



Freedom of Information Policy

Adopted by Trustees: 21st April 2020

Next Review Date: 21st April 2023

Person responsible for overseeing the implementation: CEO & Director of ICT

A handwritten signature in black ink, appearing to read "D. Williams", is written over a horizontal line.

Chair of Trustees signature:



Freedom of Information Policy

Contents

1. Introduction	3
2. Requests under FOI.....	3
3. Time Limit for Compliance	3
4. Procedure for dealing with a Request	3
5. Responding to a Request.....	5
6. Contact	5
APPENDIX A	6
APPENDIX B	7
APPENDIX C	9

N.B. All references to legislation and guidance are as updated, amended or replaced from time to time.

1. Introduction

- 1.1 All schools in the Trust are subject to the Freedom of Information Act 2000 (FOI) as public authority and, as such, must comply with any requests for information in accordance with the principles laid out in the Act.

2. Requests under FOI

- 2.1 Any request for any information from the Academy is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside the provisions of the Act.
- 2.2 In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure **that this is done within the timescale set out below in section 3**. A copy of the request and response should then be sent to the Trust's Data Protection Officer.
- 2.3 All other requests should be referred in the first instance to the Headteacher, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.
- 2.4 When considering a request under FOI, it should be understood that release under FOI is treated as release to the general public, and so once information has been released to an individual, anyone can then access it; access cannot be restricted by marking the information "confidential" or "restricted".

3. Time Limit for Compliance

- 3.1 All schools will respond within 20 working days of the date of receipt of the request. For schools, a "working day" is one in which pupils are in attendance, subject to an absolute maximum of 60 calendar days to respond.

4. Procedure for dealing with a Request

- 4.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Headteacher, who may delegate to an individual with responsibility for the type of information requested.
- 4.2 The first stage in responding is to determine whether or not the school and/or Trust "holds" the information requested. The school will hold the information if it exists in computer or paper format.

Some requests will require the school to take information from different sources and manipulate it in some way. Where this would take minimal effort, the school is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the school to add up totals in a spreadsheet and release the total figures, this would be information “held” by the school. If the school would have to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information “held” by the Academy, depending on the time involved in extracting the information.

4.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

- 4.3.1 Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the DPA, detailed in paragraph 9 of the DPA policy above;*
- 4.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in paragraph 3.1 of the DPA policy above;*
- 4.3.3 Section 41 – information that has been sent to the Academy (but not the Academy’s own information) which is confidential;*
- 4.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;*
- 4.3.5 Section 22 – information that the Academy intends to publish at a future date;*
- 4.3.6 Section 43 – information that would prejudice the commercial interests of the school and / or a third party;*
- 4.3.7 Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*
- 4.3.8 Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*
- 4.3.9 Section 36 – information which, in the opinion of the Chair of Governors of the school, would prejudice the effective conduct of the School. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.*

4.4 The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing

the public interest in the information being released, as against the public interest in withholding the information.

5. Responding to a Request

- 5.1 When responding to a request where the school has withheld some or all of the information, the school must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.
- 5.2 The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by the Hearings Committee, or by writing to the ICO.

6. Contact

Any questions about this policy should be directed in the first instance to the Headteacher of the school, or referred to the Chief Executive Officer of the Trust. The Trust's GDPR Lead will be involved as appropriate.

APPENDIX A

Freedom of Information Response

Request:

(Insert request)

Response:

Please find below the information you requested.

(Insert response)

Most information supplied by [insert school name] will have been produced within the school and will continue to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other reuse, for example commercial publication, would require the permission of the copyright holder.

If the information you have been sent includes a copyright statement, you must not alter or remove this statement. For information about re-using copyright see the Office of Public Sector Information website at www.opsi.gov.uk. The copyright in some documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website at www.ipo.gov.uk.

If you are dissatisfied with the way your request has been handled, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: *Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.*

If you require any further assistance regarding the above, please do not hesitate to contact insert name and contact details.

