**Seaton Sluice First School**

**FREEDOM OF INFORMATION ACT POLICY**

**September 2019**

**Explanatory Notes**

Governing bodies are responsible for ensuring that schools comply with the

Freedom of Information Act 2000 (FoIA). Some aspects, such as charging are at

the discretion of the Governing Board.

1. Introduction

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**Available from school:**

* Procedure for Dealing with Requests
* Exemptions
* Applying the Public Interest Test
* Charging

**1. Introduction**

Seaton Sluice First 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 our response to the

Act and a framework for managing requests.

**2. Background**

The Freedom of Information Act 2000 (FoI) came fully into force on January 1

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.

The Act is fully retrospective, so that any past records which the school holds are

covered by the Act. The DfE has issued a Retention Schedule produced by the

Records Management Society of Great Britain, to guide schools on how long they

should keep school records. It is an offence to wilfully conceal, damage or

destroy information in order to avoid responding to an enquiry, so it is

important that no records that are the subject of an enquiry are amended or

destroyed.

Requests under FoI can be addressed to anyone in the school; so all staff need to

be aware of the process for dealing with requests. Requests must be made in

writing, (including email), and should include the enquirer’s name and

correspondence address, and state what information they require. They do not

have to mention the Act, nor do they have to say why they want the information.

There is a duty to respond to all requests, telling the enquirer whether or not the

information is held, and supplying any information that is held, except where

exemptions apply. There is no need to collect data in specific response to a FOI

enquiry. There is a time limit of 20 days excluding school holidays for

responding to the request.

For further information and guidance, see the DfE “Freedom of Information Act

2000 – A Guide for Maintained Schools on Full Implementation from January

2005.”

**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. For

example queries about chemicals used in the school or on school land, phone

masts, car parks etc. would all be covered by the EIR. Requests under EIR are

dealt with in the same way as those under FoIA, but unlike FoIA requests, they

do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental

information, these elements must be dealt with under DPA or EIR. Any other

information is a request under FoIA, and must be dealt with accordingly.

**4. Obligations and Duties**

The school recognises its duty to:

* provide advice and assistance to anyone requesting information. We 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 we hold the information they are requesting

(the duty to confirm or deny), and provide access to the information we

hold in accordance with the procedures laid down by the local authority.

**5. Publication Scheme**

Seaton Sluice First School has adopted the Model Publication Scheme for

Schools approved by the Information Commissioner.

**6. Dealing with Requests**

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

The local authority.

We will ensure that all staff are aware of the procedures

**7. Exemptions**

Certain information is subject to either absolute or qualified exemptions.

When we wish to apply a qualified exemption to a request, we will invoke the

public interest test procedures to determine if public interest in applying the

exemption outweighs the public interest in disclosing the information.

We 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 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**

We reserve the right to refuse to supply information where the cost of doing so

exceeds the statutory maximum.

**10. Complaints**

Any comments or complaints will be dealt with through the school’s normal

complaints procedure.

We will aim to determine all complaints within 10 days of receipt.

The school will maintain records of all complaints and their outcome.

If on investigation the school’s original decision is upheld, then the school has a

duty to inform the complainant of their right to appeal to the Information

Governance’s office.

They can be contacted at:

Information Governance Office

0845 600 6400

FOI@northumberland.gov.uk

Date agreed: January 2021

To be reviewed September 2022