



ST. ANNE'S C.E.(VC) PRIMARY SCHOOL



FREEDOM OF INFORMATION POLICY

'Making Learning a Life Long Friend'

Approved:	July 2019
Review Date:	July 2022

St. Anne's CE Primary School will comply with:

The terms of the Freedom of Information Act 2000, and any subsequent relevant legislation, to ensure all information held by the school is treated in a manner that is fair and lawful.

This policy should be used in conjunction with St. Anne's Online Safety Policy and Data Protection Policy.

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.

Scope

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 FoIA, but unlike FoIA 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 FoIA, and must be dealt with accordingly.

Data Gathering and Storage

Information will only be gathered and stored for specified purposes.

In order to be able to respond to requests for information St. Anne's will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

Information held by St. Anne's will be regularly reviewed with a view to archiving or destruction, where appropriate.

Publication Scheme

St Anne's C.E. Primary School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. The Publication Scheme and the materials it covers will be readily available from the School office. It will also be published on our website.

Dealing with Requests for Information

Theoretically any request for information is a request under the Freedom of Information Act. However, St Anne's Primary School has taken the decision that it will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests. St. Anne's will assist applicants in making their request to have access to information held by the school.

Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, LA, hospital). St. Anne's will also exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information should still be dealt with in compliance with the 20 day deadline, whether they are recorded as Freedom of Information requests or not.

If a response will take longer than ten working days to respond an acknowledgement should be sent to the person making the request, informing them when the information will be supplied. This acknowledgement does to allow the school to exceed the overall 20 day deadline.

The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by the Department for Constitutional Affairs. If the estimated cost

of complying with the request does not exceed this amount the school is not entitled to make a charge for fulfilling the request.

A senior member of staff (Headteacher) will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.

Persons requesting data will be supplied with a copy of our complaints procedure.

Copies of data supplied should be retained for two years from the date it was put into the public domain.

Applying Exemptions

A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption - absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

The decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Governors, other Governors, Headteacher, Deputy Headteacher.

Even if the group decides information should not be disclosed, a public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

Advice should be sought from Learning and Culture's Data Protection and Freedom of Information Manager or Legal Services if there is any doubt as to whether information should be disclosed.

Logging Requests Received

St. Anne's will keep a record (See Appendix 1) of all requests received for monitoring purposes, noting:

- a) the date the request was received,
- b) name and contact details of the person or organisation making the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20 day deadline.

This policy will be included in the Staff Handbook and reviewed annually.

Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure. We will aim to determine all complaints within 28 working days of receipt. The school will maintain records of all complaints and their outcome. If on investigation the school's original decision is upheld, then the school has a duty to inform the complainant of their right to appeal to the Information Commissioner's office. Appeals should be made in writing to the Information Commissioner's office.

They can be contacted at:

FOI/EIR Complaints Resolution

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

APPENDIX 1 – ST. ANNE'S LOG OF REQUESTS RECEIVED

APPENDIX 2 CHARGING

Important: Different charges apply for requests under the Data Protection Act

May I charge a fee?

FOI does not require charges to be made but schools have discretion to charge applicants a fee in accordance with the Fees Regulations (fees Regulations on the DCA website www.dca.gov.uk/foi/secleg.htm)

What steps should we take in considering whether to charge?

Step 1. Is the information exempt for the purposes of the FoI Act?

If information is exempt, then fees do not apply. You may not know if information is exempt until it has been located and checked. However, there are many instances, for example information in your publication scheme, when it is automatically exempt. If you wish to charge for information in your publication scheme, this should be made clear in the scheme itself. The school would need to contact the enquirer to inform them that the information is exempt, and how to obtain it.

Step 2. Do you wish to calculate whether the cost of the request would exceed the appropriate limit (currently £450)? In many cases, it will be obvious that the request would cost less than the appropriate limit, so there would be little point in making the calculation.

Step 3. Calculate the appropriate limit

Staff costs are calculated at £25 per hour. When calculating whether the limit is exceeded, schools can take account of the costs of determining whether the information is held, locating and retrieving the information, and extracting the information from other documents. They cannot take account of the costs involved with considering whether information is exempt under the Act.

Step 4. Requests costing less than the limit

If a request would cost less than the limit, schools can only charge for the cost of informing the applicant whether the information is held, and communicating the information to the applicant (e.g. photocopying, printing and postage costs)

Step 5. Requests exceeding the limit

If a request would cost more than the limit, the school can turn the request down, answer and charge a fee, or answer and waive the fee. If you choose to comply with a request where the estimated cost exceeds the threshold you should calculate the charge as outlined in our Freedom of Information policy, plus the costs of informing the applicant whether the information is held, and communicating the information to them (e. printing and postage costs)

Step 6. For all requests, schools should have regard to the following two points:

- The duty to provide advice and assistance to applicants. If planning to turn down a request for cost reasons, or charge a high fee, you should contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.
- Maximum amount that can be charged. The Regulations set out the maximum amount that can be charged. However there is nothing to stop schools charging a lesser or no fee. Governing bodies should develop a consistent policy on charging.
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May I aggregate the costs where there are multiple requests?

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 of the requests is to be taken to be the estimated total cost of complying with them all, provided that:

- (a) the two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related;
- (b) the last of the requests is received by the school before the twentieth working day following the date of receipt of the first of the requests; and
- (b) it appears to the school that the requests have been made in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the appropriate limit. If you get multiple requests for the same information, it is good practice to include the information in your publication scheme.

How do I inform the applicant of the fee?

1. Where you intend to charge a fee for complying with a request for information then the school must give the person requesting the information notice in writing (the "fees notice") stating that a fee of the amount specified in the notice is to be charged for complying.
2. Where a fees notice has been given to the person making the request, you do not need to comply with the request unless the fee is paid within three months of the notice being received.