



# FREEDOM OF INFORMATION POLICY

DATE AGREED: DECEMBER 2017  
REVIEW DATE: DECEMBER 2019

## 1. Purpose:

Swallowdale Primary School is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005 and which includes Academies through the Academies Act 2010, with effect from 1 January 2011.

The school is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our framework for managing requests.

Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the academy. They are entitled to be told whether the academy holds the information, and to receive a copy, subject to certain exemptions.

The information which the academy routinely makes available to the public includes information available on the academy web site. Requests for other information are dealt with in accordance with statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the academy holds is covered by the Act. The academy has a Retention Schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the academy as to how long it should keep records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under the Act can be addressed to anyone employed by the academy. However, all responses are to be cleared with a member of senior leadership team prior to despatch.

Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information.

There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

## **2. Scope:**

The senior leadership team is responsible for ensuring compliance with academy policies and procedures. This procedure applies to all academy staff.

Requests for personal data are still covered by the Data Protection Act. Individuals can request to see what information the academy holds about them. This is known as a 'Subject Access Request', and must be dealt with accordingly.

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. Requests under EIR are dealt with in the same way as those under FOI, but they do not need to be written and can be verbal.

## **3. Procedure:**

### **Obligations and duties**

The Governing Body recognises the duty to provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.

The Governing Body recognises the duty to tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and to provide access to the information we hold in accordance with the required procedures.

### **Publication scheme**

The academy has a Publication Scheme derived from 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 academy's main office and from the academy's website.

## **Dealing with requests**

We will respond to all requests in accordance with the required procedures. We will ensure that all staff are aware of the procedures.

## **Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in guidance provided by the Information Commissioners office. 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.

## **Register of requests**

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years from the date of the request.

## **Public Interest Test**

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

## **Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

The Governing Body reserves the right to charge a fee for complying with requests for information under FOI. The fees are calculated according to FOI regulations, and the person notified of the charge before the information is supplied.

## **Responsibilities**

The Governing Body has delegated to the day-to-day responsibility for compliance with the FOI to the senior leadership team.

## **Complaints**

Any comments or complaints will be dealt with through the academy's normal complaints procedure. If, on investigation, the academy's original decision is upheld, then the academy 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 at:

FOI/EIR Complaints Resolution,  
Information Commissioner's Officer

Wycliffe House,  
Water Lane  
Wilmslow,  
Cheshire  
SK9 5AF