Stowe Valley
MULTI ACADEMY TRUST

Freedom of Information Policy

Adopted by Trustees: April 2020

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Person responsible for overseeing the implementation: Head of Governance and Compliance

Chair of Trustees signature: C. L Chevassut

Freedom of Information Policy

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Related Policies

1. Data Protection Policy
2. Privacy Notices
3. Information Security
4. Subject Access Request Policy
5. Data Management Policy

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 and those of the GDPR guidance 2018

2. Requests under FOI

2.1 Any request for any information is technically a request under the FOI, whether or not the individual making the request mentions 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 and does not exceed the rules of data sharing.** A copy of the request and response should then be sent to the Trust's Head of Governance and Compliance.

2.3 All other requests should be referred directly to the Head of Governance and Compliance , who may allocate another individual who holds the information to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request. (Excluding periods when a school is closed)

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 Head of Governance and Compliance copying 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 a Trustee of the Trust , 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 Head of Governance and Compliance of the Trust.

Appendices

i. Appendix A - Freedom of Information Response template

ii. Appendix B – ICO flow chart for requests

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.

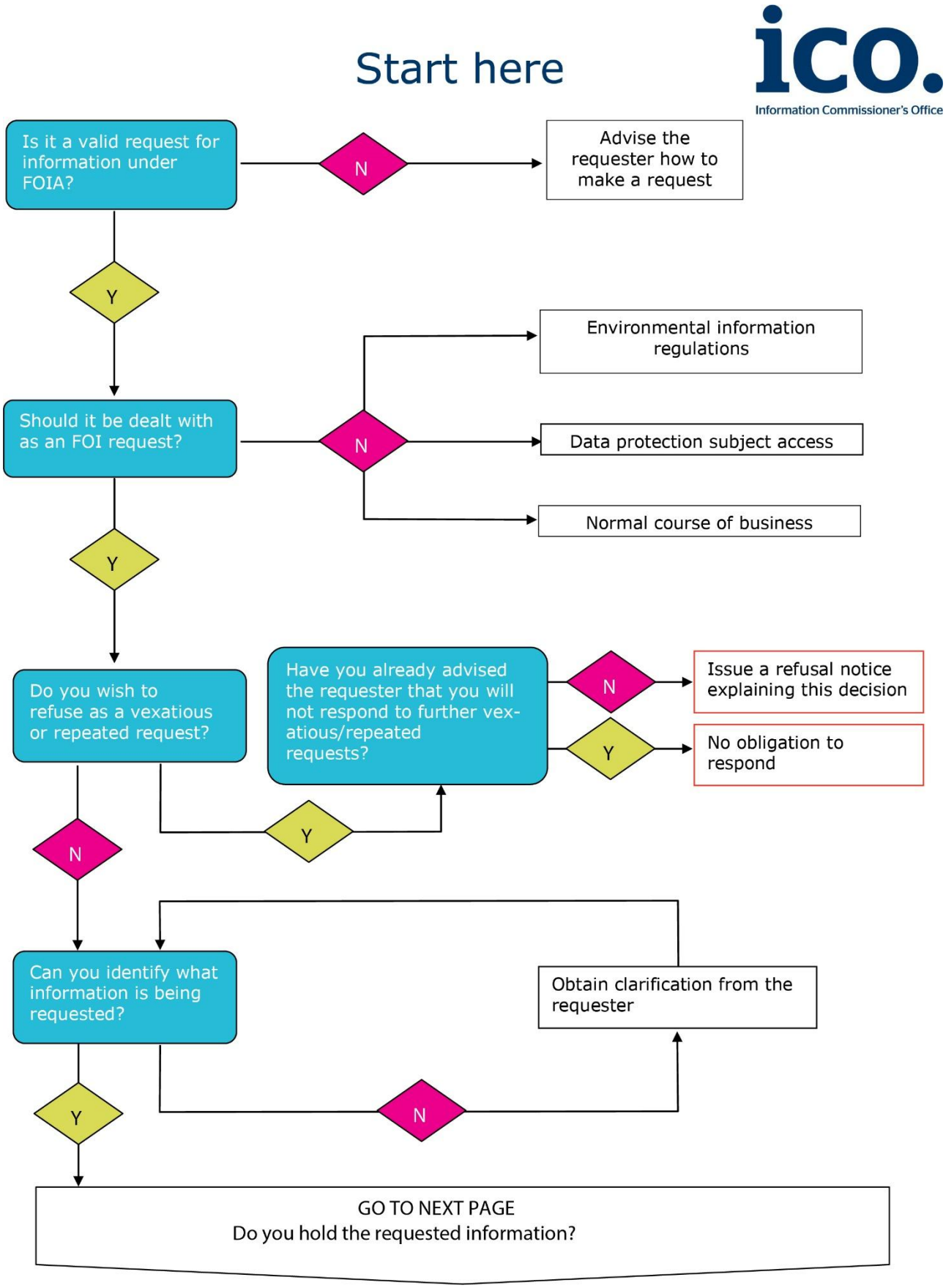
If the information you have been sent includes a copyright statement, you must not alter or remove this statement. For information about re-using copyright see the Office of Public Sector Information website at www.opsi.gov.uk. The copyright in some documents may rest with a third party. For information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

