Freedom of Information Policy And Publication Scheme

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Statement of intent

As a public authority, Matrix Multi-Academy Trust and its academies have an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How our Trust and its academies will respond to requests from individuals for access to information held about them.
- Our Trust's policy and procedures for the release and publication of private data and public records.
- Our Trust's policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the Trust or academy in obtaining any requested information, and on charging fees for its provision.

Legal framework

1.1. This policy has due regard to the following legislation:

- The Data Protection Act 2018
- The General Data Protection Regulation (UKGDPR)
- The Freedom of Information Act 2000

1.2. This policy also has due regard to guidance, including, but not limited to, the following:

- Information Commissioner's Office The Freedom of Information Code Of Practice
- Information Commissioner's Office 'Model publication scheme'
- Ministry of Justice 'Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000'

1.3. This policy will be viewed in conjunction with the following other Trust policies:

- Data Protection Policy
- Records Management Policy and Trust retention schedule

Accepting requests for information

2.1. The Trust or academy will only accept a request for information which meets all of the following criteria:

- It is in writing
- It states the name of the applicant and an address for correspondence
- It describes the information requested
- It describes the academy the request relates to

2.2. A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

2.3. The Trust or academy will publish details of its procedures for dealing with requests for information on the website, which includes:

- A contact address and email address
- A telephone number
- A named individual to assist applicants with their requests

General right of access to information held by the Trust

3.1. Provided that the request complies with section 2 of this policy, the Trust or academy will, no later than 20 working days from receipt of the request, comply with its duty to:

- Confirm or deny to any person making a request for information to the Trust or academy, whether it holds information of the description specified in the request.
- Provide the documentation, if the Trust or academy confirms that it holds the requested information.

3.2. The Trust will not comply with section 3.1 of this policy where:

- The Trust or academy reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.

3.3. Where information is, or is thought to be, exempt, the Trust or academy will, within 20 working days, give notice to the applicant which:

- States the fact.
- Specifies the exemption in question.

3.4. The information provided to the applicant will be in the format that they have requested, where possible.

3.5. Where it is not possible to provide the information in the requested format, the Trust or academy will assist the applicant by discussing alternative formats in which it can be provided.

3.6. The information provided will also be in the language in which it is held, or another language that is legally required. If the Trust or academy is required to translate any information, it will do so.

3.7. If, under relevant disability and discrimination regulations, the Trust or academy is legally obliged to provide the information in other forms and formats, it will do so.

The appropriate limit

4.1. The Trust or academy will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450 or 18 staff hours.

4.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the Trust or academy will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of the Trust or academy, are to be estimated at a rate of £25 per person per hour.

4.3. Where multiple requests for information are made to the Trust or academy within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the Trust or academy of complying with all of them.

Charging fees

5.1. The Trust or academy may, within 20 working days, give an applicant who has requested information, a written notice stating that a fee is to be charged for compliance.

5.2. Charges may be made for disbursements, such as the following:

- Photocopying
- Postage and packaging
- Costs directly incurred as a result of viewing information

5.3. Fees charged will not exceed the total cost to the Trust or academy of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

5.4. Where a fee is to be charged, the Trust or academy will not comply with section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

5.5. The Trust or academy will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.

5.6. When calculating the 20th working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

Means by which communication is to be made

6.1. Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the Trust or academy will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.

- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

Providing advice and assistance

7.1. The Trust will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the Trust or academy.

7.2. The Trust or academy may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the Trust or academy holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the Trust or academy is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the Trust or academy to assist the individual who has submitted the request.

7.3. The Trust or academy will provide assistance for each individual on a case-by-case basis; examples of how the Trust will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000.
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category.
- Advising an applicant if information is available elsewhere and how to access this information.
- Keeping an applicant informed on the progress of their request.

7.4. In order to provide assistance as outlined above, the Trust or academy will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.

- Remain prepared to assist an applicant who has had their request denied due to an exemption.

