

Freedom of information act (FOIA) - schools' new obligations

The freedom of information act (FOIA) makes information held by public authorities (PAs) (which includes maintained schools and academies as well as local authorities) available to the public in 2 ways:

1. PAs are required to have a publication scheme approved by the information commissioner (ICO) and to publish information under the scheme (see below).
2. Members of the public can request information from the PA. Requests must be responded to within 20 working days.

Publication schemes

The latest model publication scheme was approved by the ICO on 1 September 2013. The model scheme can be adopted by placing a link (below) to it on your website or otherwise making it available. There is no need to notify the information commissioner.

http://www.ico.org.uk/for_organisations/freedom_of_information/guide/~/-/media/documents/library/Freedom_of_Information/Deetailed_specialist_guides/model-publication-scheme.pdf

If schools have adopted older versions of the ICO model scheme or unapproved schemes, they should adopt the new scheme forthwith and before the end of February 2014.

Schools' definition documents and templates for publication under FOIA

Since FOIA came into force in 2000 there has been a trend towards more transparency. The ICO issued new 'definition documents', templates and guidance on publication in August 2013 for schools in England, Wales and Northern Ireland. They provide more specific guidance on what schools should be publishing and committing to publish in order to comply with their obligations under FOIA. The new template would commit schools to publishing more information than they probably currently publish for example relating to staff salaries, staff and governor expenses and items of expenditure. It is not a statutory requirement to adopt the template but it is recommended that schools do so by the end of February 2014 to ensure that they continue to comply with their obligations under FOIA.

PAs do not have to publish information which is 'reasonably accessible to the public by other means'. If a local authority pursuant to its own publication scheme publishes information (for example on school staff salaries) then the school does not have to publish or supply the same information but can direct an applicant to the LA.

Definition documents templates and guidance on templates is available here:

http://www.ico.org.uk/for_organisations/freedom_of_information/definition_documents

Datasets

The FOIA was amended with effect from 1 September 2013 in relation to publication of 'datasets'. A dataset is defined as: 'a collection of factual information in electronic form to do with the services and functions of the authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered.'

The changes do not require the publication of any additional information but require PAs to publish information (unless it is not reasonably practicable) in electronic form and in a form in which it can be re-used

Dataset guidance is available here:

http://www.ico.org.uk/for_organisations/guidance_index/~-/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/datasets-foi-guidance.pdf

Exemptions

FOIA includes 26 sections dealing with exemptions. The ICO website (www.ico.org.uk) has detailed guidance on exemptions. The operation of exemptions can be complex (particularly where personal information is involved) and it is recommended that schools take advice from their local authority, legal advisers or the ICO if exemptions need to be considered.

Schools can subscribe to the ICO monthly newsletter to be informed of changes here:

<http://www.ico.org.uk/news/e-newsletter>