

Freedom of Information Policy

FREEDOM OF INFORMATION ACT 2000.
SCHOOL POLICY

Explanatory Notes Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FOI Act). Some aspects, such as charging are at the discretion of the Governing Board.

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1. Introduction

Goodrich Community Primary School is committed to the Freedom of Information Act 2000 and to openness and transparency in the provision of information to all persons or organisations who request it, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

2. Background

The Freedom of Information Act 2000 (FOI) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions. The information which the school routinely makes available to the public is included in the Model Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed. Requests under FOI can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirer's name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to a FOI enquiry. There is a time limit of 20 days excluding school holidays for responding to the request. For further information and guidance, see the DfE "Freedom of Information Act 2000 – A Guide for Maintained Schools on Full Implementation from January 2005."

3. Scope

The FOI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school. Requests for personal data are still covered by the Data Protection Act (DPA). Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly. Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOI Act, but unlike FOI Act requests, they do not need to be written and can be verbal. If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FOI Act, and must be dealt with accordingly.

4. Publication Scheme

Goodrich Community Primary School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. To access the Model Publication Scheme documentation, please follow the link: <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

5. Dealing with Requests

Your request must be in writing (letter, email or fax) to ensure that we have a clear statement of what is requested. We will normally confirm within 5 working* days whether or not we hold the information you request and, if we do, we will provide it within 20 working* days.

***Please note: Working days refers to term time only as contained in Statutory Instrument 3364.**

We will respond to all requests in accordance with the procedures laid down by the local authority. We will ensure that all staff are aware of the procedures.

6. Exemptions

In some circumstances we may withhold the information you have requested under one of the exemptions applicable under the legislation. Certain information is subject to either absolute or qualified exemptions. When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

7. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied. To access the Public Interest Test documentation, published by the Information Commissioner's Office please follow the link: https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf

8. Charging

Whilst we will provide most information free of charge, we may charge a fee for photocopying/printing/faxing/postage of longer documents where the required information is not listed in our Publications Scheme as being available either free of charge or at a stated charge. If you ask for information in an expensive alternative format, we may charge for this, subject to legislation, such as the Disabilities Discrimination Act. (See '**Charges**' below).

If we intend to charge for the provision of information, we will tell you in advance what the charge will be (through a fees notice) and will provide the information when we receive payment (cash or cheque). The time allowed for us to provide the information (20 working* days) does not include the period between the issuing of the fees notice and the receipt of the payment.

We may be unable to provide the information you request for any of the following reasons:

- We do not hold the information
- We are applying an exemption to the disclosure

- It would cost the School more than £450.00 to provide the information (this figure is set by Government and is based on the work exceeding 18.5 man hours to gather the information).
- If we are unable to provide the information we will do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep the cost down.
- The School will seek advice from the Local Authority's Information Governance Manager as necessary to clarify any points or to help resolve any disputes over information requests.

Charges

The general charge for photocopying, printing and faxing or emailing information as an attachment is 10p per sheet. Postage charges will be at the appropriate rate. For more substantial items, the fee charged depends on whether we estimate that it would cost more or less than £450.00 to provide the information.

In the vast majority of cases the cost will be under £450.00 and we will then charge only for photocopying, printing, faxing and postage. We may also charge for any work required to put the information into the required format, which could involve, for example:

- summarising the information;
- putting the information onto CD, or DVD;
- translating the information into a different language.

We will not normally charge for providing information in an alternative format where this is requested on grounds of disability.

9. Complaints

If you do not accept our reasons for declining to disclose the information requested you should write to the Chair of Governors at the school in the first instance. If you are not happy with their response, you may wish to contact the Information Commissioner at:

FOI/EIR Complaints Resolution
 Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

Telephone 01625 545700 – Helpline is open from 9am to 5pm, Monday to Friday
 Fax 01625 524510
 Email mail@ico.gsi.gov.uk

Signed (Chair of Governors) _____ Date_____

Signed (Headteacher) _____ Date_____