7.5. The Trust or academy will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

7.6. In circumstances where an applicant has difficulty submitting a written request, the Trust or academy will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

  NB. This list is not exhaustive and the Trust or academy may decide to take additional assistance measures that are appropriate to the case.

7.7. Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the Trust or academy, as a matter of good practice, will provide advice and assistance.

7.8. The Trust or academy will advise the applicant how and where information can be obtained, if it is accessible by other means.

7.9. Where there is an intention to publish the information in the future, the Trust or academy will advise the applicant of when this publication is expected.

7.10. If the request is not clear, the Trust or academy will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

7.11. If the Trust or academy is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.

7.12. If any additional clarification is needed for the remainder of a request, the Trust or academy will ensure there is no delay in asking for further information.

7.13. If an applicant decides not to follow the Trust's or academy's advice and assistance and fails to provide clarification, the Trust or academy is under no obligation to contact the applicant again.

7.14. If the Trust is under any doubt that the applicant did not receive the advice and assistance, the Trust or academy will re-issue it.

7.15. The Trust or academy is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.

7.16. The Trust or academy is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the Trust will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

7.17. A record will be kept in the Trust Office of all the advice and assistance provided.

Publication scheme

8.1. The Trust will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the Trust/Academy website(s), and whether the information will be available free of charge or on payment.

8.2. The publication scheme will be reviewed and, where necessary, updated on an annual basis.

Right to review / Complaints

If you feel that your request has not been handled appropriately, you have the right to request an internal review following the issue of a final decision.

A request for review should be made in writing to the Trust Data Protection Officer by emailing DPO@matrixacademytrust.co.uk,

or by post to Matrix Academy Trust, International House (1st Floor), 20 Hatherton Street, Walsall, WS4 2LA

Your request for review should be submitted within 20 days of receipt of a decision.

The Trust will conduct an internal review into your complaint respond to you within a calendar month.

If you are unsatisfied with the response the Trust has provided, you have the right to contact the Information Commissioners Office. You can do this online at:

https://ico.org.uk/make-a-complaint/your-personal-information-concerns/

Any complaints that do not directly relate to the handling of personal data, should be submitted to the Trust following the guidance available in the Trust's Complaints Policy. This can be found on the policies page of the relevant school's website.

Monitoring and policy review

This policy will be reviewed every two years or in light of any changes to relevant legislation

Model Publication Scheme

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

1. Classes of information

Information that is available under this scheme includes:

- Who we are and what we do
- What we spend and how we spend it
- What are our priorities are and how we are doing?
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form, or notes, documents in older versions, emails or other correspondence.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

Information published	How the information can be obtained
Session times and term dates Details of academy session times and dates of school terms and holidays.	Academy Websites/Electronic document available on request
Location and contact information The address, telephone number, email addresses and websites for the Trust and Academies together with the names of key personnel.	Website/Electronic document available on request
Prospectus and curriculum • The contents of t prospectuses • An outline of the academy's curriculum	Websites/Electronic document available on request
Governance Information The names of the Board of Directors, Trustees and local governors, the basis on which they have been appointed, along with details of how to contact them via the school.	Website/Electronic document available on request
Articles of Association The Articles of Association set out the charitable purposes of the Trust and its governance structure	Website/Electronic document available on request

What we spend and how we spend it Financial information about projected and actual income and expenditure, procurement, contracts and financial audit. • Annual budget plan and financial statements • Capital funding • Financial audit reports	Website/Electronic document available on request
Procurement and contracts Details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process.	Electronic document available on request
Pay policy The statement of the school's policy and procedures regarding teachers' pay.	Electronic document available on request
Staff allowances and expenses Details of the allowances and expenses that can be incurred or claimed. • Staff pay and grading structures • Trustees' allowances Details of allowances and expenses that can be incurred or claimed, and a record of total payments made to individual governors.	Electronic document available on request
What our priorities are and how we are doing Strategies and plans, performance indicators, audits, inspections and reviews. • Performance data supplied to the government • Latest Ofsted report • Performance management policy and procedures adopted by the Trust Board • • Safeguarding and child protection	Website Website/Electronic document available on request
How we make decisions Decision-making processes and records of decisions. • Admissions policy / decisions • Minutes of meetings of the governing body and its committees	Website Electronic document available on request
Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities. • Academy policies and other documents • Records management and personal data policies • Equality and diversity	Website/Electronic document available on request

