# Freedom of Information Policy

## Ferndale Primary School

Version 3

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## 1. Introduction – What is Freedom of Information (FOI)?

The Freedom of Information Act 2000 (FOIA) provides public access to information held by public authorities. As a school, we are obliged to publish certain information about our activities and members of the public are entitled to request information from us.

The Act covers any recorded information that is held by a public authority (see section 3 'scope' for further information). Therefore, as a school, this policy has been put into place to ensure all staff and Governors in the school have an understanding of the scope of the FOIA, and the working practices that must be employed in order to respond to an FOI request upon receipt.

## 2. Background

The Freedom of Information Act 2000 came 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. While the Act assumes transparency and openness, it recognises that certain information is sensitive. There are exemptions to protect this information - see section 8 for more details.

The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The DfEs Retention Schedule produced by the Records Management Society of Great Britain, is used by the school, which outlines how long school records should be retained.

Requests for information will be dealt with in accordance with the statutory guidance.

Requests under FOI can be addressed to anyone in the school. All staff are aware of the process for dealing with requests. FOI requests must be made in writing, (including email) – see section 7 for more details.

The request does not need to mention the Act, nor does the enquirer have to say why they want the information.

The school will respond to all requests and will advise 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 days excluding school holidays or 60 working days, whichever is the shortest period of time for responding to the request.

## 3. Scope

The FOIA joins the Data Protection Act (DPA) and the Environmental Information Regulations (EIR) as legislation under which anyone is entitled to request information from the school. Requests for personal data in the form of a Subject Access Request are still covered by the DPA in line with the General Data Protection Regulation (GDPR). See our Data Protection Policy on our website for more details. Requests for information about anything relating to the environment – such as air, water, land, the natural world or the

building environment and any factor or measure affecting these – are covered by the 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 the FOIA. However, unlike the 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 will be dealt with under DPA or EIR. Any other information is a request under the FOIA and will be dealt with accordingly.

**4. Obligations and Duties**

The school recognises its obligation to provide advice and assistance to anyone requesting information and before they have made their request if required.

We will respond to straightforward verbal requests for information and will advise enquirers whether or not we hold the information they are requesting (the duty to confirm or deny)

Where it is determined that the request requires more detailed information the requester may be asked to put their request in writing at this point see section 7 'Dealing with Requests'.

We will provide access to the information we hold in accordance with the procedures laid down by the local authority.

This policy will apply to any member of staff in the school who process information of public interest. Such individuals will ensure that they are familiar with the contents identified within this policy and will refer to this policy when carrying out their duties.

**5. The FOIA Principles**

The main principles behind FOI legislation are that people have a right to know about the activities of public authorities and all requests for information will be treated equally.

**6. Published Information**

In line with the requirements of the Information Commissioner's Office (ICO) Ferndale Primary School ensures policies and procedures, minutes of meetings, annual reports and financial information is made available as part of the 'publication scheme' approved by the ICO.

**7. Dealing with Requests**

To be a valid request under the Act, the request must:

- be in writing.
- either include the requesters real name, organisation, solicitor (on behalf of a client)
- include an address for correspondence.
- include a description of the information requested.

However, any written request will be viewed as an FOI request prior to further investigation.

When responding to an FOI request, we will tell the requester whether we hold the information and will provide such information that falls within the scope of their request.

We will respond promptly to a request within 20 school days or 60 working days, whichever is the shortest period of time. School holidays and training days are excluded as per the FOI (Time for Compliance with Request) Regulations. A written response will be provided within the standard time limit.

Where information is not held by the school the requester will be advised in writing.

**8. Exemptions**

If a request for information includes an individuals' personal data, the case will be assessed for transparency and openness under the FOIA against the data subjects' right to privacy under the Data Protection Act. A decision will be made as to whether the information can be released without breaching the data protection principles. This will be carried out in line with advice from our Data Protection Officer.

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 clear record where we have refused to supply information, and the reasons for the refusal. Records will be retained in line with the Information Records Management Society recommendations.

**9. Charging**

In certain cases, we may apply a charge to recover communication costs such as photocopying, printing and postage. A 'fees notice' will be sent to the requester and information will be provided following receipt of payment.

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum. We will maintain a clear record of this and will retain such records in line with the Information Records Management Society recommendations.

**10. Complaints**

In the first instance where there are concerns about the way an FOI request has been addressed, concerns, questions or complaints, can be discussed with the Data Protection Officer at gdpr@sips.co.uk or telephone number 0121 296 3000.

If an individual remains dissatisfied with the assistance that they have received or if they do not feel their FOI request has been dealt with appropriately, they can make a formal complaint to the Information Commissioners Office who is an independent regulator. This can be done:

- via the website at www.ico.org.uk;

- Telephone: 0303 123 1113;
- or in writing to:  Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A