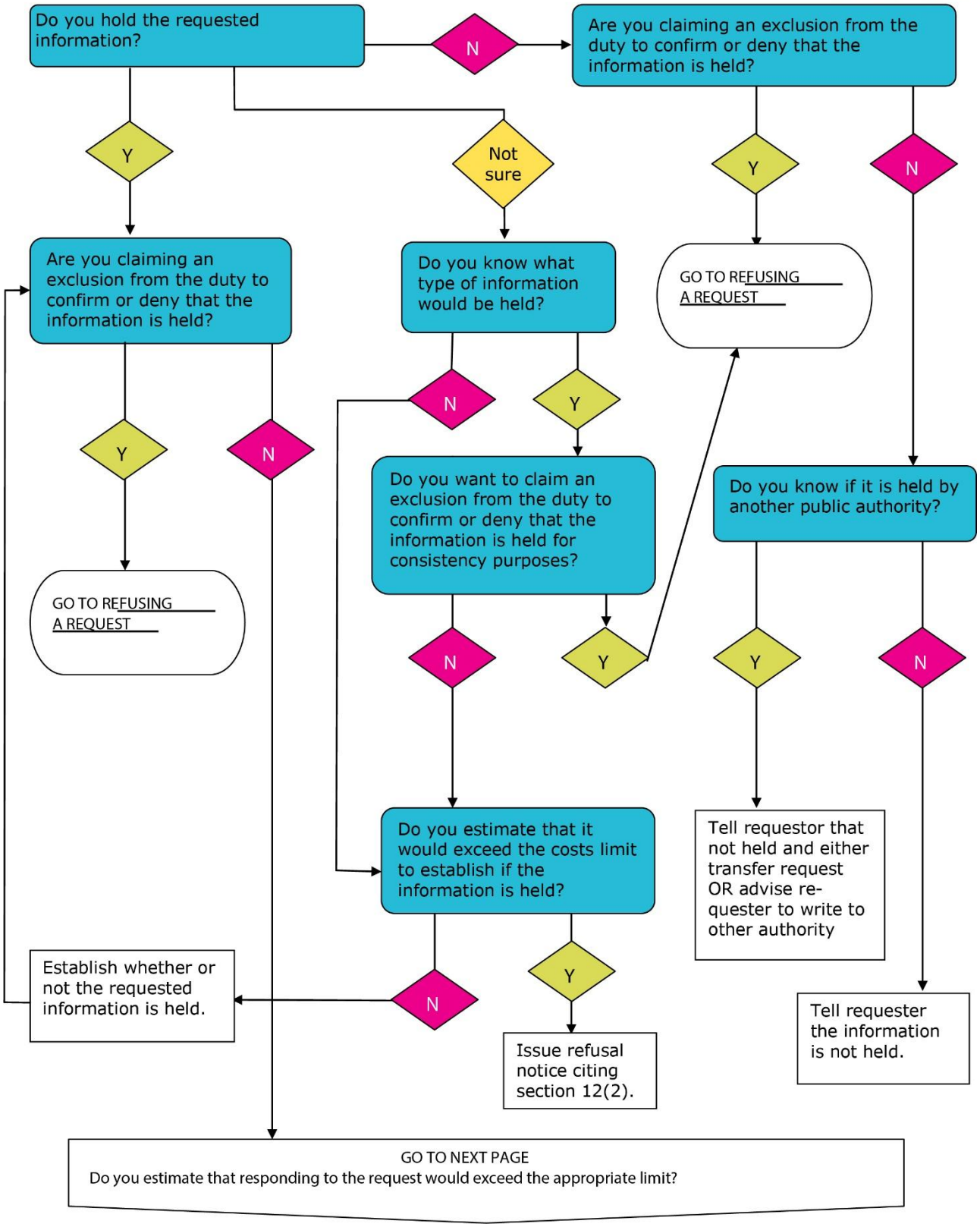
If you are dissatisfied with the way your request has been handled, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: *Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.*