• Policies and procedures for the recruitment of staff • Charging regimes and policies	
Lists and registers • Curriculum circulars and statutory instruments • Any information the school is currently legally required to hold in publicly available registers	Electronic document available on request
The services we offer Information about the services the school provides including leaflets, guidance and newsletters.	Website/Electronic document available on request

2. How to request information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the Trust using the below contact details:

Matrix Academy Trust, International House (1st Floor), 20 Hatherton Street, Walsall, WS4 2LA
To enable us to process your request quickly, please mark all correspondence:
"Freedom Of Information Request"

Documents can be translated under disability legislation into accessible formats where possible. You can also email requests to: DPO@matrixacademytrust.co.uk

3. Charges

Documents contained in this scheme are free to view on the Trust website. Where paper copies of documents are requested, a fee for administration, printing/copying and postage may apply. These charges will be notified to the requestor prior to disclosure.

4. Feedback

We welcome any comments or suggestions you may have regarding this scheme. Please contact the Data Protection Officer using the following contact details: Matrix Academy Trust International House (1st Floor), 20 Hatherton Street, Walsall, WS4 2LA

Appendix A – Exemptions

When can we withhold information under an exemption?

Exemptions exist to protect information that should not be disclosed, for example because disclosing it would be harmful to another person or it would be against the public interest.

The exemptions in *Part II of the Freedom of Information Act* apply to information. This may mean that you can only apply an exemption to part of the information requested, or that you may need to apply different exemptions to different sections of a document.

You do not have to apply an exemption. However, you must ensure that in choosing to release information that may be exempt, you do not disclose information in breach of some other law, such as disclosing personal information in breach of the *Data Protection Act 2018 and/or GDPR.* Nor do you have to identify all the exemptions that may apply to the same information, if you are content that one applies.

You can automatically withhold information because an exemption applies only if the exemption is 'absolute' (see list below). However, most exemptions are not absolute but are 'qualified' (see below). This means that before deciding whether to withhold information under an exemption, you must consider the public interest arguments. This balancing exercise is usually called the public interest test (PIT). The Act requires you to disclose information unless there is good reason not to, so the exemption can only be maintained (upheld) if the public interest in doing so outweighs the public interest in disclosing the information.

A) Absolute Exemptions – those where the public interest test does not apply

Section 21 - Information accessible by other means

This exemption applies if the information requested is already accessible to the requester. You could apply this if you know that the requester already has the information, or if it is already in the public domain. For this exemption, you will need to take into account any information the requester gives you about their circumstances. For example, if information is available to view in a public library in Southampton, it may be reasonably accessible to a local resident but not to somebody living in Glasgow. Similarly, an elderly or infirm requester may tell you they don't have access to the internet at home and find it difficult to go to their local library, so information available only over the internet would not be reasonably accessible to them. When applying this exemption, you have a duty to confirm or deny whether you hold the information, even if you are not going to provide it. You should also tell the requester where they can get it.

Section 23 - National Security

The section 23 exemption applies to any information you have received from, or relates to, any of a list of named security bodies such as the security service. You do not have to confirm or deny whether you hold the information, if doing so would reveal anything about that body or anything you have received from it. A government minister can issue a certificate confirming that this exemption applies.

Section 32 - Court Records

This exemption applies to court records held by any authority (though courts themselves are not covered by the Act).

To claim this exemption, you must hold the information only because it was originally in a document created or used as part of legal proceedings, including an inquiry, inquest or arbitration.