Yours sincerely,

Name of Headteacher/CEO

APPENDIX B

Subject Access Request Form

Name:
Telephone Number:
Email:
Address:
Employee Payroll Number <i>(If relevant)</i> :
By completing this form, you are making a request under the General Data Protection Regulation (GDPR) for information held about you by the school/Trust that you are eligible to receive.
Required information (and any relevant dates): <i>Examples: Your education file; your behaviour record; Emails between "A" and "B" from 1 May 2019 to 6 September 2019.</i>
<p>By signing below, you indicate that you are the individual named above. The school cannot accept requests regarding your personal data from anyone else, including family members. We may need to contact you for further identifying information before responding to your request. You warrant that you are the individual named and will fully indemnify us for all losses, cost and expenses if you are not.</p> <p>Please return this form to the CEO/Headteacher during term time and the Trust's GDPR Lead (S Hardy) during holiday periods:</p>

Mr S Hardy

C/O Stowe Valley Multi Academy Trust, Southam College, Welsh Road West, Southam, Warwickshire,
CV47 0JW dataprotection@stowevalley.com

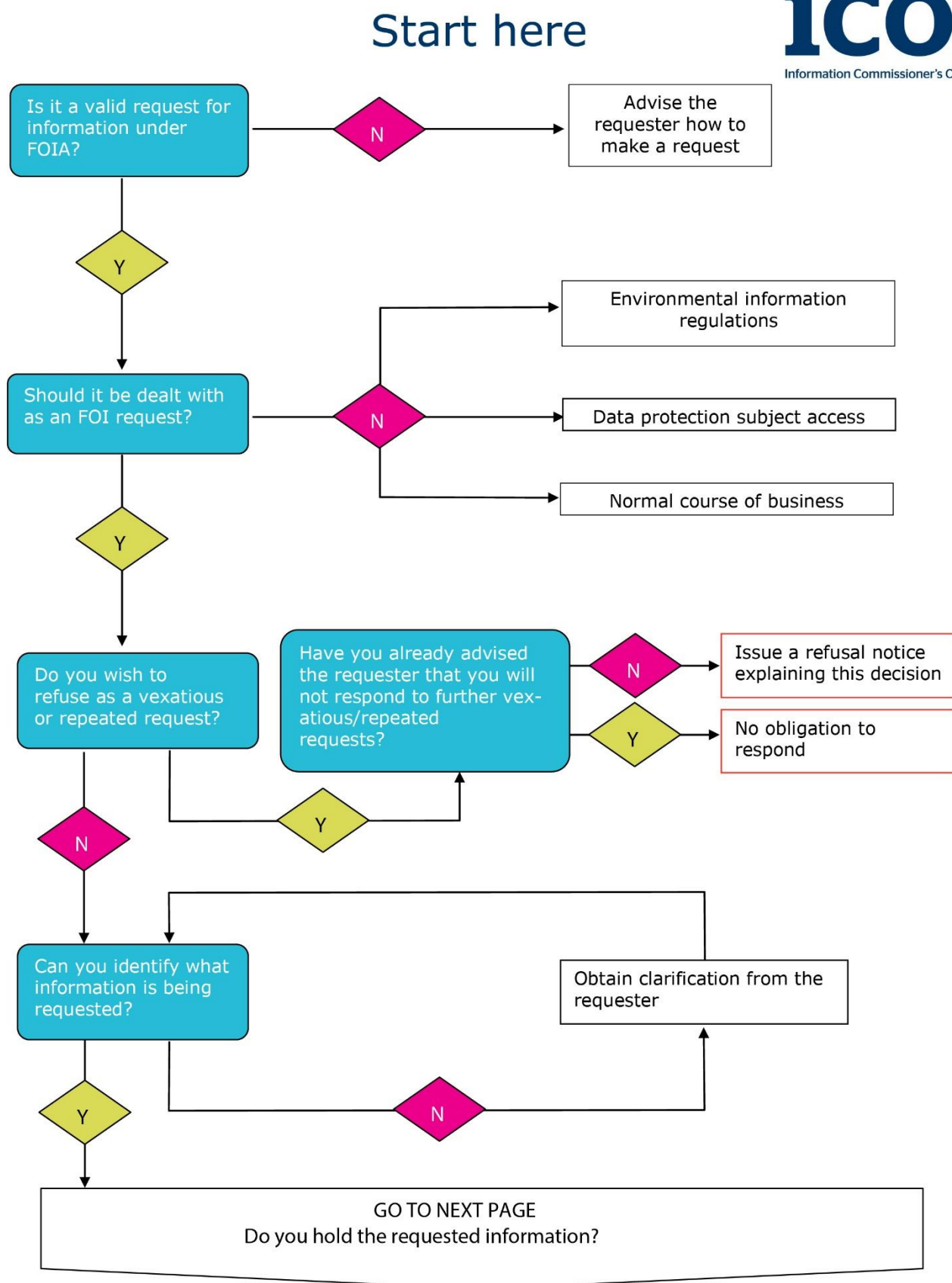
Please allow 1 calendar month for a reply.

