

Holy Trinity C of E Primary Academy

Freedom of Information



This policy should be read in conjunction with our policies and/or procedures on, Data Protection, Records Retention, Data Subject Access Requests, Privacy Notices

Vision and Values

At Holy Trinity CE Primary Academy, inspired by and rooted in Christian values and teaching, we nurture children to become aspirational, courageous, compassionate, and joyful young people.

The values of our academy: **Courage, Joy, Aspiration, and Compassion**

Status	Statutory
Author	Jeremy Shatford DPO
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CONTENTS

1 Introduction

- 1.1 The aim of this policy is to ensure that Holy Trinity Church of England Primary Academy, Great Cheverell, Devizes, Wiltshire, SN10 5TL, (The School) is compliant with its obligations under the Freedom of Information Act 2000 (FOIA)
- 1.2 The School is committed to the Freedom of Information Act 2000 (FOI), to the principles of accountability and to the general right of access to information held by the School, subject to the exemptions contained within the relevant legislation.
- 1.3 The FOI Act was introduced to promote greater openness and accountability across the public sector.
- 1.4 The Information Commissioner's Office (ICO) is responsible for regulating and enforcing the Act. The ICO is an independent authority which has legal powers to ensure schools comply with the Act.
- 1.5 This policy outlines the school's responsibilities to the Act and provides a framework for managing requests.
- 1.6 It is the responsibility of the Governors to ensure procedures are in place to ensure that the School handles information requests covered by the Freedom of Information Act, the Data Protection Act 2018, the General Data Protection Regulation 2016/679 and the Environmental Information Regulation 2004 (EIR) in accordance with the provisions laid out therein and that the School satisfies the standards set out in the Lord Chancellor's Code of Practice on satisfying public authorities obligations under FOIA, produced under Section 45 of that Act.

2 Background

- 2.1 The FOIA provides the public with a statutory right of access to recorded information held by the School, subject to certain exemptions, within 20 working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved 'publication scheme'.
- 2.2 In addition, individuals currently have a statutory right of access to their own personal data under the Data Protection Act. Individuals access rights to personal data are extended by the FOIA through amendments to the access provisions of the Data Protection Act.
- 2.3 The Environmental Information Regulation (EIR) provides a statutory right of access to 'environmental information', as defined in these Regulations. The EIR are also fully retrospective.
- 2.4 The Information Commissioner enforces these three information regimes.
- 2.5 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 Scope

- 3.1 This policy applies to all recorded information held by the School that relates to the business of the School. This includes:
 - Information created and held by the School

- Information created by the School and held by another organisation on the School's behalf
 - Information held by the School provided by third parties, where this relates to a function or business of the School (such as contractual information) and.
 - Information held by the School relating to Governors where the information relates to the functions or business of the School.
- 3.2 This policy informs recipients of school services, members of the public and external parties to the processes the School has established for complying with the FOIA. This policy operationally applies to all employees of the School, governors, contractors, agents, and temporary staff working for or on behalf of the School.
- 3.3 This policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of 'personal data' (as defined in the DPA and General Data Protection Regulation). These requests are exempt for the FOI under section 40 and shall be processed in accordance with the Data Protection Act 2018 (DPA).

4 Roles and responsibilities

- 4.1 Overall responsibility for ensuring that the School meets the statutory requirements of the FOIA, EIR and DPA lies 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.
- 4.2 The Headteacher and Senior Leaders are required to ensure that the School have in place adequate guidance on FOI and effective measures to comply with this policy.
- 4.3 All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and in compliance with this policy and the prevailing procedures. All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure to every case unless an exemption applies.
- 4.4 The Schools Data Protection Officer has responsibility for ensuring compliance with the FOIA, EIR and DPA.
- 4.5 All requests for information should be sent to admin@holytrinity.wilts.sch.uk or our data protection officer at support@jmsconsultancy.co.uk
- 4.6 Third parties who are users of information supplied by the School will be required to confirm that they will abide by the requirements of the FOIA and indemnify the School against any prosecutions, claims, proceedings, actions or payment of compensation or damages, without limitation.
- 4.7 The School will ensure that:
- Everyone managing, and handling information understands that they are responsible for following good information management practice
 - Staff who handle information are appropriately supervised and trained
 - Methods of handling information are regularly assessed and evaluated
 - Any disclosure of data will be following approved procedures
 - All necessary steps will be taken to ensure that data is always kept secure against unauthorised or unlawful loss or disclosure
 - All contractors who are users of information supplied by the School will be required to confirm that they will comply with the requirements of the Act regarding information supplied by the School; and

- The School will abide by any Code of Practice on the discharge of the functions of Public authorities with is issued by the Ministry of Justice. In addition, the School will take account of any guidance which is issued by the Information Commissioner to promote good practice.

