Freedom of Information Policy

This policy applies to all employees and governors including temporary, contract staff and anyone who undertakes work on behalf of *St Paul's CE Primary School* regardless of their location

Effective date: February 2023

Document control
Version control/History

Reviewed and approved by the Governing body

Signed_____Chair of Governors

Signed_____Headteacher

Review Date February 2027

Name	Description	Date
Andrew van Damms	V1.0 Freedom of Information policy template for schools	12/11/18

1. Introduction

1.1 The Freedom of Information Act 2000 ("the Act") provides individuals with a general right of access to recorded information held by Public Authorities. The Environmental Information Regulations 2004 ("the Regulations") provide a right of access to Environmental Information held by Public Authorities. St Paul's CE Primary School is a Public Authority and has a legal obligation to provide information through an approved publication scheme and in response to valid requests made by individuals under the Act and Regulations.

1.2 Information which is held by the school in a recorded format (paper or electronic) can be requested under the Act/Regulations and, subject to any relevant exemptions applying, will need to be disclosed. **Disclosures under the Act/Regulations are disclosures into the public domain.**

1.3 The Act does not give people access to their own personal data (information about themselves). The right of access to personal data is provided by the General Data Protection Regulation (GDPR) and this is addressed in the school's Data Protection policy.

2. Related Policies and Documents

- Data Protection Policy
- Records Management and Retention policy
- Retention schedule
- Other policies and documents may be produced and added to this list.

3. Responsibilities

Overall responsibility for ensuring that the school meets the statutory requirements of the Act and Regulations rests with the Governors and the Chair of Governors has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Headteacher. The Headteacher may decide to assign operational responsibility for keeping a record of requests received and responding to requests to another member of staff, for example the School Business Manager.

4. Support and guidance

Support and advice is available from the Council's Information Governance team as part of the GDPR SLA service. Queries should be emailed to infogovernance@salford.gov.uk.

Comprehensive guidance regarding the Freedom of Information Act and Environmental Information Regulations has been produced and published by the Information Commissioner's Office (https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/). The school will make use of this, in particular in the event that it needs to consider withholding information in response to a request.

5. Core Principles

5.1 The school will publish the information set out in the ICO Model Publication Scheme and will ensure that documents containing the information are available on request.

5.2 Following receipt of a valid request under the Act or regulations, the school will provide access to information, subject to any exemptions applying, within 20 school days or 60 working days, whichever is shorter.

5.3 There will be occasions where the School does not hold the information requested or when it can refuse to give access to the requested information. If a request is refused, the School will explain why, identifying applicable exemptions and providing reasons for the public interest being better served by non-disclosure than by disclosure where necessary

5.4 In all cases, responses provided by the school will include details of an appeals procedure against refusal to give access or to address any dissatisfaction in relation to the school's handling of a request.

6. Implementation, Monitoring and Review

The publication scheme

6.1 Publication of information listed in the Publication Scheme will be the responsibility of The Headteacher – Joanne Rowley

6.2 The Publication Scheme and the materials it covers will be readily available from the School.

Handling requests for information

6.3 The School will provide information that it holds as quickly as possible within the timeframe unless it is determined to be exempt from disclosure under the Act, for example where it:

i. Is not held by the School;

ii. is information reasonably accessible through another route (i.e. already within the public domain);

iii. is information in respect of an investigation that relates to criminal proceedings, either current or potential;

iv. relates to the prevention or detection of crime, the apprehension or prosecution of offenders or the administration of justice and disclosure would prejudice these activities;

v. relates to Court records, including information relating to legal proceedings;

vi. is personal information and disclosure would breach the Data Protection principles;

vii. is information provided in confidence;

viii. is planned to be publicly disclosed in the future;

ix. is likely to endanger health and safety;

x. is covered by legal or litigation privilege;

xi. would prejudice commercial interests, or

xii. is vexatious or repeated.

xiii. The Environmental Information Regulations contain a similar set of exceptions. The bar for applying exceptions under the Regulations is set high as there is a strong presumption in favour of disclosure.

6.4 The above is not an exhaustive list. All requests received should be forwarded immediately to the Headteacher . The statutory timescale begins the first working day after it is received by the school (no matter who within the school received it).

6.5 Requests for information under the Act will be overseen by the Headteacher

6.6 The Headteacher will:

i. publish the model Publication Scheme on the School's website and make it available in printed form;

ii. provide assistance to persons wishing to access information but who are unclear about the process;

iii. acknowledge requests within 5 working days of receipt;

iv. where further details of the information requested are needed before the can be dealt with, send a letter or email requesting that information within 5 working days of receipt of the request;

vi. make the information accessible within 20 school days of receipt of the original request (or 60 working days, whichever is shorter) or within 20 school days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter).

vii. In exceptional cases an extension to the timescale may be required due to the length of time that is required to consider the public interest arguments in respect of possible disclosure of the requested information. The School will notify the individual requesting the information of the extension and ensure that the request is answered as promptly as possible and, in any event, within an additional 20 working days;

viii. where the information is exempt or the access request is vexatious or repeated, the Headteacher will send a refusal notice to the applicant setting out the reason for refusal with details of the exemption(s) claimed, any public interest test considerations (if applicable) and outlining the appeals procedure;

ix. where the information is exempt, the Headteahcer] will decide whether to confirm or deny in the refusal notice the existence of the information following the guidance in the Act;

x. where the refusal is on the grounds that the information is available elsewhere, the response will direct the applicant to where the information can be accessed e.g. by providing a relevant web link;

Appeals Procedure

6.7 Any appeals received (known as 'internal reviews') will be directed to the Headteacher within two days of receipt for response unless the Headteacher has been involved in the initial response. In the event the Headteacher has already been involved, the Chair of Governors will be responsible for responding.

6.8. The Headteacher or Chair of Governors will complete the appeals process and respond within 20 school days, or in the case of an internal review regarding an Environmental Information Request, 40 working days.

Policy review

6.9. The policy will be reviewed annually and updated if necessary to reflect any changes in the law or in school governance arrangements. Steps will be taken to ensure all staff are aware of and have read this policy. This policy will also be shared with the full governing board.