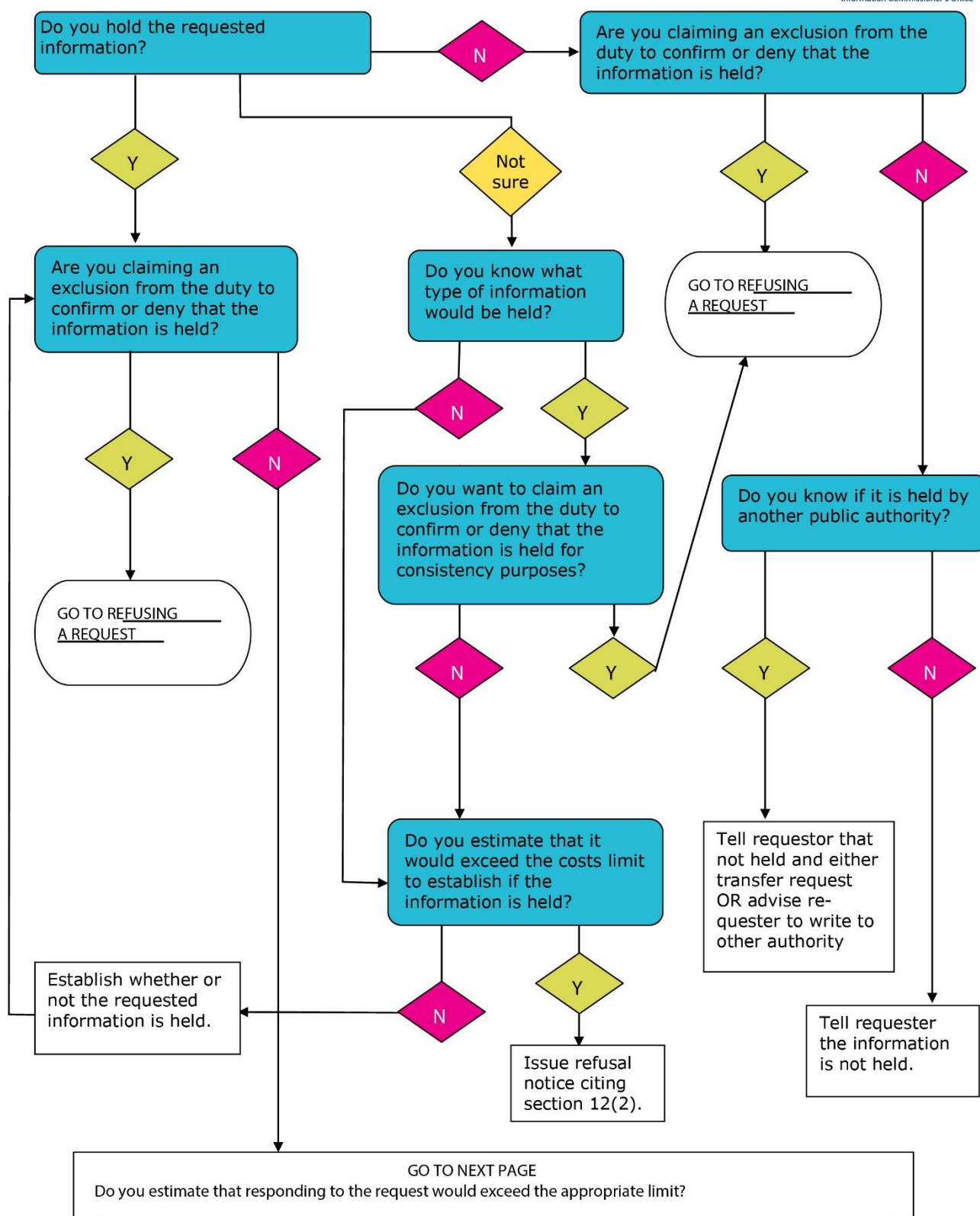
Data Subject's Signature:

