



Policy No. 32

Freedom of Information Policy

Approved by	Governing Body
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Inspiring us all to create a better world.

“You are the salt of the earth...you are the light of the world.” Matthew 5 13-15

1. Introduction

1.1 Holmer C of E Academy (“the School”) is committed to complying with the requirements of the Freedom of Information Act 2000 (“FOIA”) and other related legislation which gives the public a right to access information which we hold. We have introduced this policy to ensure that we publish information and respond to specific requests under the FOIA in a way which is open, transparent and in accordance with the law.

1.2 This policy, and any other documents referred to in it, sets out our approach to ensuring that we comply with the FOIA.

1.3 This policy applies to all recorded information held by the School. This includes:

- Information created and held by the School
- Information created by the School and held by another organisation on our behalf
- Information held by the School provided by third parties

1.4 As a public body, we are required to appoint a Data Protection Officer (“DPO”) who must have expert knowledge in data protection law and practices. Our appointed DPO who fulfils these requirements is HY Professional Services, who can be contacted by telephone on 0161 804 1144 or email at DPO@wearehy.com. The DPO will support the School to ensure that it meets its obligations under the FOIA.

2. Background

2.1 The FOIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by public authorities subject to certain exemptions, within a specified time limit.

2.2 Individuals also have a specific right to access their own ‘personal information’ under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (“DPA”). Personal information is information which relates to an identified individual. We generally process personal information about pupils, staff, parents and volunteers. If your request relates to your own personal information, then this will be dealt with in accordance the School’s Data Protection Policy and its internal Subject Access Procedures.

2.3 When we receive a request for information under the FOIA, we acknowledge that the public interest generally favours that we provide the requester with the information that they require. This ensures that we are accountable and allows the public to understand how well we are performing and how we use public money. However, the FOIA provides a number of exemptions, which when applied, may mean that we are unable to disclose the information which has been requested as it is considered contrary to the public interest to do so.

2.4 In complying with its legal obligations under the FOIA, the School will assist those requesting access to information which we hold and will give requesters assistance where their request needs to be transferred to another public authority.

3. Responsibility

3.1 When we receive a request for information, the Headteacher will be responsible for responding to the request within the statutory time period. To ensure that the request is dealt with appropriately, the Headteacher may, if necessary, delegate functions to suitably skilled members of staff. For example, staff may be required to carry out searches for information.

3.2 To ensure that the request is responded to appropriately, the Headteacher may seek advice from the school's appointed DPO where necessary and will have regard to that advice before responding to the request.

4. Time Limits

The FOIA sets out specific time limits within which a request must be responded to. In relation to schools, the time for responding is within 20 working days following the date of receipt, excluding any day which is not a school day (this effectively equates to a period of 20 school days). When the school receives a request for information, it will log the final date for responding and ensure that the timescale for responding is met.

5. Charging

5.1 The Headteacher will be responsible for determining if a fee will be charged for complying with the request in accordance with the FOIA. Where a fee is to be charged, the requester will be sent a notice confirming the charge before the information is supplied.

5.2 Where a fee is charged, this will be for the purpose of recovering communication costs, such as for photocopying, printing and postage. We will not normally charge

for any other costs, such as for staff time spent searching for information, unless other relevant legislation authorises us to do so.

5.3 Where the School estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The School is not obliged to comply with such a request but may choose to do so.

5.4 Where the school does decide to comply with the request in the circumstance under 5.3, it may also charge for staff time spent on complying with the request. These charges will be clearly set out in a notice before the information is provided.

6. Publication of Information

6.1 As well as responding to requests for information, the FOIA requires the School, as a public authority, to publish information proactively. We are committed to publishing information in a way which is open, transparent and accessible. The School does this by publishing information in its Publication Scheme which can be found on our website and is updated regularly.

7. Withholding Information

7.1 The FOIA sets out certain circumstances in which the School may decide not to comply with a request for information. In considering a request, the School will consider whether any of those circumstances exist having, where appropriate, taken advice from the DPO. These circumstances include the following:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

7.2 The FOIA also includes a number of 'exemptions' which allow the School to withhold information from a requester. In some cases, the School will be permitted not only to withhold the information, but also to refuse to confirm or deny whether the requested information is held at all.

7.3 The exemptions contained can be classified as 'absolute' or 'qualified'. Where an exemption is absolute, this means that the School can automatically withhold the information subject to the request. Most exemptions, however, are qualified which means that the School may only withhold the information having carefully applied what is commonly referred to as the 'public interest test'. This is a balancing exercise under which the school must consider and balance the public interest in withholding

and disclosing the requested information. In applying an exemption, the School will have regard to advice from the DPO, where necessary, and guidance published by the ICO.

7.4 Where information is withheld under an exemption, in most cases the reason behind the decision will be made clear to the requester, citing the exemption under which the information is being withheld. The requester will also be given details of the right to challenge the decision through the School's Governing Body and the right of appeal to the Information Commissioner's Office.

8. Third party information

8.1 Where the School receives a request, which may lead to the disclosure of information relating to a third party, which could either be an individual or an organisation, advice will be sought from the DPO where necessary. The release of this information will be considered carefully as its release could potentially place the School at risk of legal action e.g. breach of confidence or breach of the DPA.

8.2 Where the information amounts to personal information, its disclosure could potentially be in breach of the GDPR and DPA. In this instance, the School will consider the data protection principles and guidance from the ICO to determine whether it can lawfully release the information. In some instances, whilst releasing the requested information in its entirety may breach the GDPR or DPA, the School will consider whether redactions can be applied to the information to prevent the breach from arising.

8.3 Where appropriate, the School will contact the third party to seek their consent to disclose the information requested. If the third-party refuses to consent, this does not necessarily mean that the information will not be disclosed. Depending on the nature of the request, we may ask the third party to provide reasons as to why they believe that the information should not be disclosed so that the School can properly consider whether to apply an exemption or not. This may be the case, for example, when the request relates to information that a third party considers to be commercially sensitive.

Amending Records

It is a criminal offence for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. The FOIA contains specific provisions to make such action a criminal offence.