

Freedom of Information Policy

Policy owner:	Chief Operations Officer
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1. INTRODUCTION

The Freedom of Information Act 2000 (FOIA) gives the general right of public access to all types of 'recorded' information held by public authorities and requires public authorities to respond to requests for information within 20 days. Anyone may request information for any reason. FOIA covers both old and new information and applies to information recorded in any format. This includes: printed documents, computer files, letters, emails, photographs, sound and video recordings, e.g. telephone conversations and CCTV.

Public authorities are not required to create new information in order to comply with a request for information under the Act. They only need to consider information that already exists at the time the request is received.

The Act requires public authorities to produce a 'Publication Scheme' to inform the public of information which is routinely made available and how they can access it,

This policy relates to all the organisations belonging to the Coastal Collaborative Trust, hereby referred to as the Trust.

2. POLICY STATEMENT

Coastal Collaborative Trust (CCT) will ensure that appropriate systems, procedures and operational guidance are in place to ensure that the requirements of the FOIA are met. Documents/information will be stored and retained in accordance with the Trust's Data Protection Policy and the Document Retention Policy.

2.1 Publication Scheme

The Trust has adopted the ICO's Model Publication Scheme, which lists the documents which are routinely published by the Trust Academies under the following categories:

1. Who we are and what we do
2. What we spend and how we spend it
3. What are priorities are and how we are doing
4. How we make decisions
5. Our policies and procedures
6. Lists and registers
7. The services we offer.

2.2 Making information available

The publication scheme and many of the documents referred to within it, are available on Coastal Collaborative Trust's website. Requests for information not available on the website must be made in writing to the Trust or the Academy.

Anyone can ask for the Trust or one of its Academies to provide information which is not otherwise published, by putting their request in writing (including email, social media, etc.) and stating their name (this must be their real name and not a pseudonym) and address (or email address) and describing the information required. It is helpful if the person making the request makes reference to the Freedom of Information Act so that the request can be directed to the appropriate person.

The Trust will respond to the request within **20 working days*** to:

- provide the information; or
- seek clarification if it unclear what information is being requested; or
- confirm if there is a fee for providing the information; or
- communicate if the information will take longer to collate and when it will be available; or
- confirm that the information is exempt and explain the reasons why.

CCT will provide advice and assistance, as far as is reasonable, to anyone seeking information about the Trust or any of its Academies.

****N.B. 20 working days are days when the Trust and their Academies are open during term time, i.e. excluding school/college holidays, weekends and bank holidays.***

2.3 Charges

CCT will not charge for information that is routinely available from its website or in electronic format.

A minimum charge of £10.00 will be made for requests not available electronically, to cover printing, staff time and postage.

Where a significant amount of time or resources are needed to collate the information to comply with a request, the Trust reserves the right to pass that cost to the requester. Any such charges will comply with the Information Commissioner/s guidelines for charging and requesters will be notified in writing of the cost, deadline for payment and acceptable methods of payment. Where a charge is payable, this must be paid before the information is sent. The 20 working days period for responding to the request will be paused until payment is received.

2.4 Exclusions

- Information will not be disclosed if it meets the conditions of exemptions (see Appendix A) or contravenes the Data Protection Act/Policy
- A request for environmental information will be dealt with under the Environmental Information Regulations 2004.
- A request for a person's own personal data will be dealt with under the subject access provisions of the Data Protection Act 2018.
- Information held by the Trust on behalf of another person or body is not covered by the Act.
- Sometimes it might be necessary to consider a request under more than one access regime,

- CCT can refuse to deal with a request where the estimated cost of responding exceeds the appropriate limit as defined in the Act, currently £450 (calculated as 18 hours work)

2.5 Vexatious requests

CCT is not obliged to provide a substantive response to a request if the request is vexatious.

The Trust will consider the following in determining if the request is vexatious:

- Is the request abusive, offensive or threatening?
- What is the burden imposed on the public authority by the request?
- Is there a personal grudge behind the request?
- Is the requester unreasonably persisting in seeking information in relation to issues already addressed by the Trust?
- Does the request have any serious purpose or value?
- What other requests have been made by the same requester to the Trust or one of its Academies, how many times and the matter of the requests?
- Have there been any previous dealings with the requester?

Guidance will be sought from the Information Commissioner's Office, where necessary.

3. RESPONSIBILITIES AND COMPLIANCE

The **Chief Operating Officer (COO)** will have overall responsibility for Freedom of Information, supported by the Trust's **Data Protection Officer (DPO)**. The COO is responsible for ensuring that the policy and publication schemes are up to date and comply with the most recent legislation. They are also responsible for the oversight and implementation of this policy, ensuring that staff are aware of the Freedom of Information Policy and their responsibilities, and providing advice and guidance to staff regarding their compliance.