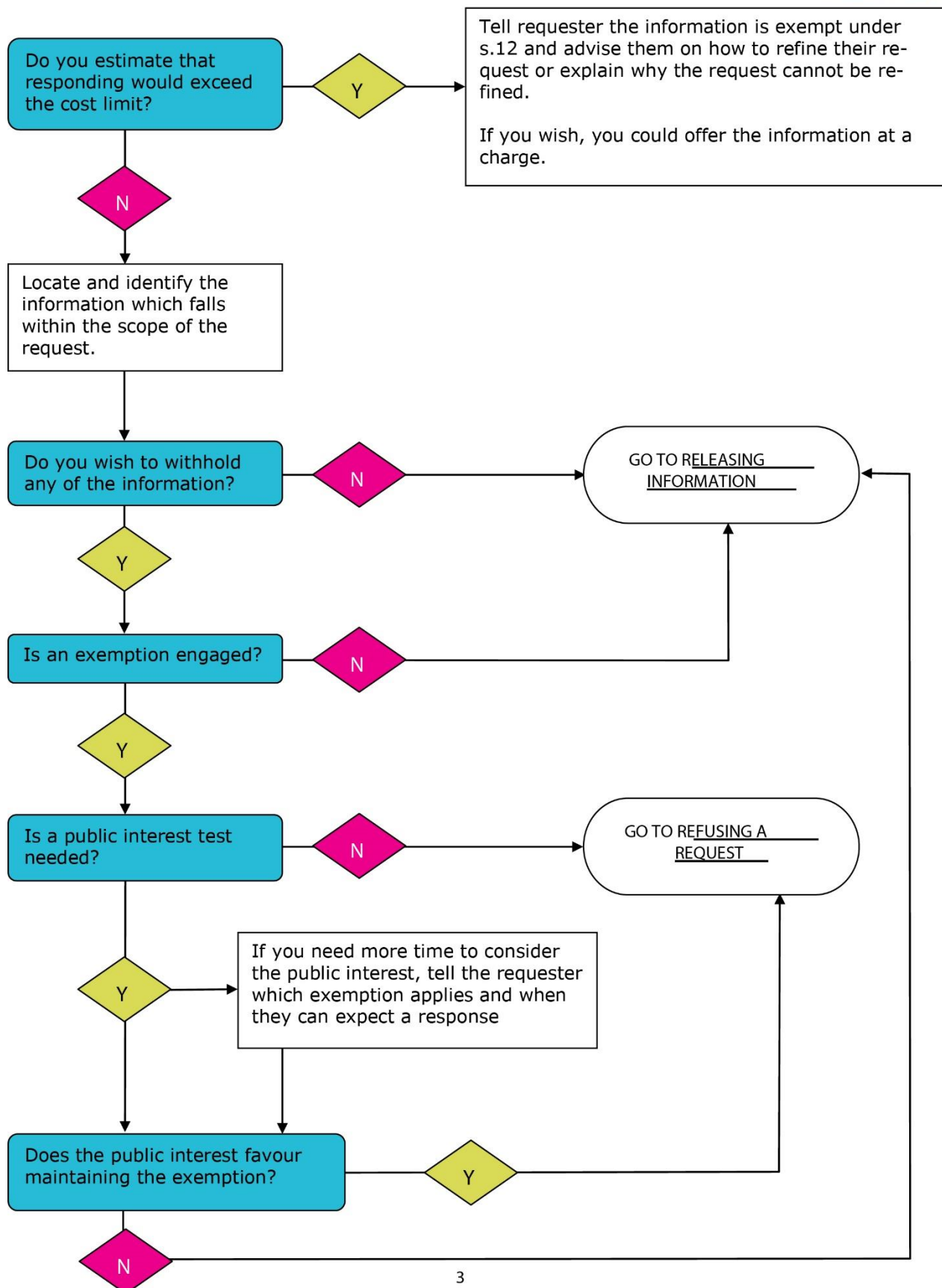
Date:

