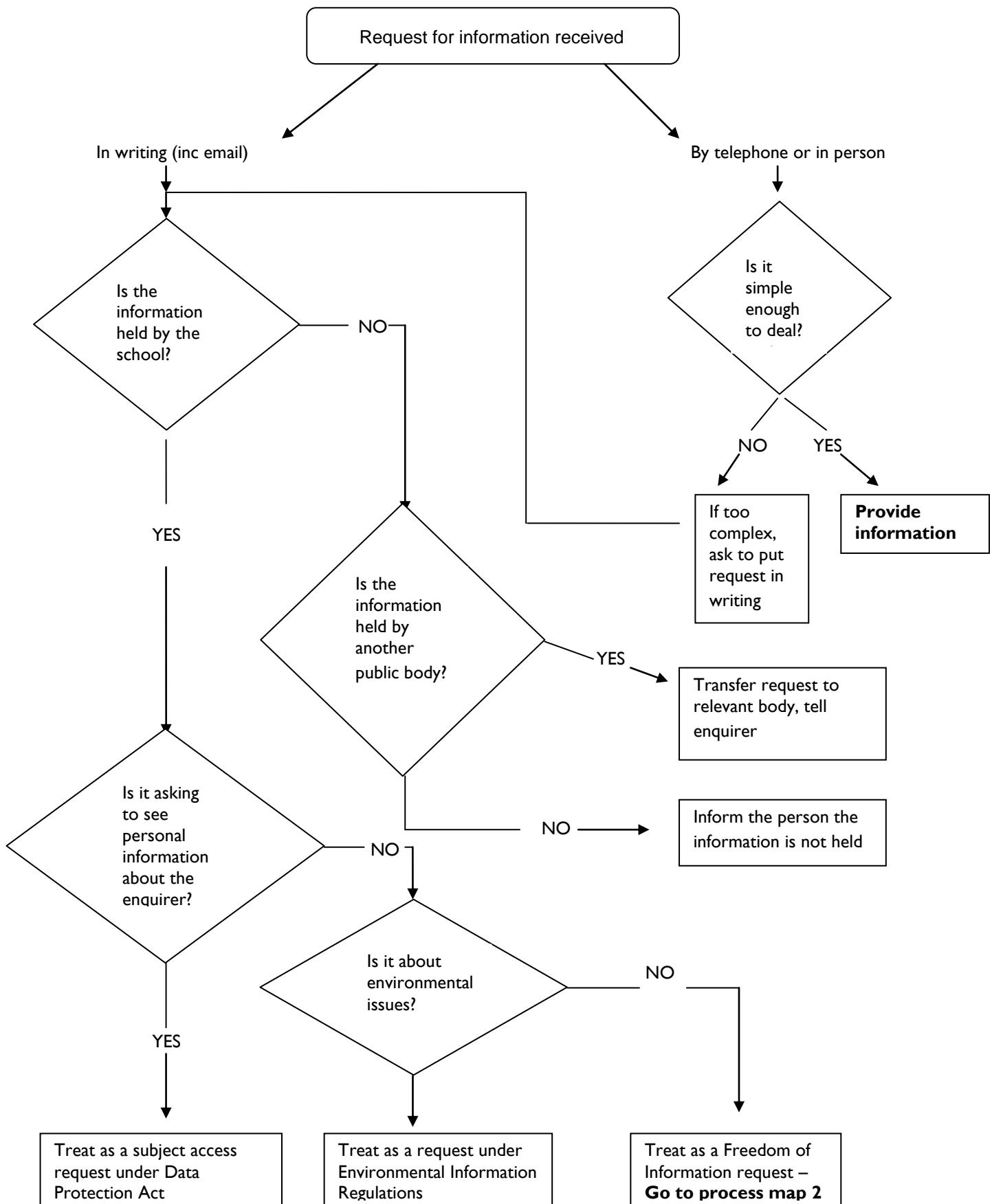
This policy is available on the school website, on request to parents, the LA and OFSTED through the Head Teacher.

### **Other policies that have relevance are:**

Data Security  
Complaints Procedure  
Data Protection Policy

Date approved by governors	March 2016
Date for review	March 2019

## I PROCESS MAP FOR RECEIVING REQUESTS FOR INFORMATION



## 2 PROCESS MAP FOR HANDLING FOI ENQUIRIES

