



Freedom of Information Act Policy

Reviewed June 2017
To reviewed by June 2019

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Freedom of Information Act 2000 School Policy

Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FoIA). Some aspects, such as charging are at the discretion of the governing body.

Introduction

William Reynolds Primary School and Nursery is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

Background

The Freedom of Information Act 2000 (FoI) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

The information, which the school routinely makes available to the public, is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the 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 school holds, are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school 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 FoI can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including 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 a FoI enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

The Designated person for FoIA is Mrs Irene Baxter

For further information and guidance, see the DfES "Freedom of Information Act 2000 - A Guide for Maintained Schools on Full Implementation from January 2005." This can be found on [Teachernet](#), under Freedom of Information in the A- Z of School Leadership.

What is a subject access request?

A subject access request (SAR) is simply a written request made by or on behalf of an individual for the information which he or she is entitled to ask for under section 7 of the Data Protection Act 1998 (DPA). The request does not have to be in any particular form. Nor does it have to include the words 'subject access' or make any reference to the DPA. Indeed, a request may be a valid SAR even if it refers to other legislation, such as the Freedom of Information Act (FOIA).

Scope

The FoI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

Requests for personal data are still covered by the Data Protection Act (DPA). Individuals can request to see what information the school 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 (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoIA, but unlike FoIA requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA

or EIR. Any other information is a request under FoIA, and must be dealt with accordingly.

Obligations and Duties

The school recognises its 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.
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down in Appendix letters.

Publication Scheme

William Reynolds Primary School and Nursery has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

Dealing with Requests

We will respond to all requests in accordance with the procedures laid down in the Appendix letters.

We will ensure that all staff are aware of the procedures

Exemptions

Some information which we hold may not be made public, for example personal information.

For a full list of exemptions view [a copy of the Freedom of Information Act](#).

For further guidance on the application of these exemptions refer to the [Information Commissioner's website](#).

Charging

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

Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure.

We will aim to determine all complaints within 10 days of receipt. We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome.

If on investigation the school's original decision is upheld, then the school 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. They can be contacted at:

FOI/EIR Complaints Resolution

Information Commissioner's Office

Wycliffe House Water Lane Wilmslow Cheshire

SK9 5AF

Policy Review

The Governing Body will review this policy statement and update, modify or amend it as it considers necessary to ensure the policy meets the needs of William Reynolds Primary School and Nursery.

Appendix letters

{School Address}

{Applicant Address}

{Date}

Dear **{Name}**,

Could you please give us more information relating to: **{Include specific information you require, try to ensure that terms that may be unfamiliar to the requestor are explained}**.

The Freedom of Information Act 2000 requires that we deal with requests such as this within 20 working days. We are not required to include any time whilst waiting for clarification of a request. We will endeavour to proceed with your request as soon as you supply the information required. If we have not received a reply within three months we will treat this request as cancelled.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to (Name and address of contact person for complaints procedure)

Yours sincerely,

Mrs Irene Baxter
Designated member of staff FoIA

{School Address}

{Applicant Address}

{Date}

Dear **{Name}**,

Thank you for your request for information received on

We have conducted a thorough search of our records and unfortunately we are unable to locate the information you requested. This may be because the school has never held this information or that the information is older than the statutory requirements for retention and has been legally destroyed in accordance with our retention schedules.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to (Name and address of contact person for complaints procedure)

Yours sincerely,

Mrs Irene Baxter
Designated member of staff FoIA

{School Address}

{Applicant Address}

{Date}

Dear **{Name}**,

Thank you for your request for information received on..... It is estimated that the time to find this information will behours. The cost of this search will exceed the statutory ceiling of £450.00 for free searching time allowed under the Freedom of Information Act 2000 (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

To proceed with your request we will require a fee of £**{supply details of local address and payment details}**. We will continue with the search on receipt of payment, however if we have not received a reply within three months we will cancel the request.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to (Name and address of contact person for complaints procedure)

Yours sincerely,

Mrs Irene Baxter
Designated member of staff FoIA

{School Address}

{Applicant Address}

{Date}

Dear **{Name}**,

Thank you for your request for information, received on

The information which you requested is already available to the public via our school publication scheme, which is available from the school office or on our website **{website address}**.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to (Name and address of contact person for complaints procedure)

Yours sincerely,

Mrs Irene Baxter
Designated member of staff FoIA

{School Address}

{Applicant Address}

{Date}

Dear **{Name}**,

Thank you for your request for information, received on . To the best of our knowledge the requested information is not held within the school. However, we believe that **{Name and address of organisation}** may hold the information you require. We will therefore need to transfer the request to them.

If you have an objection to this transfer you should let us know as soon as possible by writing to **{Address}** or telephoning 01952 388280 and asking for **{Name of Officer dealing with the request}**.

If you have any comments relating to how your request has been handled by our school, please contact **{Name and address of contact for complaints procedure}**.

Yours sincerely,

{Name}
{Title}