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PRIMARY ACADEMY

Freedom of Information Policy

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Further Information/Guidance	Data Protection Act 2018

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Statement of intent

As an educational provider, our Trust 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 the Trust will respond to requests from individuals for access to information held about them.
- Our policy and procedures for the release and publication of private data and public records.
- Our policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

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

For the avoidance of doubt, where this policy states 'the Trust' this also refers to our individual academies and vice versa.

1. Legal framework

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

- The Data Protection Act (2018)
- The Freedom of Information Act (2000)
- The Environmental Information Regulations (2004)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations (2004)
- The Freedom of Information (Time for Compliance with Request) Regulations (2010)

1.2. This policy also has due regard to guidance, including, but not limited to, the following:

- ICO 'Model publication scheme' 2016
- ICO 'Duty to provide advice and assistance (section 16)' 2016

1.3. This policy will be viewed in conjunction with the following other academy policies:

- GDPR Data Protection Policy
- Data Retention Policy

2. Accepting requests for information

2.1. The academy 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

2.3. The academy will publish details of its procedures for dealing with requests for information on the website, which includes:

- A contact address and email address
- A telephone number
- A named individual to assist applicants with their requests

3. General right of access to information held by the Academy

3.1. Provided that the request complies with [section 2](#) of this policy, the academy will, no later than 20 school days or 60 working days (whichever is the shorter period) from receipt of the request, comply with its duty to:

- Confirm or deny to any person making a request for information to the academy, whether it holds information of the description specified in the request.
- Provide the documentation, if the academy confirms that it holds the requested information.

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

- The academy reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- A request for information is exempt under section 2 and Part II of the Freedom of Information Act 2000.
- 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 the Academy does hold the requested information but wishes to rely on an exemption to withhold release, it will, within 20 school days or 60 working days (whichever is the shorter period), issue a refusal notice to the applicant which:

- Confirms that it holds the requested information;
- States the fact that it is refusing to comply with the request
- Specifies the exemption(s) that it relies on
- Notifies the requestor of their right to have the matter reviewed internally and to complain to the Information Commissioner's Officer (ICO).

3.4. The information provided to the applicant will be in the format that they have requested, where possible.

3.5. Where it is not possible to provide the information in the requested format, the academy will assist the applicant by discussing alternative formats in which it can be provided.

3.6. The information provided will also be in the language in which it is held, or another language that is legally required.

3.7. If, in order to meet its statutory obligations under the Equality Act 2010 the academy is legally obliged to provide the information in other forms and formats, it will do so.

3.8. Requests for environmental information will be handled under the Environmental Information Regulations 2004.

4. The appropriate limit

4.1. The academy 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, the academy will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds 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.
- 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 the academy, are to be based on a fixed rate of £25 per person per hour.

4.3. Where multiple requests for information are made to the academy 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 academy of complying with all of them.

5. Charging fees

5.1. The academy may, within 20 school or 60 working days (whichever is the shorter period), give an applicant who has requested information from the academy, a written notice stating that a fee is to be charged for the academy's compliance.

5.2. Charges may be made for disbursements, such as the following:

- Photocopying
- Postage and packaging
- Costs directly incurred as a result of viewing information

5.3. Fees charged will not exceed the total cost to the academy of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

5.4. Where a fee is to be charged, the academy 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.

5.5. The academy will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.

5.6. When calculating the 20th school day or 60th working day (as appropriate) in which to respond to a freedom of information request, the period beginning 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 academy 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. The academy will meet its 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 the academy.

7.2. The academy may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the academy holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the academy is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the academy to assist the individual who has submitted the request.

7.3. The academy will provide assistance for each individual on a case-by-case basis; examples of how the academy will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000

- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

7.4. In order to provide assistance as outlined above, the academy will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

7.5. The academy will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

7.6. In circumstances where an applicant has difficulty submitting a written request, the academy will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

NB. This list is not exhaustive and the academy may decide to take additional assistance measures that are appropriate to the case.

7.7. Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the academy, as a matter of good practice, will provide advice and assistance.

7.8. The academy will advise the applicant how and where information can be obtained, if it is accessible by other means.

- 7.9. Where there is an intention to publish the information in the future, the academy will advise the applicant of when this publication is expected.
- 7.10. If the request is not clear, the academy will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- 7.11. If the academy is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- 7.12. If any additional clarification is needed for the remainder of a request, the academy will ensure there is no delay in asking for further information.
- 7.13. If an applicant decides not to follow the academy's advice and assistance and fails to provide clarification, the academy is under no obligation to contact the applicant again.
- 7.14. If the academy is under any doubt that the applicant did not receive the advice and assistance, the academy will re-issue it.
- 7.15. The academy is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.
- 7.16. The academy is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the academy will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- 7.17. A record will be kept by the Operations Manager of all the advice and assistance provided.

8. Monitoring and review

- 8.1. This policy will be reviewed on a three yearly basis, or in light of any changes to relevant legislation, by the Trust Director of Operations.
- 8.2. The next scheduled review date for this policy is May 2024.

Model Publication Scheme

This scheme follows the model approved by the ICO 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
- What we spend and how we spend it
- What are our priorities and how we are doing?
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

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, or notes, documents in older versions, emails or other correspondence.
- 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 academy using the below contact details.

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

“FREEDOM OF INFORMATION REQUEST”

Documents can be translated under disability legislation into accessible formats where possible.

3. Charges

Documents contained in this scheme are free to view on the academy website.

Single paper copies are also available free of charge to parents/carers and prospective parents/carers of the academy.