APPENDIX C

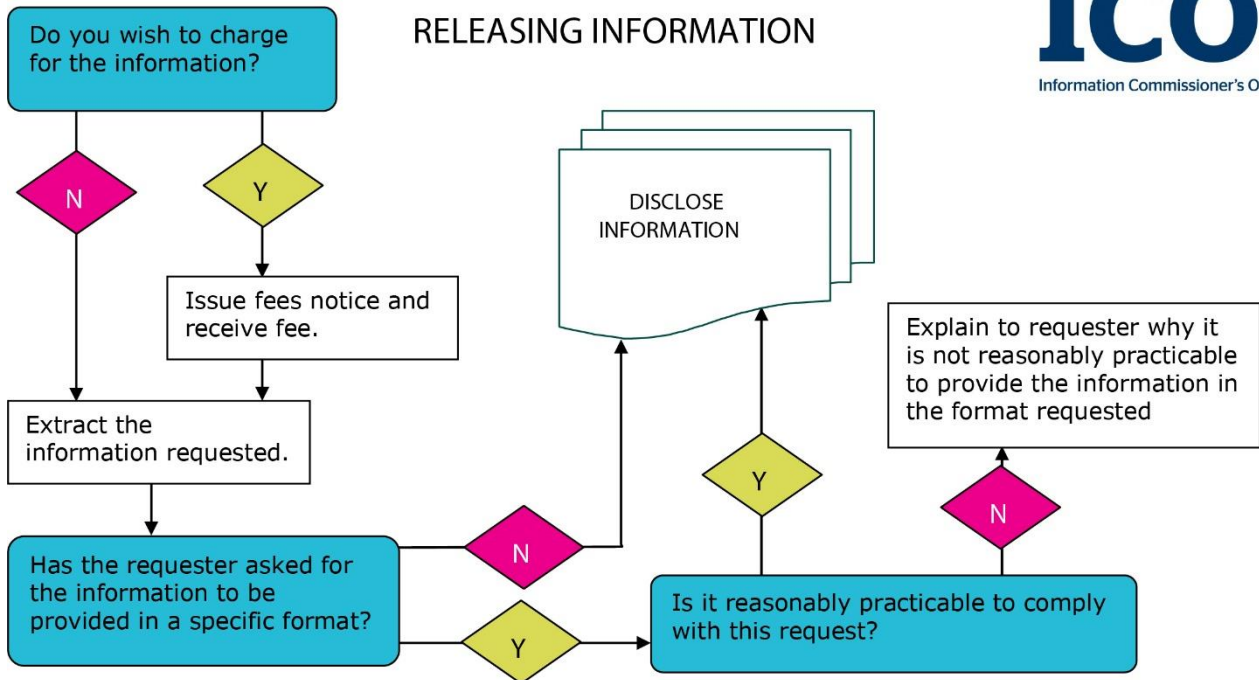
FOI Request Handling Flowchart







RELEASING INFORMATION



REFUSING A REQUEST

