



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

Content

Section	Content	Page
	Policy Statement	1
1	Introduction	2
2	Background	2
3	Timescales	3
4	Scope	3
5	Requesting Information	3
6	Withholding Information	4
7	Releasing a Third Part's Information	5
8	Information held within Contracts within the School	7
9	Complaints Procedure	7
10	Requests made under the Data Protection Act	8
11	Illegal Actions	8
Appendix A	Checklist for Action on Receipt of a Request for Information	9

Policy Statement

Background	St George's Academy is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 (FOIA) and the access provisions of the Data Protection Act 2018 (DPA). The Academy will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.
Statement	The underlying principle of this policy is that the public have a right to access to recorded information held by the Academy and that the Academy should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.
Responsibilities	Overall responsibility for ensuring that the School meets the statutory requirements of the FOIA, Environmental Information Regulations 2004 (EIR) and DPA lies with the Governing Body. They have delegated the day-to-day responsibility of implementation to the Principal. The Principal is assisted with the day to day management of this policy by Simon Stinchcombe, Vice Principal who currently fulfils the role of 'FOI officer'. The FOI Officer will advise on FOI and on access requests and exemptions and will act as the focus point for the receipt of all requests under the FOIA and EIR. All Academy staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the FOI officer where necessary.
Target Audience	This policy is intended to be used by any individual who wishes to make a request under the FOIA or EIR.
Training	Guidance and advice on this Policy is available via the FOI Officer and will also be made available to staff via the Staff Handbook.
Dissemination	X Drive



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

Equality and Diversity	As part of our on-going commitment to promoting equality and valuing diversity, St George's Academy is committed to eliminating discrimination against any individual on the grounds of the nine protected characteristics defined by the Equality Act (2010) age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
------------------------	---

1. Introduction

1.1 St Georges Academy is aware that it is has a legal duty to supply certain information to enquirers.

1.2 The detailed regulations contained within the Freedom of Information Act 2000 are complex. This policy document summarises the processes that the Academy will follow in response to a request under the Act.

1.3 The underlying principle of this policy is that the public have a right to access recorded information held by the Academy and that the Academy should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

1.4 Separate guidance, in the form of operating procedures, is available to staff in the staff handbook on how to handle information requests received under the FOIA regime.

2. Background

2.1 The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from public authorities

2.2 The Academy's policy is that:

- An enquirer must be informed whether the Academy holds that information or not, and if it does it must supply the information if it falls within the bounds of the Freedom of Information Act 2000
- The information must be supplied within 20 working days of the request, counting the first working day after the request is received as the first day. Working days refers to term time only as contained in Statutory Instrument 3364
- Information that the Principal considers to be of a sensitive nature may also be withheld. In so deciding the Principal will consider whether it should be released in the public interest or if in withholding the information is greater than the public interest in releasing it
- The Principal with advice from the FOI Officer will administer the school's process for providing information. In so doing the Principal will take into account the Freedom of Information Act 2000 and associated Code of Practice

2.3 In addition, individuals currently have a statutory right of access to their own "personal data" under the DPA. Individual access rights to personal data are extended by the FOIA through amendments to the access provisions of the DPA.



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

2.4 The EIR provides a statutory right of access to “environmental information”, as defined in these regulations.

2.5 The Government’s Information Commissioner enforces these three information regimes.

2.6 Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. For the purposes of this policy, the “public” is defined as any individual or organisation anywhere in the world and an “information request” refers to any request for recorded information made under the FOIA, EIR or DPA.

3. Timescales

3.1 Freedom of Information requests should be dealt with within 20 working days, excluding school holidays.

3.2 Requests for personal data (subject access requests) should be dealt with within one calendar month.

3.3 Requests for pupil education records should be dealt with within 15 school days. To clarify, this does not include school holidays.

4. Scope

4.1 This policy applies to all recorded information held by the Academy that relates to the business of the Academy. This includes:

- Information created and held by the Academy
- Information created by the Academy and held by another organisation on our behalf
- Information held by the Academy provided by third parties, where this relates to a function or business of the Academy (such as contractual information) and
- Information held by the Academy relating to Governors where the information relates to the functions or business of the Academy

4.2 This policy does not cover personal written communications (such as personal e-mails sent by staff). The Academy’s Data Protection Policy establishes the standards regarding the use of “personal data” (as defined in the DPA).