This is an unusual exemption because the type of document is relevant, as well as the content and purpose of the information they hold.

You also do not have to confirm or deny whether you hold any information that is or would fall within the definition above.

Section 34 - Parliamentary Privilege

You can use this exemption to avoid an infringement of parliamentary privilege. Parliamentary privilege protects the independence of Parliament and gives each House of Parliament the exclusive right to oversee its own affairs. Parliament itself defines parliamentary privilege, and the Speaker of the House of Commons can issue a certificate confirming that this exemption applies; the Clerk of the Parliaments can do the same for the House of Lords. A certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.

Section 36 - Effective Conduct of Public Affairs - so far as relating to information held by the House of Commons or the House of Lords

Section 40(1) – Personal information of the requester

This exemption confirms that you should treat any request made by an individual for their own personal data as a subject access request under the *Data Protection Act 2018.* You should apply this to any part of the request that is for the requester's own personal data. They should not be required to make a second, separate subject access request for these parts of their request. If the information contains some of the requester's personal data plus other non-personal information, then you will need to consider releasing some of the information under the *Data Protection Act* and some under the *Freedom of Information Act.*

Section 40(2) – Data protection

This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the *Data Protection Act 2018.*

If you wish to rely on this exemption, you need to refer to the *Data Protection Act* as the data protection principles are not set out in the *Freedom of Information Act.*

This exemption can only apply to information about people who are living; you cannot use it to protect information about people who have died. The most common reason for refusing information under this exemption is that it would be unfair to the individual concerned.

Section 41 - Information provided 'In Confidence'

This exemption applies if the following two conditions are satisfied:

-you received the information from someone else; and

-complying with the request would be a breach of confidence that is actionable

You cannot apply this exemption to information you have generated within your organisation, even if it is marked "confidential". However, you can claim it for information you originally received from someone else but then included in your own records. To rely on this exemption, you must apply the legal principles of the common law test of confidence, which is a well-established though developing area of law. This exemption is absolute so you do not need to apply the public interest test. However, you will still need to consider the public interest in disclosure, because the law of confidence recognises that a breach of confidence may not be actionable when there is an overriding public interest in disclosure.

Section 44 - Prohibitions on disclosure

You can apply this exemption if complying with a request for information:

-is not allowed under law;

-would be contrary to an obligation under EU law; or

-would constitute contempt of court.

This exemption is often used by regulators.

Exemptions where the public interest test applies

The exemptions below are qualified by the public interest test.

Section 22 - Information Intended for Future Publication

This exemption applies if, when you receive a request for information, you are preparing the material and definitely intend for it to be published, and it is reasonable not to disclose it until then. You do not need to have identified a publication date. This exemption does not necessarily apply to all draft materials or background research. It will only apply to the material you intend to be published.

You do not have to confirm whether you hold the information requested if doing so would reveal the content of the information.

Section 22A – research information

This exemption applies if, when you receive a request for information,

- you hold information on an ongoing programme of research;
- there is an intention by someone –whether an individual or organisation, private or public sector - to publish a report of the research; and
- disclosure of the information would or would be likely to prejudice the research programme, the interests of participants in the programme, or a public authority holding or intending to publish a report of the research.

So long as the research programme is continuing, the exemption may apply to a wide range of information relating to the research project. There does not have to be any intention to publish the particular information that has been requested, nor does there need to be an identified publication date. You do not have to confirm whether you hold the information requested if doing so would reveal the content of the information.

Sections 24 – national security

The section 24 exemption applies if it is “required for the purpose of safeguarding national security”. The exemption does not apply just because the information relates to national security. A government minister can issue a certificate confirming that this exemption applies and this can only be challenged on judicial review grounds. However, the exemption is qualified by the public interest test.

Sections 26 to 29

These exemptions are available if complying with the request would prejudice or would be likely to prejudice the following:

- defence (section 26);
- the effectiveness of the armed forces (section 26);
- international relations (section 27);

- relations between the UK government, the Scottish Executive, the Welsh Assembly and the Northern Ireland Executive (section 28);
- the economy (section 29); or
- the financial interests of the UK, Scottish, Welsh or Northern Irish administrations (section 29).

