

Introduction to the Freedom of Information Act 2000 for Schools and the Local Authority

The Freedom of Information Act (FOI) 2000 comes into full effect on the 1st January 2005. From that date, all Council Services, Schools and employees will have new responsibilities.

The FOI creates a general right for any person to be told whether a public authority (including schools) holds information that they specify and if so, to be given a copy of it within 20 working days.

In other words provided that we receive a request for information in writing, we will have to respond to the questions:

Have you got it? and Can I have it?

Other than in exceptional cases the answer to the first question has to be 'yes' or 'no': 'don't know' is not an option. Neither is 'no' unless we have made sure that that it true.

This is a significant change, we are going to have to get used to the idea that anything we record, as well as the information we already hold, may have to be disclosed on request.

In addition, we have a duty to assist people to formulate their questions as far as is reasonable as it is recognised that the people asking for information will have very little knowledge of how we work and what information we hold.

There are exemptions. Most of the information we hold and process is personal, and this information will continue to be regulated by the Data Protection Act 1998.

Please note: At the time of writing the Information Commissioner is considering the 20 day deadline for schools to take school holidays into account.

Summary

Our Obligations in response to requests for information are:

- ✓ To give assistance
- ✓ To confirm or deny that the information is held
- ✓ To supply the information, or
- ✓ To give reasons for refusal

Please refer to 'Exemptions' for more information on refusals

What should we do now?

- ✓ Allocate individual responsibilities for handling information requests as appropriate.
- ✓ Carry out a detailed audit of information held by your service so you are prepared to answer requests.
- ✓ Assess the information most likely to be of interest and consider whether to add it to the Publication Scheme.
- ✓ List all contractors working for or on behalf of the service, or on approved lists so they can be informed of the implications for them.
- ✓ Compare the list of exemptions with the information you hold to anticipate where disclosure decisions may have to be made.
- ✓ **Dispose of any records no longer required by statute or by the needs of your clients or service.** Please use the current Records Management Guidelines to help you with this.
- ✓ Create procedures for handling information requests.

Request For Any Information From Your School

Follow your own school's service standards

The Local Authority's Service Standards are:

Emails: acknowledge receipt within 1 working day

Letters: acknowledge receipt within 10 working days

Faxes: acknowledge receipt within 2 working days

Unless the information itself can be provided within these periods

Request For Personal Information

Legislation **Data Protection Act**
Schools 15 school days

Contact: Your Data Protection Officer

Council: Days to respond: 40 working days

Contact: Gaynor Toczek 392523

Request For Information Your School Holds

Legislation **Freedom of Information Act**
Schools 20 working days currently

Contact: Your Freedom of Information Officer

Council: Days to respond: 20 working days

Contact: Gaynor Toczek 392523

Information Requests Process Outline

Accept Request from Applicant

Is this an everyday request for your service?
Eg. Leaflet, application form, request for a service.

▶ YES

Treat it normally - Deal with it yourself

NB: Follow Your school's Service Standards for response times or follow standards set for your service by a higher authority eg the DfES

▼
NO

If this information is a regular item, you normally provide it needs to be added to your school's **Publication Scheme**
Contact your Publication Scheme Editor

If this information is already in the **Publication Scheme** please direct the applicant to your web site, or send ASAP

Is this a letter from a solicitor?

▶ YES

Please pass this request to whoever deals with responses to solicitors in your school

▼
NO

Is this a request for personal information regarding a child, a young person or an adult made by that person or their carer?

▶ YES

This is a **Subject Access Request** under the **Data Protection Act 1998**

Please pass this information to whoever is responsible for Data Protection in your school

▼
NO

Is this a request for personal information regarding a child, a young person or an adult made by another professional or agency?

▶ YES

This information is subject to **data sharing protocols for your school**

Please pass this information to whoever is responsible for Data Protection in your school

▼
NO

Is this a bespoke request or a request mentioning the Freedom of Information Act?

▶ YES

This is more than likely a **Freedom of Information Act Request**

please forward this request to whoever is responsible for implementing the Freedom of Information Act in your school

▼
NO

Are you still unsure about what kind of request this is?

▶ YES

Ask the Access to Information Liaison Officer within your local authority

Your Current AILO is
Gaynor Toczek
gaynor.toczek@calderdale.gov.uk
01422 392523

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Exemptions

There are two kinds of exemptions: absolute and non absolute. If an exemption is non absolute disclosure must be considered and only refused if it is in the public interest to do so.

Absolute Exemptions

Section of FOI Act	Description
21	Information already accessible to the public by other means
23	Information supplied by or relating to bodies dealing with security matters
32	Information held only by virtue of being contained in court records etc
34	Information subject to Parliamentary privilege
40	Personal information: relating to the applicant
41	Information provided to the public authority in confidence (where a breach would be actionable)
44	Information whose disclosure is prohibited by law

Non Absolute Exemptions

22	Information held with a view to its full publication, at the time the request was made
24	Information relating to national security (other than exemption 23)
26	Information relating to defence
27	Information whose disclosure might prejudice relations between the UK and any other State or international organisation
28	Information whose disclosure might prejudice relations between any administration in the UK and any other such administration
29	Information whose disclosure might prejudice the economic interests of the UK, any part of the UK or any administration within the UK
30	Information that has been held at any time by the public authority for the purposes of criminal investigations or proceedings (criminal, civil, regulatory)
31	Information not exempt under S30 but whose disclosure could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders etc
33	Information relating to the Audit functions in relation to public authorities
35	Information held by a Government department or Welsh Assembly relating to the formulation of Government policy etc
36	Information whose disclosure might be prejudicial to the conduct of public affairs
37	Information relating to communications with the Queen, Royal Family etc
38	Information whose disclosure might endanger anyone's safety or physical or mental health
39	Environmental information that the public authority is required to publish under S74 (the Aarhus Convention)
40	Personal information: relating to a third party
42	Information subject to legal professional privilege
43	Trade secrets and information whose disclosure could prejudice any person's commercial interests

For further information please log onto:

www.informationcommissioner.co.uk

The Commissioner's website is packed with guidance and user friendly advice on both Freedom of Information and Data Protection

www.rms-gb.org.uk

The Record Management Society of Great Britain produces a number of resources specifically targeted at local authorities, including the guidelines for the retention and disposal of records.

www.freedomofinformation.co.uk

This website has been recently launched, and provides a jargon free introduction to the FOI Act, to help facilitate its use by the general public.

Education and Calderdale web addresses

www.teachernet.gov.uk

www.calderdale.gov.uk/learning/4schools/information/technology/data-protection

www.calderdale.gov.uk/learning/school-governor