

# FREEDOM OF INFORMATION POLICY

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## Contents

1. INTRODUCTION .....	1
2. WHAT IS A REQUEST UNDER FOI .....	1
3. TIME LIMIT FOR COMPLIANCE .....	2
4. PROCEDURE FOR DEALING WITH A REQUEST .....	2
5. RESPONDING TO A REQUEST .....	3
6. VEXATIOUS AND REPEATED REQUESTS.....	3
7. CONTACT .....	3

## 1. INTRODUCTION

- 1.1 The Federation is subject to the Freedom of Information Act 2000 (FOI) as a public authority and, as such, must comply with any requests for information in accordance with the principles laid out in the Act.
- 1.2 The Federation aims to ensure that information about academies is published regularly on the individual school websites. This includes an annual Transformation Plan, detailed information on curriculum, and information on the general life of the school.

## 2. WHAT IS A REQUEST UNDER FOI

- 2.1 Any request for any information from the Federation is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the Information Commissioner's Officer (ICO) has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.
- 2.2 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information "confidential" or "restricted".

### 3. TIME LIMIT FOR COMPLIANCE

- 3.1 The Federation must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For the Federation, when calculating the 20-working day deadline, a “working day” is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal days (not school 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 Data Protection Officer, who may re-allocate 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 Federation “holds” the information requested. The Federation will hold the information if it exists in computer or paper format. Some requests will require the Federation to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Federation 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 be offered the opportunity to refine their request. For example, if a request required the Federation to add up totals in a spreadsheet and release the total figures, this would be information “held” by the Federation. If the Federation 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 Federation, 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:
- 4.3.1.1 Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the Data Protection Act (DPA).
  - 4.3.1.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles.
  - 4.3.1.3 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;
  - 4.3.1.4 Section 22 – *information that the Federation intends to publish at a future date;*
  - 4.3.1.5 Section 43 – *information that would prejudice the commercial interests of the Federation and / or a third party;*
  - 4.3.1.6 Section 38 – *information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*

4.3.1.7 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*

4.3.1.8 *Section 36 – information which, in the opinion of the Chair of Trustees of the Federation, would prejudice the effective conduct of the Federation. There is a special form for this on the ICO’s website to assist with the obtaining of the Chair’s opinion.*

4.3.1.9 *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 Federation has withheld some or all of the information, the Federation 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 a governor, or by writing to the ICO.

## 6. VEXATIOUS AND REPEATED REQUESTS

6.1 The Federation will consider requests as vexatious if it causes a disproportionate or unjustifiable amount of distress, disruption or irritation. If a request is denied on these grounds we will notify the requester of this decision and we will keep a record of the decision made.

6.2 We will also refuse repeated requests for information, whether or not they are vexatious, if there is a complete or substantial overlap between information sets requested by the same person or organisation.

## 7. CONTACT

7.1 Any questions about this policy should be directed in the first instance to the Data Protection Officer. The Data Protection Officer is Oliver Teasel and he may be contacted via email: [oteasel@haringtonschool.com](mailto:oteasel@haringtonschool.com).