

Freedom of Information Policy

*"We seek to develop the whole child
within a Christian Ethos,
preparing them for a happy, healthy and fulfilled life ahead."*

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Date	Review Date	Author	Pupils and Staffing Committee
March 2017	March 2021	S Kay	Updated Policy format and content.

1. INTRODUCTION

Since **1 January 2005** when the *Freedom of Information Act 2000* (FOIA) came into force, there is a legal right for any person to ask a school for access to information that it holds.

The FOI Act is overseen by the **Information Commissioner** who also has responsibility for *The Data Protection Act 1998*, and *The Environmental Information Regulations 2004*.

It was agreed that in difficult situations regarding Child Protection – The relevant advice would be sought.

- **The Data Protection Act 1998** (DPA) enables individuals to access information about themselves;
- **The Environmental Information Regulations 2004** (EIRs) enable people to access environmental information; and
- **The Freedom of Information Act** enables people to access all other information and the reasoning behind decisions and policies, which do not fall under DPA or EIR.

Although FOI presumes openness it recognizes the need to protect sensitive information in certain circumstances and provides for exemptions.

2. SCHOOLS' OBLIGATIONS UNDER FOIA

Schools are under a duty to provide advice and assistance to anyone requesting information.

The enquirer is entitled to be told whether the school holds the information (*the duty to confirm or deny*) except where certain exemptions apply.

A well managed records and management information system is essential to help schools to meet requests.

There are prescribed time limits for responding to requests for information. Requests should be dealt with **within 20 days** excluding school holidays. Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested. Expressions of dissatisfaction should be handled through the school's existing complaints procedure.



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School governing bodies are responsible for ensuring a school complies with FOIA.

Since requests for information can be directed to the school through anyone who works there, the governing body should ensure that all staff are aware of FOIA and how the school handles requests for information.

Governing bodies may choose to charge a fee, which must be calculated according to FOI regulations.

3. THE GOVERNORS OF PARTNEY CHURCH OF ENGLAND AIDED SCHOOL AGREE THE FOI PUBLICATION SCHEME AND ACCESS POLICY CHARGING POLICY

DFE advice is that straightforward requests are dealt with for free, and charges should be made where the costs are significant (eg taking significant office time, or incurring considerable photo copying costs)

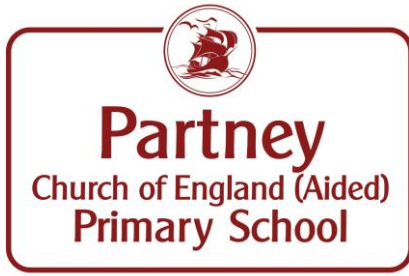
Governors delegate to the Headteacher day to day responsibility for FOIA policy and the provision of advice, guidance, publicity and interpretation of the school's policy;

In case of dispute Governors will designate an individual governor with responsibility for FOIA, to

- provide a single point of reference, coordinate FOIA and related policies and procedures, take a view on possibly sensitive areas and consider what information and training staff may need.
- consider arrangements for overseeing access to information and delegation to the appropriate governing body committee;
- ensure that a well managed records management and information system exists in order to comply with request within 20 days (*excluding school holidays*); and
- keep a record of refusals and reasons for refusals as well as appeals, allowing the governing body to review its access policy on an annual basis.

4. CHECKLIST FOR ACTION ON RECEIPT OF A REQUEST FOR INFORMATION

- Decide whether the request is a request under DPA, EIR or FOI.
- Decide whether the school holds the information or whether it should be transferred to another body.
- Provide the information if it has already been made public.
- Inform the enquirer if the information is not held.
- Consider whether a third party's interests might be affected by disclosure and if so consult them.
- Consider whether any exemptions apply and whether they are absolute or qualified.
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information.



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- If a request is made for a document that contains exempt personal information, ensure that the personal information is removed as set out in the guidance for schools.
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated

*Further information is on the Information Commissioner's Office website.
Legislation: The Freedom of Information Act 2000: Section 19.*