

PLASHET SCHOOL



Working together to promote & celebrate achievement

Freedom of Information Policy

Revised and applicable from 10th December 2017

A handwritten signature in black ink, appearing to read 'Irene Papadogiorgaki', with a long horizontal stroke at the end.

Signed:

Chair of Governors

Aims

To explain the procedure for handling freedom of information requests received by Plashet School.

Context

Plashet School operates within guidance and procedures set out by the Department for Education.

Evaluation

This policy will be evaluated every three years by the Finance, Staffing & Personnel Committee of the Governing Body to ensure it is still fit for purpose. Circumstances may require more frequent modifications.

Procedure

Procedures to support this Policy are appended as follows:

Appendix 1 Process Map 1 for Dealing with Requests

Appendix 2 Process Map 2 for Dealing with Requests

Background and Core Procedures

1. Introduction

Plashet School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This Policy outlines the School's response to the Act and a framework for managing requests.

2. Background

The Freedom of Information Act 2000 (FoI) came fully into force on 1 January 2005. Under the Act, any person has a legal right to ask for access to information held by the School. They are entitled to be told whether the School holds the information, and to receive a copy, subject to certain exemptions.

The information which the School routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

Requests must be made in writing, (including email or fax), and should include the enquirers name and correspondence address, and state what information they require. Horsforth School has a duty to respond to all requests, specifically confirming whether or not the information is held and supplying any information that is held, except where exemptions apply. A response will be provided in 20 working days (this excludes weekends and school holidays).

3. Scope

The FoI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the School.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the School holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety.

If any element of a request to the school includes personal or environmental information, these will be dealt with under DPA or EIR. Any other information is a request under FoI, and will be dealt with accordingly.

4. Obligations and Duties

The School recognises its duty to

- Provide advice and assistance to anyone requesting information. Plashet School will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- Tell enquirers whether or not the School holds the information they are requesting, and provide access to the information we hold in accordance with the procedures laid down below.

5. Publication Scheme

Plashet School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. The Publication Scheme and the materials it covers will be readily available on our School website, www.plashetschoolnewham.com

6. Dealing with Requests

We will respond to all requests in accordance with the procedures laid down below.

7. Exemptions

Certain information is subject to either absolute or qualified exemptions.

Should the School wish to apply a qualified exemption to a request, it will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

Plashet School will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for by the School Business Manager for 5 years.

8. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the public interest test before any qualified exemptions are applied.

9. Charging

Plashet School reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

Governing bodies may choose to charge a fee for complying with requests for information under FOI. The fees must be calculated according to FoI regulations and the person notified of the charge before information is supplied.

10. Responsibilities

The School's Governing Body has delegated the day-to-day responsibility for compliance with the FoI to the Head Teacher. Please note any FoI requests received will be forwarded on to NPW and Children Services, London Borough of Newham for guidance.

11. Complaints

Any comments or complaints will be dealt with through the School's normal complaints procedure.

Appeals against the outcome of an internal complaint investigation should be made in writing to the Information Commissioner's office. They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5A

Freedom of Information

Procedure for dealing with requests

To handle a request for information the Governing Body or delegated person will ask themselves a series of questions. These are set out below.

Is it a FOI request for information?

A request for information may be covered by one, or all, of three information rights:

- Data Protection enquiries (or subject access requests) are ones where the enquirer asks to see what personal information the school holds about the enquirer. If the enquiry is a Data Protection request, follow your existing school DPA guidance.
- Environmental Information Regulations enquiries are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, follow the guidance on the IC's website here or the DEFRA website here.
- FoI enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the FOI Act. All requests for information that are not data protection or environmental information requests are covered by the FoI Act.

Is this a valid FoI request for information?

An FoI request should:

- be in writing, including email or FAX;
- state the enquirer's name and correspondence address (email addresses are allowed);
- describe the information requested - there must be enough information to be able to identify and locate the information¹; and
- not be covered by one of the other pieces of legislation.
-

Verbal enquiries are not covered by the FOI Act. Such enquiries can be dealt with where the enquiry is relatively straightforward and can be dealt with satisfactorily. However, for more complex enquiries, and to avoid disputes over what was asked for, you should ask the enquirer to put the request in writing or email, when the request will become subject to FOI.

Does the school hold the information?

"Holding" information means information relating to the business of the school:

- the school has created, or
- the school has received from another body or person, or
- held by another body on the school's behalf.

Information means both hard copy and digital information, including email.

Has the information requested already been made public?

If the information requested is already in the public domain, Plashet School will direct the enquirer to the information and explain how to access it.

Is the request vexatious or manifestly unreasonable or repeated?

The Act states that there is no obligation to comply with vexatious requests. This is taken to mean a request which is designed to cause inconvenience, harassment or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine the work of the school.

Could a third party's interests be affected by disclosure?

Consultation of third parties may be required if their interests could be affected by release of the information requested, and any such consultation may influence the decision.

Consultation will be necessary where:

- disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- the views of the third party may assist you to determine if information is exempt from disclosure, or
- the views of the third party may assist you to determine the public interest.

Does an exemption apply?

The presumption of the legislation is that you will disclose information unless the Act provides a specific reason to withhold it.

Is the request for personal information?

Personal information requested by the subject of that information is exempt under the FoI Act as such information is covered by the Data Protection Act. Individuals must, therefore, continue to make a 'subject access request' under the Data Protection Act if they wish to access such information.

Do the details contain personal information?

Personal information requested by third parties is also exempt under the FOI Act where release of that information would breach the Data Protection Act. If a request is made for a document (e.g. Governing Body minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information.