5 Principles

5.1 The following principles shall apply:

- The Act covers any recorded information held by the School. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings
- People shall have a right to know about the activities of the School, unless there is a good reason for them not to
- An applicant (requester) shall not be required to provide a reason for requesting information. The School shall however justify refusing a request
- The School shall treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data.

6 Requesting information under the Freedom of Information Act

6.1 Any written request for information shall be regarded as a request for recorded information under the FOI Act unless:

- It forms a request for personal data relating to the individual requesting the information. This shall be dealt with under the General Data Protection Regulation (GDPR), and consequently shall be processed in line with the Schools Subject Access Request Policy.
- If an individual is asking for ‘environmental information’, the request shall be considered under the Environmental Information Regulation 2004.
- A freedom of information request shall only be accepted if made in writing, (online forms, letters, emails, and the school’s official social media)
- Requests for information shall be met within 20 school term days of receipt. If more information is needed the 20 days will not start until this information has been received.
- A request for information shall not be refused because the recorded information is out of date, incomplete or inaccurate.
- The School shall not make any changes or deletions to records because of a request.

7 Refusing a request

7.1 The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories: absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

7.2 Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School 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.

7.3 The School 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.

7.4 The School 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 School 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 School will consider whether the release of the information would:

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

7.5 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 School’s Governing Body and the right of appeal to the Information Commissioner’s Office.

7.6 The School 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’.

8 THIRD PARTY INFORMATION

8.1 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 and/or GDPR. Both the EIR and FOIA permit information to be withheld when its release would breach the provisions of the DPA and/or GDPR.

8.2 When the requested information relates to a living individual’s personal data as defined in the DPA/GDPR, its disclosure could breach. Therefore, the release of third-party personal information relating to living individuals will be considered in accordance with the data protection principles and the “third party” provisions of the DPA/GDPR.

8.3 The School 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.

9 Information held within contracts with the school

9.1 Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FOIA and EIR. Whenever the School enters 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.

9.2 The School can withhold contractual information where its disclosure under either the FOIA or EIR could be treated as actionable breach of confidence. Where the School 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.

- 9.3 The School will only agree to enter confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.
- 9.4 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 School must 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 School will make the final decision relating to the disclosure of the information.
- 9.5 The School can also withhold information contained in contracts where any of the other exemptions listed in the FOIA or EIR are appropriate. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to an FOIA or EIR request.

10 How information will be published

- 10.1 The School’s information will be published on the School’s website via a publication scheme. It is the responsibility of the Headteacher and the governing body to ensure that the information covered by this scheme is routinely available.
- 10.2 In exceptional circumstances some information may be available only by viewing in person. An appointment to view the information will be arranged within a reasonable timescale.
- 10.3 The School shall make a disclosure log available on the School website that sets out responses to previous FOI requests.

11 Charges

- 11.1 The School will make no initial charges for making an FOI request.
- 11.2 In some cases or where a request is manifestly unfounded the School shall charge an appropriate fee for complying with the request. The fee will be to cover administrative costs of the staff and items such as photo copying where hard copies are provided.
- 11.3 If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

12 Request for a review

- 12.1 The School shall carry out a review of a request whenever the requestor expresses dissatisfaction with the outcome. This request should be made within 20 working days of receipt to the School’s response and the requester should set out what they are not satisfied with.
- 12.2 The School shall conduct a review within 20 working days.
- 12.3 If the requester is not happy with the outcome of the review, they have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK95AF

Tel: 0303 123 1113

www.ico.org.uk

13 Policy review

13.1 The Data Protection Officer is responsible for monitoring and reviewing this policy. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.

14 Links with other policies

14.1 This Freedom of Information policy is linked to the School:

- Data Protection Policy
- Security Incident and Data Breach Policy
- CCTV Policy
- Data Sharing Policy
- Data Protection Impact Assessment Policy
- Acceptable use policy
- Safeguarding policy
- GDPR Privacy Notices

14.2 The ICO also provides a free helpdesk that can be used by anyone and a website containing a large range of resources and guidance on all aspects of Information Law for use by organisations and the public. See www.ico.org.uk

15 Publication scheme

15.1 The School adopts and maintains a Publications Scheme based on the ICO's model publication scheme as follows:

16 WHO WE ARE AND WHAT WE DO?

Information to be published	How the information can be obtained	Cost
Who's who in the school Staff lists, both teaching and non-teaching staff and Staffing Structure.	School website	
Who's who on the governing body and the basis of their appointment	School website	
Instrument of Governance	School website	10p/sheet
Contact details for Head teacher and for the governing body (named contacts where possible with telephone number and email address, if used)	School website	

<ul style="list-style-type: none"> • School prospectus including • The name, address and telephone number of the school, and the type of school. • The names of the headteacher and chair of governors. • Information about admissions. • A statement of the school's ethos and values. • Details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils. • Information about the school's policy on providing for pupils with special educational needs. • Number of pupils on roll at time of publication and attendance rates of pupils' including authorised and unauthorised absences. • National Curriculum assessment results for appropriate Key Stages, with national summary figures. • School session times and term dates • The destinations of school leavers. • A description of the arrangements for the admission of pupils with disabilities. 	<p>Hard copy Contact school office</p>	<p>Free</p>
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17 WHAT WE SPEND AND HOW WE SPEND IT

