



Woolmore
Primary School

Freedom of Information Policy

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1. Introduction

The Freedom of Information (Fol) Act 2000 gives individuals the right to access official information from public bodies. 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 presumption of the Fol Act is that the School will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

Public Authorities should be clear and proactive about the information they will make public. For this reason, a Publication Scheme has been adopted. It is stored with other school policies in order to be available to staff and it is available on the school website for the use of the public.

This policy does not form part of any individual's terms and conditions of employment with the School and is not intended to have contractual effect. This policy should be used in conjunction with the school's other policies on Data Protection, in particular the Data Protection Policy.

2. Definitions of Requests

Requests for information made under data protection or environmental information legislation will be dealt with under the policies/procedures related to those requests. Requests for information made under the Freedom of Information Act will be made in accordance with this policy and any related procedures.

Data Protection enquiries (or subject access requests) are requests where the enquirer asks to see what personal information the school holds about the enquirer. If the enquiry is a Data Protection request, the School's Data Protection Policy should be followed.

Environmental Information Regulations enquiries are those which relate to air, water, land, natural sites, built environment, flora and fauna and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, follow the guidance on the Department for Environment, Food and Rural Affairs (DEFRA) website.

3. Making requests for information under the Fol Act 2000

These requests should be made to the Headteacher. However, such a request can be addressed to anyone in the School, so all staff need to be aware that any such requests should be passed to the School Business Manager (SBM) to deal with in accordance with the law and this policy.

Freedom of Information requests must be made in writing, on paper or by email. They should include the enquirer's name and correspondence address (email addresses are allowed) and state what information they require. They should include enough information for the School to be able to identify and find the information.

If the request is ambiguous and/or the School requires further information in order to deal with it, the School will request this further information directly from the individual making the request. The School does not have to deal with the request until the further information is received. Therefore, the time limit starts from the date that the School receives all information required in order to deal with the request.

The person making the request does not have to mention the Act, and 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 a time limit of 20 working days excluding school holidays for responding to the request.

4. Information

Provided all requirements are met for a valid request to be made, the School will provide the information that it holds (unless an exemption applies).

"Information" means both hard copy and digital information, including email.

"Holding" information means information relating to the business of the school which:

- the school has created; or
- the school has received from another body or person; or
- is held by another body on the school's behalf.

The person making the request has the right to be told whether the information requested is held by the School (subject to any of the exemptions) or not. This obligation is known as the school's "duty to confirm or deny" that it holds the information. However, the school does not have to confirm or deny if:

- the exemption is an absolute exemption; or
- in the case of qualified exemptions, confirming or denying would itself disclose exempted information.

The School has a duty to make a reasonable search before stating whether the School has the information requested and a duty to answer the enquiry. When the School does not hold the information, it has no duty to create or acquire it.

If the information requested is already in the public domain, for instance through the Publication Scheme or on the School's website, the School will direct the enquirer to the information and explain how to access it.

If the information may be held by another public authority, such as the Local Authority, rather than the School, the School will first check with that body whether they do hold the information requested. If that body does hold the requested information, the School will transfer the request to them. If this is the case, the School will notify the enquirer that it does not hold the information and to which public body it has transferred the request. The School will continue to answer any parts of the enquiry in respect of information it does hold.

5. Vexatious Requests

A vexatious request is one which is designed to cause inconvenience, harassment or expense rather than to obtain information and which would require a substantial diversion of resources or would otherwise undermine the work of the school to answer. This does not provide an excuse for the School to escape answering a request because of its own bad records management.

There is no obligation on the School to comply with vexatious requests. In addition, the School does not have to comply with repeated identical or substantially similar requests from the same applicant unless a "reasonable" interval has elapsed between requests.

6. Fees

The School may charge the person requesting information a fee to cover the cost of providing it. The school can include in the fee the cost of photocopying, printing and postage as well as staff time in determining whether the information is held by the School, locating and retrieving the information, and extracting the information from other documents. The School will not charge for the costs involved with considering whether information is exempt under the Act.

The costs are calculated at a fixed rate of £25 per hour, with a cap of £450 per request (i.e., 18 hours' work). If answering a request would cost more than the cap (£450), the school can turn the request down, answer and charge a fee, or answer and waive the fee.

If the School is going to charge for providing the information, it will send the enquirer a fees notice. The School does not have to comply with the request until the fee has been paid. More information on fees can be found on the ICO website.

If the school is planning to turn down a request for cost reasons, or to charge a high fee, it should discuss with the applicant in advance whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the cap or the fee could be reduced.