What is the time limit for replying to the enquirer?

Compliance with a request must be prompt and certainly within the legally prescribed limit of 20 working days, excluding school holidays. The response time starts from the time the request is received. If further information has been requested by the enquirer, the 20 days' start time begins when this further information has been received.

If a qualified exemption applies and more time is required to consider the public interest test, the school will reply within the 20 days stating that an exemption applies but include an estimate of

the date by which a decision on the public interest test will be made.

If there is to be a charge made the time period stops until payment is received and then continues again once payment has been received.

What if a request is refused?

If the information is not to be provided, the person dealing with the request must immediately contact the person in the school with delegated responsibility for FOI to ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, a refusals notice will be issued confirming the following:

- the fact that the responsible person cannot provide the information asked for;
- which exemption(s) you are claiming apply;
- why the exemption(s) apply to this enquiry (if it is not self-evident);
- reasons for refusal if based on cost of compliance
- in the case of non-absolute exemptions, how you have applied the public interest test, specifying the public interest factors taken into account before reaching the decision
- reasons for refusal on vexatious or repeated grounds
- the internal complaints procedure.
-

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person will keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information. Records will be retained for 5 years. Records will not be retained where you have supplied the information requested.

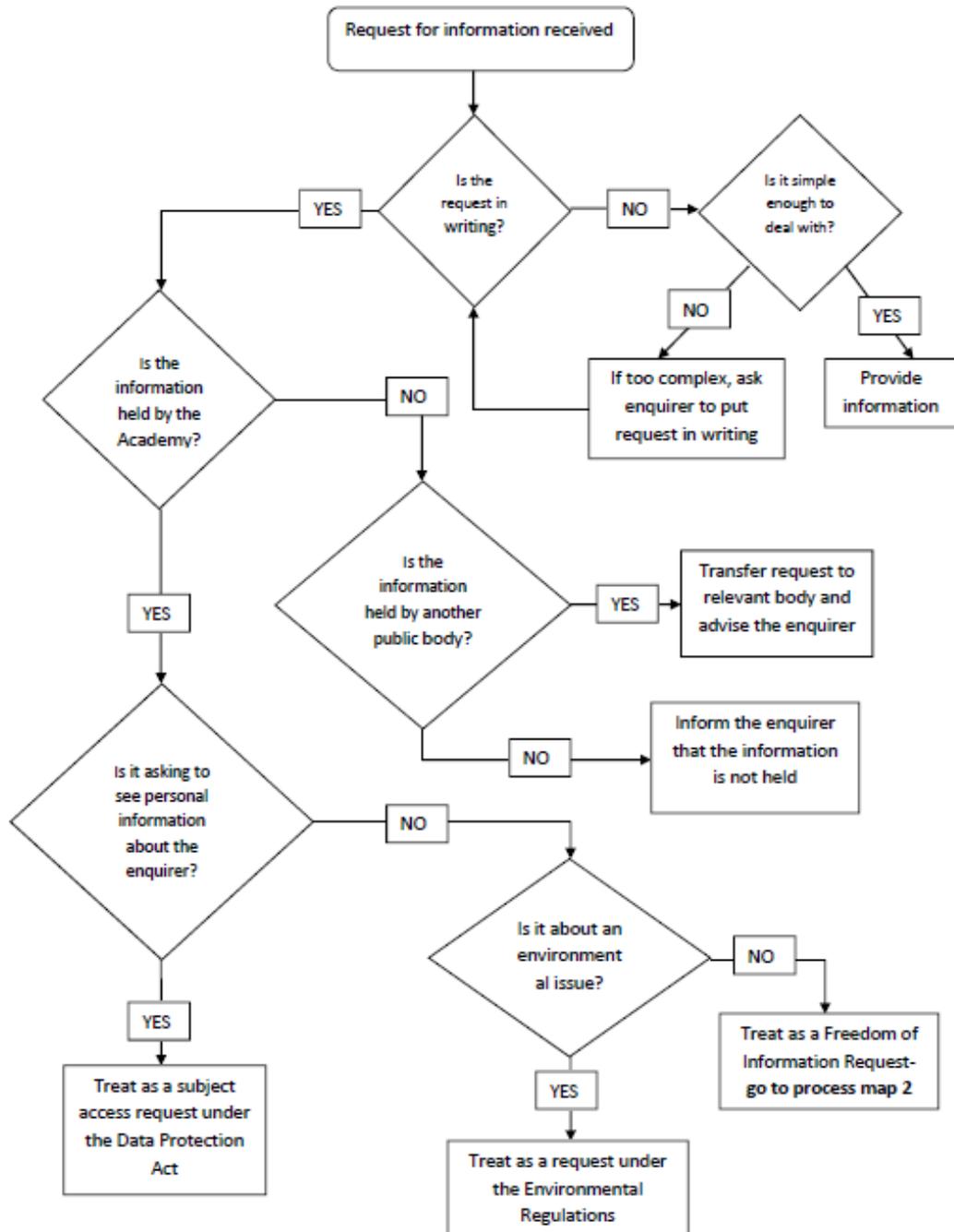
Feedback and Complaints

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made, then this should be addressed to the Information commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints.

They can be contacted at:

FOI Compliance Team (complaints),
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

**Freedom of Information Policy-Appendix 1–Procedure for
Dealing with Requests**
PROCESS MAP 1 FOR DEALING WITH REQUESTS



Freedom of Information Policy-Appendix 1–Procedure for Dealing with Requests

PROCESS MAP 2 FOR DEALING WITH FOI REQUESTS