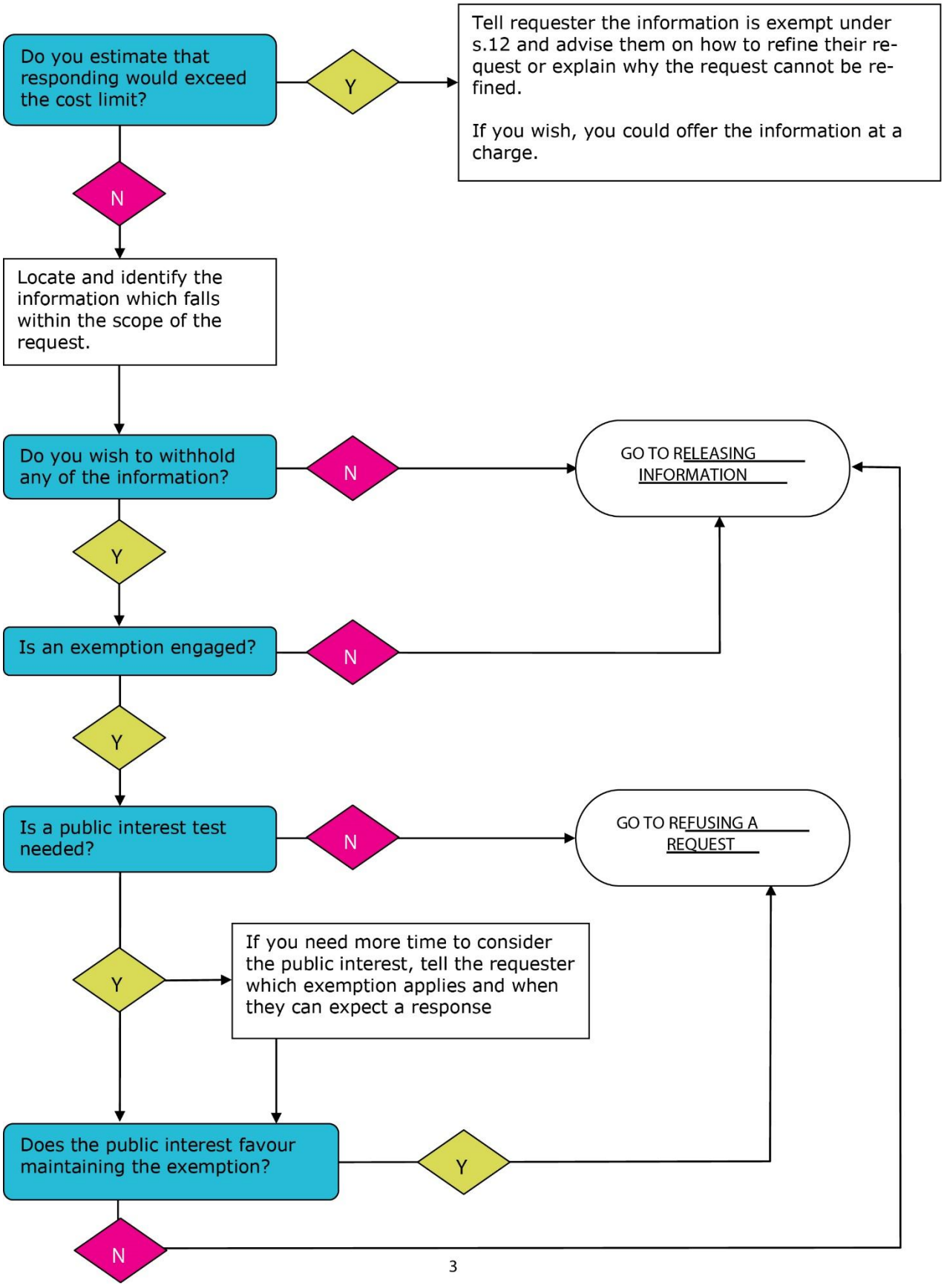
If you require any further assistance regarding the above, please do not hesitate to contact insert name and contact details.

