



Partnership Achievement Community Excellence

Freedom of Information Policy

Agreed by Directors: May 2018

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Purpose

The Trust is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

What is a request under FOI

Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can prepare the information and send to the Head Teacher/Head of School for review before it is returned. Time scales set out below must be met.

All other requests should be referred in the first instance to the Head Teacher, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.

When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information 'confidential' or 'restricted'.

Time limit for compliance

The Trust must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For the Trust, a 'working day' is one in which pupils are in attendance, subject to an absolute maximum of 60 calendar days to respond.

Procedure for dealing with a request

When a request is received, it should be referred in the first instance to the Head Teacher, who may re-allocated to an individual with responsibility for the type of information requested.

The first stage in responding is to determine whether or not the school 'holds' the information requested. The School will hold the information if it exists in computer or paper format. Some requests will require the school to take information from different sources and manipulate it in some way. Where this would take minimal effort, the school is considered to 'hold' that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offer the opportunity to refine their request.

The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include;

- Section 40 (1)- the request is for the applicants personal data. This must be dealt with under the SARs procedure;
- Section 40 (2) - compliance with the request would involve releasing third party personal data, and this would be in breach of the Data Protection principles as set out in the Data Protection Policy;
- Section 41- information that has been sent to the school (but not the school's own information) which is confidential;
- Section 21 - information that is already publicly available, even if payment of a fee is required to access that information;
- *Section 22 - information the School/Trust intends to publish at a future date;*

- *Section 43 – information that would prejudice the commercial interests of the School or Trust and/or a third party;*
- *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*
- *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*
- *Section 36 – information which, in the opinion of the Chair of Governors of the school, would prejudice the effective conduct of the School/Trust. There is a special form for this on the ICO’s website to assist with obtaining the Chair’s opinion.*

The sections in italics are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

Advice can be sort through the Trust legal support line.

Responding to a request

When responding to a request where the School has withheld some or all of the information, the school must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest has been applied, this also needs to be explained.

The letter should end by explaining to the requestor how they can complain by reference to an internal review by the Chair of Governor, or by writing to the Information Commision Office;

By post to Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By telephone: 0303 123 113 or 01625 545 745, or online at <https://ico.org.uk/concerns>

Review

This policy will be reviewed every two years or if the law relating to FOI is amended.