Section 30 – Investigations & Section 31 – Prejudice to law enforcement

The section 30 exemption applies to a specific category of information that a public authority currently holds or has ever held for the purposes of criminal investigations. It also applies to information obtained in certain other types of investigations, if it relates to obtaining information from confidential sources.

When information does not fall under either of these headings, but disclosure could still prejudice law enforcement, section 31 is the relevant exemption.

Section 31 only applies to information that does not fall into the categories in section 30. For this reason, sections 30 and 31 are sometimes referred to as being mutually exclusive. Section 31 applies where complying with the request would prejudice or would be likely to prejudice various law enforcement purposes (listed in the Act) including preventing crime, administering justice, and collecting tax. It also protects certain other regulatory functions, for example those relating to health and safety and charity administration.

Section 33 – prejudice to audit functions

This exemption can only be used by bodies with audit functions. It applies where complying with the request would prejudice or would be likely to prejudice those functions.

Sections 35 – government policy & Section 36 – prejudice to the effective conduct of public affairs

These two sections form a mutually exclusive pair of exemptions. The section 35 exemption can only be claimed by government departments or by the Welsh Assembly Government. It is a class-based exemption, for information relating to:

- the formulation or development of government policy;
- communications between ministers;
- advice from the law officers; and
- the operation of any ministerial private office.

For policy-related information held by other public authorities, or other information that falls outside this exemption but needs to be withheld for similar reasons, the section 36 exemption applies.

The section 36 exemption applies only to information that falls outside the scope of section 35. It applies where complying with the request would prejudice or would be likely to prejudice “the effective conduct of public affairs”. This includes, but is not limited to, situations where disclosure would inhibit free and frank advice and discussion.

This exemption is broad and can be applied to a range of situations.

Examples
A council refused to disclose a list of schools facing financial difficulties, because this could damage the schools’ ability to recruit pupils, as well as making schools less likely to co-operate and share financial information freely with the council (ICO decision notice FS50302293).

A university refused to disclose a complete list of staff email addresses. On a previous occasion when email addresses had been disclosed, this led to a security attack, as well as an increase in spam, phishing, and emails directed inappropriately (ICO decision notice FS50344341).

Section 37: Communications with Her Majesty, the Royal Family or concerning honours

It covers any information relating to communications with the royal family and information on granting honours. This exemption is absolute in relation to communications with the monarch, the heir to the throne, and the second in line of succession to the throne, so the public interest test does not need to be applied in these cases. All other information under the scope of this exemption is qualified, so the public interest test must be applied.

Section 38: Endangering Health and Safety

You can apply the section 38 exemption if complying with the request would or would be likely to endanger anyone's physical or mental health or safety. In deciding whether you can apply this exemption, you should use the same test as you would for prejudice.

Section 39: Environmental Information

You should deal with any request that falls within the scope of the Environmental Information Regulations 2004 under those Regulations. This exemption confirms that, in practice, you do not also need to consider such requests under the Freedom of Information Act. Only public authorities that are covered by the Regulations can rely on this exemption.

Section 42: Legal Professional Privilege

This applies whenever complying with a request would reveal information that is subject to 'legal professional privilege' (LPP) or the equivalent Scottish rules. LPP protects information shared between a client and their professional legal advisor (solicitor or barrister, including in-house lawyers) for the purposes of obtaining legal advice or for ongoing or proposed legal action. These long-established rules exist to ensure people are confident they can be completely frank and candid with their legal adviser when obtaining legal advice, without fear of disclosure.

Section 43: Trade Secrets & Prejudice to Commercial Interests

This exemption covers two situations:

- when information constitutes a trade secret (such as the recipe for a branded product); or
- when complying with the request would prejudice or would be likely to prejudice someone's commercial interests.