Statistics relating to the number of Freedom of Information requests will be reported to the Trust's Audit and Risk Committee annually.

The **Academy Headteachers/Principal** will be responsible for staff training and awareness raising and ensuring there is a nominated person to record requests for information and ensure the timescales are met.

The **nominated person** at each Academy will log all requests and will forward to the appropriate person for a response. They will seek advice from the Trust's Data Protection Officer to ensure that the request does not contravene the Data Protection Policy. It may also be necessary to seek advice from the COO or Chief Financial Officer (CFO) regarding exemptions and protecting commercial interests. The nominated person will ensure that a response is sent within the policy timescales.

Requests for information can be directed to any member of staff and therefore **all staff** need to know what to do if they receive a request for information from an organisation or a member of the public. The key information all staff need to know is:

- any request for information must be made in a recorded format, e.g. email, letter, written telephone message;
- the person requesting the information does not need to make the request as a Freedom of Information request. All they need to do is request information;
- the person requesting the information needs to provide their real name, not a social media handle;
- staff are not entitled to know why the requester wants the information or whether the person requesting the information is genuine;
- a request for information may come to any part of the Trust from anywhere in the world;
- by law, the request for information must be answered within **20 working days** so staff must act quickly in order to comply with the Act.

How staff should handle the information request depends on the nature of it and their role within the Trust/Academy. If staff receive a request for information which:

- mentions Freedom of Information, or
- is **not** information which is routinely provided,

They should forward the request immediately to the nominated person at their Academy or to Julia Hardy, PA to the Trust Leader if it relates to the Trust rather than a specific Academy. The nominated person will record the request and pass it on to the most appropriate person to respond.

Reasons including data protection, confidentiality and commercial interests of the Trust may mean that the information is not covered by the Act and should not be released. Staff should be aware of and understand the principles of the Data Protection Policy and not disclose any information which contravenes them.

This policy will be routinely reviewed every three years unless legislation or Trust practice requires changes to be made.

4. COMPLAINTS AND APPEALS

Complaints can be made to the Chief Operating Officer at the Trust, within 40 days of the response to the original request. We will respond to complaints within 20 working days, or will inform the complainant if the response is likely to take longer than this.

If the complainant is not satisfied with the response they may may complain to the:

Information Commissioner's Office
 Wycliffe House,
 Water Lane,
 Wilmslow,
 Cheshire.
 SK9 5AF

www.ico.org.uk

5. APPENDIX 1 - Table of FOI Act Exemption Clauses (from ICO FOI Code of Practice)

The table below sets out a straightforward reference guide to the exemption clauses that are set out under Part II of the FOI Act. Detailed guidance on the application of these exemptions is set out on the website of the Information Commissioner's Office.

* starred exemptions are absolute; all other exemptions require a public interest test.

Section No.	Description
21*	Information accessible to the applicant by other means.
22	Information intended for future publication.
22A	Information obtained in the course of, or derived from, a programme of research.
23*	Information supplied by, or relating to, bodies dealing with security matters.
24	Information for the purpose of safeguarding national security.
26	Information that would, or would be likely to, prejudice defence of the realm.
27	Information that would, or would be likely to, prejudice international relations.
28	Information that would, or would be likely to, prejudice relations between any administration within the United Kingdom.
29	Information that would, or would be likely to, prejudice the economic or financial interests of the United Kingdom or any part of it.
30	Information held for the purposes of investigations and proceedings conducted by public authorities.
31	Information that would, or would be likely to, prejudice law enforcement.
32*	Information contained in court documents or records.
33	Information that would, or would be likely to, prejudice the exercise of audit functions.
34*	Information for which exemption is required to avoid an infringement of the privileges of either House of Parliament.
35	Information that relates to the formulation or development of Government policy.
36*	Information that would, or would be likely to, prejudice the collective responsibility of Ministers, inhibit the free and frank provision of advice or prejudice the effective conduct of public affairs. This exemption is absolute only in relation to information held by the House of Commons or the House of Lords.
37*	Information relating to communications with His Majesty and other members of the Royal Household or the conferring of honours (absolute exemption in relation only to communications with the Sovereign, the heir to the Throne or second in line to the Throne).
38	Information that would, or would be likely to, endanger the safety or the physical or mental health of an individual.

39	Environmental information within the meaning of the Environmental Information Regulations Act 2004.
40*	Personal data (absolute exemption in relation only to information that is the personal data of the applicant).
41*	Information that is obtained from another person or public authority and its disclosure would constitute an actionable breach of confidence.
42	Information that is covered by legal professional privilege.
43	Information that constitutes a trade secret or would, or would be, prejudice commercial interests.
44*	Information that is prohibited from disclosure by any enhancement, EU obligation or whose disclosure would constitute contempt of court.