



# M45

# Freedom of Information Policy

**Approved by:** Governing Board

**Date:** 12/02/19

**Last reviewed on:** 01/02/19 M Sheppard

**Next review due by:** 01/02/22

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### **Statement of intent**

As an educational provider, our school has an obligation to publish a Freedom of Information Statement outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How our school will respond to requests from individuals for access to information held about them
- The school's policy and procedure for the release and publication of private data and public records

It also clarifies our position regarding the appropriate limit to the costs incurred by the school in obtaining any requested information, and on charging fees for its provision.

## **1. Legal framework**

1.1. This policy has due regard to the following legislation:

- Data Protection Act 2018
- Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2. This policy should be viewed in conjunction with the following other school policies:

- Data Protection Policy

## **2. Accepting requests for information**

2.1. We will only accept a request for information which meets all of the following criteria:

- It is in writing
- It states the name of the applicant and an address for correspondence
- It describes the information requested

2.2. A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

## **3. General right of access to information held by the school**

3.1. Provided that the request complies with section 2 of this policy, we will, no later than 20 working days from receipt of the request, comply with our duty to:

- Confirm or deny to any person making a request for information to the school, whether we hold information of the description specified in the request
- Provide the documentation, if we confirm that we hold the requested information provided that any fee due has been paid

3.2. We will not comply with section 3.1 of this policy where:

- We reasonably require further information to meet a freedom of information request, have informed the applicant of this requirement, but were not subsequently supplied with that further information
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons
- A request for information is exempt under Part 2 of the 2000 Act
- The cost of providing the information exceeds the appropriate limit
- The request is vexatious
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one

- A fee notice was not honoured
- 3.3. Where information is, or is thought to be, exempt, we will, within 20 working days, give notice to the applicant which:
- States the fact
  - Specifies the exemption in question
  - States why the exemption applies

#### **4. The appropriate limit**

- 4.1. We will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.
- 4.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, we will take account only of the costs we reasonably expect to incur in relation to:
- Determining whether we hold the information
  - Locating the information, or a document which may contain the information
  - Retrieving the information, or a document which may contain the information
  - Extracting the information from a document containing it
- 4.3. Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of our school, are to be estimated at a rate of £25 per person per hour.
- 4.4. Where multiple requests for information are made to the school within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the school of complying with all of them.

#### **5. Charging fees**

- 5.1. We may, within 20 working days, give an applicant who has requested information from the school a written notice stating that a fee is to be charged for our compliance.
- 5.2. Fees charged will not exceed the total cost to the school of:
- Informing the person making the request whether we hold the information
  - Communicating the information to the person making the request
- 5.3. Where a fee is to be charged, we will not comply with section 3 of this policy unless the requested fee is paid within a period of three months beginning with the day on which the fees notice is given to the applicant.
- 5.4. When calculating the twentieth working day in which to respond to a freedom of information request, the period beginning with the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## **6. Means by which communication is to be made**

6.1. Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the school will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information
- The provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant

## **7. Providing advice and assistance**

7.1. We will meet our duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to us.

## **8. Publication scheme**

8.1. Our school will meet its duty to adopt and maintain a publication scheme (Appendix 1) which specifies the information which it will publish on the school website, and whether the information will be available free of charge or on payment.

8.2. Our publication scheme will be reviewed and, where necessary, updated on a 3 yearly basis.

## **9. Monitoring and evaluation**

9.1. This policy will be reviewed on a 3 yearly basis.

## Appendix 1: Publication scheme

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish, the format in which the information will be made available, and whether the information is available free of charge or on payment.

### 1. Classes of information

Information that is available under this scheme includes:

- Who we are and what we do (see the school prospectus and Ofsted report)
- What we spend and how we spend it (see benchmarking report)
- What our priorities are and how we are doing (see the School Improvement Plan, minutes of Full Governing Board meetings and Ofsted report)
- Our policies and procedures

These documents are all available on our website.

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure
- Information in draft form
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons

### 2. How to request information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the school using the contact details below.

To enable us to process your request quickly, please mark all correspondence:

“**FREEDOM OF INFORMATION REQUEST**” and address requests to The Data Protection Officer, [bursar@ashgreen.calderdale.sch.uk](mailto:bursar@ashgreen.calderdale.sch.uk)

Under disability legislation, documents can be translated into accessible formats where possible.

### 3. Charges

Documents mentioned above are free to view on the school website.

Single paper copies are also available free of charge to parents and prospective parents of pupils at the school.

### 4. Feedback

We welcome any comments or suggestions you may have regarding this scheme. Please contact the governing board via Karen Lovelady, Clerk to the Governing Board [klovelady@ashgreen.calderdale.sch.uk](mailto:klovelady@ashgreen.calderdale.sch.uk)

If you are not satisfied with the assistance you get and/or feel you need to make a formal complaint this should be addressed to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

*Information Line 01625 545700*

*Email: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk)*

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