Yours sincerely,

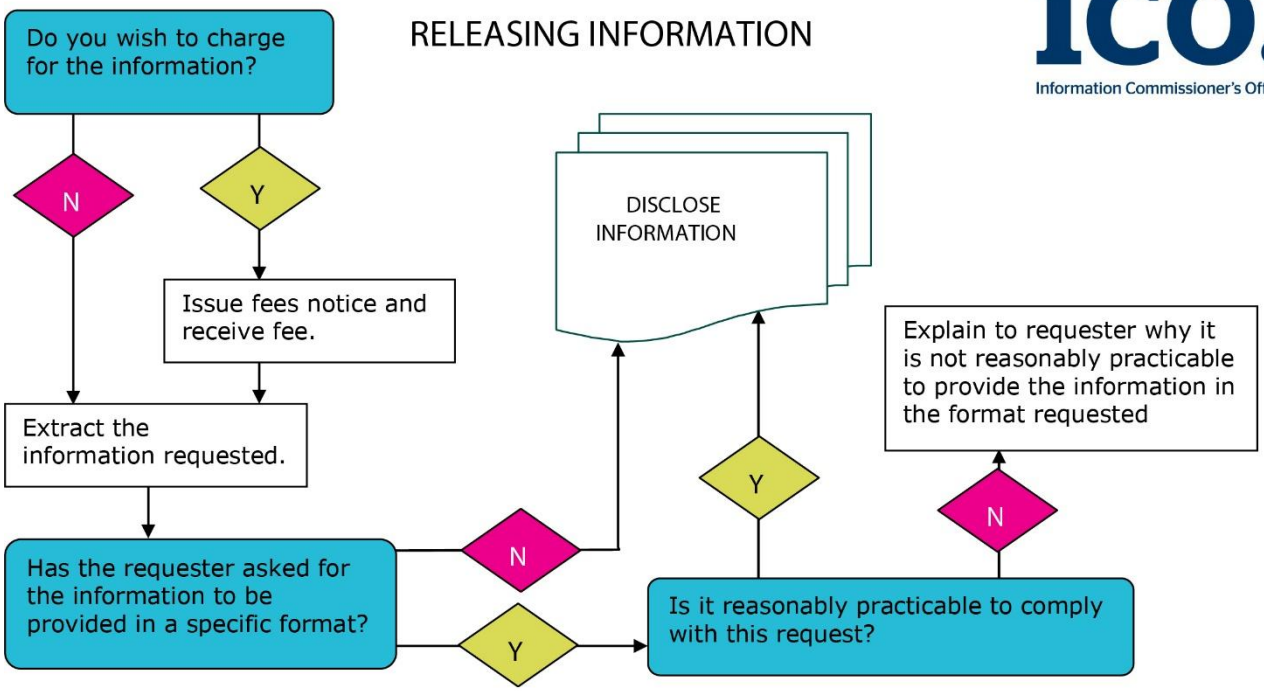
Head of Governance and Compliance


Start here
Is it a valid request for information under FOIA?
N
Advise the requester how to make a request
Y
Should it be dealt with as an FOI request?
N
Environmental information regulations
Data protection subject access
Normal course of business
Y
Do you wish to refuse as a vexatious or repeated request?
Have you already advised the requester that you will not respond to further vexatious/repeated requests?
N
Issue a refusal notice explaining this decision
Y
No obligation to respond
Y
N
Can you identify what information is being requested?
Obtain clarification from the requester
Y
N
GO TO NEXT PAGE
Do you hold the requested information?


Do you hold the requested information?
N
Are you claiming an exclusion from the duty to confirm or deny that the information is held?
Y
Not sure
Y
N
Are you claiming an exclusion from the duty to confirm or deny that the information is held?
Do you know what type of information would be held?
GO TO REFUSING A REQUEST
N
Y
Y
N
Do you want to claim an exclusion from the duty to confirm or deny that the information is held for consistency purposes?
Do you know if it is held by another public authority?
GO TO REFUSING A REQUEST
N
Y
Y
N
Do you estimate that it would exceed the costs limit to establish if the information is held?
Tell requestor that not held and either transfer request OR advise re-quester to write to other authority
Establish whether or not the requested information is held.
N
Y
Issue refusal notice citing section 12(2).
Tell requester the information is not held.
GO TO NEXT PAGE
Do you estimate that responding to the request would exceed the appropriate limit?


Do you estimate that responding would exceed the cost limit?
Y
Tell requester the information is exempt under s.12 and advise them on how to refine their request or explain why the request cannot be refined.
If you wish, you could offer the information at a charge.
N
Locate and identify the information which falls within the scope of the request.
Do you wish to withhold any of the information?
N
GO TO RELEASING INFORMATION
Y
Is an exemption engaged?
N
Y
Is a public interest test needed?
N
GO TO REFUSING A REQUEST
Y
If you need more time to consider the public interest, tell the requester which exemption applies and when they can expect a response
Does the public interest favour maintaining the exemption?
Y
N
3

RELEASING INFORMATION



REFUSING A REQUEST