5. Requesting information

5.1 Procedures

5.1.1 On receipt of a request in writing for information, the Principal in conjunction with the FOI Officer will:

- Decide whether the request is a request under the *Data Protection Act*, *Environmental Information Regulations* or *Freedom Of Information Act*
- Decide whether the Academy holds the information or whether the request should be transferred to another body if the information is held by them
- Inform the enquirer if the information is not held
- Consider whether a third party’s interests might be affected by disclosure and if so consult them



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit (£450 with a maximum of £50 per individual educational record)
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed by applying the redaction procedure; and
- Consider whether the request is vexatious or repeated. Where the enquirer is unaware of the impact that the request or requests may have, explain this
- Refer the enquirer to the Information Commissioner's Office guidance 'For the Public' where the enquirer does seem to understand the issues raised by a request
- Give advice and guidance if the enquiry is unclear or too wide to answer

5.1.2 The Academy recognises its duty to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided.

5.2 Charges

5.2.1 The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Governing Body may charge a fee for complying with requests, as calculated in accordance with FOIA regulations. If a charge is to be made, the Academy will give written notice to the applicant before supplying the information requested.

5.2.2 The Academy will only charge for the cost of copying, printing and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.

5.2.3 Where the Academy estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The Academy is not obliged to comply with such a request but may choose to do so.

5.2.4 There is a sliding scale of up to £50 for copies of educational records.

6. Withholding information

6.1 The Academy accepts that according to the legislation there are only four reasons for not complying with a valid request for information under FOIA:

1. The information is not held
2. The cost threshold is reached (£450)
3. The request is considered vexatious or repeated, or
4. One or more of the exemptions apply

6.2 The Academy also recognises that there are a number of exemptions provided by the FOIA. Those exemptions most likely to apply to a request to the Academy are:

- Information accessible by other means



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

- Personal information. A request for personal information is covered by the DPA. Individuals may continue to make a “subject access request” under the DPA – these are where the enquirer asks to see what personal information the Academy holds about themselves
- Environmental information, where information is covered by the Environmental Information Regulations 2004
- Commercial interests. Information if its disclosure under the FOIA would, or would be likely to, prejudice the commercial interests of any person

6.2.1 There are two categories of exemptions: absolute and non-absolute. The Academy will only withhold information if it falls within the scope of one or more of these exemptions.

6.3 Where an absolute exemption applies, the Academy can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the Academy decides that the public interest is best served by withholding the information. Certain exemptions also contain a “prejudice test”, which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

6.4 The Academy will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

6.5 The Academy will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the Academy will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the Academy will take into account whether the release of the information would:

- Promote further understanding of current issues of public debate
- Promote the accountability of decisions taken by the Academy and the spending and allocation of public money
- Bring to light matters of public safety
- Allow the public to understand and challenge decisions made by the Academy
- Be otherwise in the public interest

6.6 Where information is withheld under an exemption, in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the Academy’s Governing Body and the right of appeal to the Information Commissioner’s Office.

6.7 Where the Principal plans to apply an exemption, he/she will consider whether other Academies hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant.

6.8 The Academy will also refuse to supply information under the FOIA, where the request is considered “vexatious” or “repeated” and under the EIR, where the request is considered ‘manifestly unreasonable’.



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

7. Releasing a third party's information

7.1 Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FOI officer prior to the release of the information.

7.2 The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FOIA permit information to be withheld when its release would breach the provisions of the DPA.

7.3 When the requested information relates to a living individual and amounts to "personal data" as defined in the DPA, its disclosure could breach the DPA. Therefore, the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the "third party" provisions of the DPA.

7.4 Where appropriate, the Academy will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused. The Academy will then consider if it is reasonable to disclose the information, taking into account:

- Any duty of confidentiality owed to the third party
- The steps taken to seek consent
- Whether the third party is able to give consent; and
- Any express refusal of consent

7.5 The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the Academy will be minded to disclose the information, although decisions will be made on a case by case basis.