Information to be published	How the information can be obtained	Cost
Annual budget plan and financial statements	Hard copy Contact school office	10p/sheet
Capitalised funding	Hard copy Contact school office	10p/sheet
Procurement and projects	Hard copy Contact school office	10p/sheet

Pay policy	Hard copy Contact school office	10p/sheet
Staffing and grading structure	Hard copy Contact school office	10p/sheet
Staffing structure	Hard copy Contact school office	10p/sheet

18 WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING

18.1 This includes the school's strategies and plans, performance indicators, audits, inspection and reviews etc.

Information to be published	How the information can be obtained	Cost
School profile: Government supplied performance data The latest Ofsted reports <ul style="list-style-type: none"> - Post Inspection action plan Summary - Full report 	School website	10p/sheet
Performance management policy and procedures adopted by the governing body.	Hard copy Contact school office	10p/sheet
Schools' plans (School Improvement Plan)	Hard copy Contact school office	10p/sheet

19 HOW WE MAKE DECISIONS

19.1 This includes information on decision making processes and records of decisions for the current and previous three years.

Information to be published	How the information can be obtained	Cost
Admissions policy/decisions (not individual admissions decisions)	Hard copy Contact school office	10p/sheet
Agendas of meetings of the governing body and (if held) its sub-committees including the Governors' Annual Report	Hard copy Contact school office	10p/sheet
Minutes of meetings (as above) – please note that this will exclude information that is properly regarded as private to the meetings	Hard copy Contact school office	10p/sheet

20 OUR POLICIES AND PROCEDURES.

20.1 Current written protocols for delivering our functions and responsibilities.

Information to be published	How the information can be obtained	Cost
HTPA Admissions Arrangements 2021-2022 HTPA Admissions Arrangements 2022-2023 HTPA-Admissions-Arrangements 2023-2024 HTPA SEND Policy HTPA Safeguarding & Child Protection HTPA Behaviour Policy HTPA Online Safety Policy HTPA Remote Education Policy HTPA Uniform Policy HTPA Data Protection Policy HTPA Complaints Policy Procedure HTPA EYFS Policy HTPA RSE Policy HTPA Health & Safety Policy HTPA Teachers Pay Policy HTPA CCTV Policy HTPA Volunteer Code of Conduct Policy HTPA Employee Code of Conduct Policy HTPA-Charging-and-Remissions-Policy HTPA Gifts & Hospitality Policy HTPA Whistleblowing Policy HTPA Photography & Video Policy HTPA Privacy Notice for Governors and Volunteers HTPA Reserves Policy HTPA Freedom of information Policy HTPA Equalities Policy HTPA Supporting children with medical needs HTPA Attendance Policy	School website	N/A

21 LISTS AND REGISTERS.

21.1 Information held in registers required by law and other lists and registers relating to the functions of the authority.

Information to be published	How the information can be obtained	Cost
Curriculum circulars and statutory instruments	This information may only be available by inspection	N/A
FOI Disclosure logs	This information	N/A

	may only be available by inspection by approved agencies	
Asset register	This information may only be available by inspection by approved agencies	N/A
Any information the school is currently legally required to hold in publicly available registers (THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)	This information may only be available by inspection by approved agencies	N/A

22 THE SERVICES WE OFFER.

22.1 Advice and guidance, booklets and leaflets, transactions, and media releases. A description of the services offered.

Information to be published	How the information can be obtained	Cost
Extra-curricular activities	Hard copy Contact school office	10p/sheet
Out of school clubs	Hard copy Contact school office	10p/sheet
School publications	Hard copy Contact school office	10p/sheet
Services for which the school is entitled to recover a fee, together with those fees	Hard copy Contact school office	10p/sheet
Transition Guide - Pre- admission guidebook to the school	Hard copy Contact school office	10p/sheet
Newsletter - Termly newsletters/ circulars on school events	School website	

23 ADDITIONAL INFORMATION REQUEST'S

23.1 Additional requests to the school under the Freedom of Information publication scheme can be made to the school office via email / phone or in writing.

24 SCHEDULE OF CHARGES

24.1 This describes the basis on which the above charges have been made and how they are calculated.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Statutory Fee	This includes all costs for photocopying and postage of documents (see below)	In accordance with the relevant legislation (FOI Act 2005)
Disbursement cost	Photocopying/printing @ 10p per sheet (black and white) please note if colour copying or larger copies are required additional charges will be incurred. Postage: (standard small envelope) (C5/A4 envelope)	Cost of photocopying and administration Actual cost of Royal Mail standard 2nd class
Nil	Information obtained and downloaded from the school website is free of charge.	Free of charge