Where two or more requests are made to the School by different people who appear to be acting together or as part of a campaign, the estimated cost of complying with any one of the requests may be taken to be the estimated total cost of complying with them all.

7. Time Limits

Compliance with a request must be prompt and within the time limit of 20 working days (excluding school holidays). Failure to comply could result in a complaint by the person making the request to the Information Commissioner. The response time starts from the time the request is received (unless the School has asked the enquirer for more information, as set out above). Where the School has notified the enquirer that a charge is to be made, the time period stops until payment is received.

If some information is exempt, this will be set out in the School's response. If a qualified exemption applies and the School needs more time to consider the public interest test, the School will reply within 20 working days stating that an exemption applies and including an estimate of the date by which a decision on the public interest test will be made. This should be within a "reasonable" time.

8. Third Party Data

The School may need to consult third parties if their interests could be affected by the release of the information requested, and any such consultation may influence the School's reply to the FoI request.

It will be necessary to consult a third party if:

- disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or their rights under Article 8 of the European Convention on Human Rights;
- the views of the third party may assist the School to determine if information is exempt from disclosure; or
- the views of the third party may assist the School to determine the public interest test.

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act. If a request is made for a document (e.g. the confidential part of Governing Body minutes) which 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 as set out in the redaction procedure.

9. Exemptions

The School may refuse all or part of a request if one of the following applies:

- 1) there is an exemption to disclosure within the Act;
- 2) the information sought is not held;
- 3) the request is considered vexatious or repeated; or
- 4) the cost of releasing the information exceeds the cap.

A series of exemptions which allow the withholding of requested information is set out in the Act. Some are very specialised in their application (such as national security) and would not usually be relevant to schools.

There are two general categories of exemption:

- **Absolute:** where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest; and
- **Qualified:** where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

9a. Absolute Exemptions

The Act sets out eight absolute exemptions, of which only the following apply to the School:

- information accessible to the enquirer by other means (for example, by way of the School's Publication Scheme);
- National Security and/or Court Records;
- Personal information (i.e., information which would be covered by the Data Protection Act);
- Information provided in confidence.

If information requested is covered by an absolute exemption, the FoI Act does not require that information to be released. However, the School may release the information if, having considered all the facts of the case, the School decides that release is justified.

9b. Qualified Exemptions

The Act sets out a number of qualified exemptions (i.e., cases in which a qualified disclosure can or should be made). It also sets out the School's duty to consider the public interest when confirming or denying that the requested information exists and when disclosing it.

The qualified exemptions under the Act which apply to the School are:

- the information requested is intended for future publication and it is reasonable in all the circumstances for the requester to wait until such time that the information is actually published;
- reasons of National Security;
- government/international relations;
- release of the information is likely to prejudice any actual or potential legal action or formal investigation involving the School;
- law enforcement (i.e., if disclosure would prejudice the prevention or detection of crime, the prosecution of offenders or the administration of justice);
- release of the information would prejudice the ability of the School to carry out an effective audit of its accounts, resources and functions;
- for Health and Safety purposes;
- the information requested is Environmental information;
- the information requested is subject to legal professional privilege; and
- for "Commercial Interest" reasons.

Where the potential exemption is a qualified exemption, the School will consider the public interest test to identify whether the public interest in applying the exemption outweighs the public interest in disclosing it. In these cases, the School will document the fact that the public interest has been properly considered and will record its decision, with reasons.

10. Refusal

If it decides to refuse a request, the School will send a refusals notice, which must contain:

- the fact that the responsible person cannot provide the information asked for;
- which exemption(s) apply;
- why the exemption(s) apply to this enquiry (if it is not self-evident);
- the reasons for refusal; and
- the School's complaints procedure.

11. Record Keeping

The School will keep a record of all enquiries made under the Fol Act. This is for monitoring purposes and in case there is an appeal against a decision not to release information or an investigation by the Information Commissioner. The record will include:

- basic information to identify the request, who dealt with it and the decision;
- in cases where all or part of the requested information is withheld and exemptions are claimed, the record must include the reasons for the decision to withhold the information;
- the fact that the public interest has been properly considered and reasons for the decision.

12. Complaints and Appeals

Any written expression of dissatisfaction, whether submitted on paper or by email, should be dealt with as set out in the School's existing Complaints Policy and Procedures, including its time limits, requirement for the expression of dissatisfaction to be dealt with by someone not involved in the original decision, and the requirement to maintain records of concerns or complaints and the School's response.

If the outcome of the Complaints process is that the School's original decision or action is upheld, the person who requested the information can appeal to the Information Commissioner. The procedure for making such an appeal is set out on the Information Commissioner's website.