

Spaxton Church of England School

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Freedom of Information Policy

Policy Reviewed	Next Review Due
April 2018	April 2020

Signed.....
Head teacher

Date.....

Signed.....
Chair of Governors

Date.....



Freedom of Information Policy

Introduction

Spaxton School has always adopted an open and accessible approach to the information it holds. The School fully supports the introduction of the FOI Act and welcomes the challenges that a fully open and accessible School will bring.

The Freedom of Information Act 2000 gives the public the right of access to all recorded information held by all public authorities. Any person who makes a request to the School for information, must be informed, within 20 working days whether the School holds that information and if so that information must be supplied (subject to any exemptions).

The Freedom of Information Act complements the following Acts:

- Data Protection Act 1998, that gives individuals access to personal information held about them by the School
- Environmental Information Regulations 1992 (as amended 1998) that gives access to information about the environment held by the Government and public authorities.
- Local Government (Access to Information) Act 1985 that sets down the main access to information rules in relation to all meetings of the school and the formally established committees and sub-committees of the school.

This document provides the policy framework through which effective compliancy can be achieved.

Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- A significant amount of routinely published information held by the School is made available to the public
- Other information is available on request (subject to confidentiality) and such requests are dealt with in a timely manner;
- In cases where information is covered by an exemption or other legislation consideration is given as to whether or not the information should be released.

Responsibilities

The School recognises its responsibility under the Act to provide a general right of access to information held by the School.

All members of staff should receive an awareness briefing on the Freedom of Information Act and its implications to their role within the School.

Relationship with existing policies

This policy has been formulated within the context of the following policy documents:

Data Protection Policy

Available Guidance

General guidance is available from the Information Commissioners website (www.informationcommissioner.gov.uk)

Specific Requests for Information

Information not already made available will be accessible through a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

Any request must be made in a permanent form (for example in writing or by email). Applicants will not be entitled to information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by a solicitor in the Legal Services Team.

The School must respond to any request within 20 working days. This period is suspended if it is necessary to request further information from the applicant in order to deal with the request or if a fee is required. The time starts to run again from receipt of the information.

In respect to any request for information the School reserves the right to:

- Refuse any vexatious or repetitious request.
- Where the School already publishes the information requested, enquirers will be directed to the public resource in which they may find the information they require.
- Obscure or suppress information that relates to other third parties (under the terms of Principles 1, 6 and 7 of the Data Protection Act 1998).
- Withhold information if it is subject to an exemption under the Freedom of Information Act 2000 or Local Government Act 1972

Complaints

The School has a set complaints procedure and any complaints about Data Protection Act or Freedom of Information Act may be dealt with by contacting the school or the Local Authority.

Exemptions

There are 23 exemptions under the FOI Act, some exemptions where the public interest test applies, and others that are absolute exemptions. The full list of FOI exemptions can be found at Appendix 2 of this policy.

The School may also exempt information under the Local Government Act. The full list of LGA exemptions (currently under review) covered by this legislation can be found in Appendix 3 of this policy.

The School may decide that some information it holds could be regarded as exempt information under either of these Acts.

Public Statement

The following public statement will be made on the School's website and summaries this policy:

Spaxton Primary School sees the introduction of the Freedom of Information Act as a welcome opportunity both to improve the ways in which it informs the public it serves and to improve the ways in which it manages the large amount of information it holds. Information is one of the most, if not the most, important assets the School has, and Freedom of Information provides a catalyst to make it more widely available and manage it more efficiently.

The School wishes to conduct its business in an open and honest fashion. When the School makes a decision, it is important that the Public is informed how these decisions have been made. The provisions of the Freedom of Information Act will enable the Public to understand the School and its work through improved access to information.

1. **Availability:** The School will make information publicly available unless there are exemptions which relate to the information
2. **Confidentiality:** The School will not classify documents as CONFIDENTIAL without clear justification for doing so.
3. **Exemptions:** The School recognises that the exemptions to access in the Freedom of Information Act **may allow** the School not to release a document but **do not prevent** it from releasing that document.
4. **Equality:** The School will develop an environment in which access to information is not dependant on a person's physical, social or educational circumstances, or first language.
5. **Charges:** The School may charge any fee allowed by the Freedom of Information or Data Protection Acts and Regulations to help cover the cost of finding and making available the requested information.

List of exemptions under the Freedom of Information Act 2000

A. The absolute exemptions:

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

- Information, which is accessible to the applicant by other means (for example openly available in public libraries)
- Information supplied by or relating to bodies dealing with security matters
- Court records
- Information, which falls under the parliamentary privilege
- Personal information (this should be treated as a data protection request if it related to the applicant unless it relates to unstructured personal data)
- Information provided in confidence, the disclosure of which would constitute an actionable breach of confidence
- Information which has prohibitions on disclosure e.g. by an enactment or where disclosure would be punishable as a contempt of court