7.6 Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the Academy's decision whether to release the information. Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not usually be used to withhold information about administrative decisions taken by the Academy.

7.7 As the DPA only relates to living individuals, the exemption relating to personal data under both the EIR and FOIA will not usually apply to information held about the deceased. Where the request might be controversial, the staff member will seek input from the FOI officer who will take advice from the Governing Body where necessary. Where the third party is an organisation, rather than an individual, the provisions of DPA 2018 will not apply. The Academy will consider consulting the third party concerning the release of their information where:

- The views of the third party may assist the Academy to decide whether an exemption under the Act applies to the information; and



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

- In the event of the public interest test being applied, where the views of the third party may assist the Academy to make a decision relating to where the public interest lies

7.8 Consultation will not be undertaken where:

- The Academy will not be disclosing the information due to some valid reason under the Act
- The Academy is satisfied that no exemption applies to the information and therefore cannot be withheld; and
- The views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure

7.9 Where input from a third party is required, the response time for the request remains the same. Therefore, it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the Academy to comply with the statutory time limits dictated by the legislation.

7.10 The Academy will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

8. Information held within contracts with the school

8.1 Any contractual information, or information obtained from organisations during the tendering process, held by the Academy are subject to the provisions of the FOIA and EIR. Whenever the Academy enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FOIA and EIR in relation to the provision of information held in contracts.

8.2 The Academy can withhold contractual information where its disclosure under either the FOIA or EIR could be treated as actionable breach of confidence. Where the Academy intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

8.3 The Academy will only agree to enter into confidentiality clauses where the information is confidential in nature and where it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

8.4 Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FOIA may be relevant, relating to commercial interests. This exemption is subject to a "public interest" test. Whenever the Academy has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the Academy will make the final decision relating to the disclosure of the information.

8.5 The Academy can also withhold information contained in contracts where any of the other exemptions listed in the FOIA or EIR are appropriate, although information will only be withheld in line with the Academy's policy on the



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

use of exemptions. All contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to a FOIA or EIR request.

9. Complaints procedure

9.1 Whenever the Academy withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the Academy's complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the Academy's Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

10. Requests made under the Data Protection Act

10.1 The Data Protection Act 2018 entitles an individual to access his or her 'personal data', as defined in that Act, where the information is held on an automated system, such as a computer and also manual files, where they amount to what the DPA describes as an "accessible record" or in a structured filing system, defined in the DPA as a "relevant filing system".

10.2 The parental right to receive information pertaining to the "educational record" of their child should continue to be administered under the Education (Pupil Information) (England) Regulations 2000. This right applies as long as the student concerned is aged under 18.

10.3 For further information on requests made under the DPA, please refer to the Academy's Data Protection Policy.

11. Illegal actions

11.1 It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FOIA and EIR contain specific provisions to make such action a criminal offence.



ST GEORGE'S ACADEMY

FREEDOM OF INFORMATION POLICY

Appendix A – Checklist for Action on Receipt of a Request for Information

Checklist:

- Decide whether the request is a request under the *Data Protection Act*, *Environmental Information Regulations* or *Freedom of Information Act*
- Decide whether the Academy holds the information or whether the request should be transferred to another body if the information is held by them
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit in respect of the FOIA
- If a request is made for a document that contains exempt personal information, ensure that the personal information is removed by applying the redaction procedure
- Consider whether the request is vexatious or repeated

Remember:

- Schools are under a duty to provide advice and assistance to anyone requesting information
- The enquirer is entitled to be told whether the Academy holds the information (the duty to confirm or deny) except where certain exemptions apply
- A well-managed records and management information system is essential to help schools to meet requests
- Requests should be dealt with within 20 working days (this excludes school holidays)
- Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.
- A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested
- Expressions of dissatisfaction should be handled through the Academy's existing Complaints Procedure



ST GEORGE'S ACADEMY
FREEDOM OF INFORMATION POLICY

Policy Developed by: Rachel Madge, HR Manager

Date Adopted: July 2022

Reviewing Committee: Finance and General

Frequency of Review: 2 Years

Date last reviewed: July 2022

To be reviewed by: July 2024

Name G. Arnold Signature 

Committee: Chair of Governors