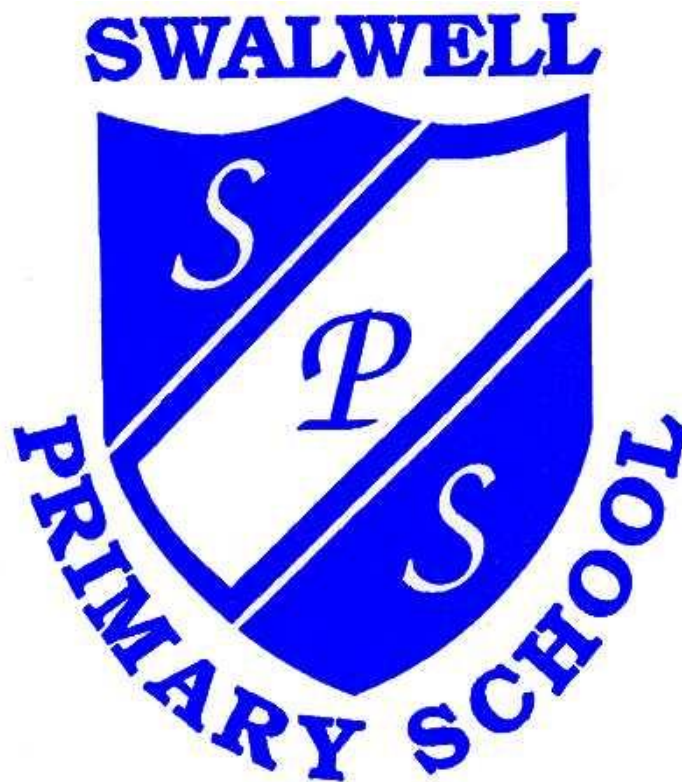


Swalwell Primary School



Freedom of Information Policy

FREEDOM OF INFORMATION ACT 2000. SCHOOL POLICY

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**
- 2. Background**
- 3. Scope**
- 4. Obligations and Duties**
- 5. Publication Scheme**
- 6. Dealing with Requests**
- 7. Exemptions**
- 8. Public Interest Test**
- 9. Charging**
- 10. Complaints**

Available from school:

Procedure for Dealing with Requests

Exemptions

Applying the Public Interest Test

Charging

1. Introduction

Swalwell Primary 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 gives any person the right to request recorded information held by public authorities, including schools. The school must:

- Confirm whether the requested information is held.

- Provide access to information unless an exemption applies.
- Respond within the required statutory timescales.
- Offer advice and assistance to applicants where appropriate. The Governing Board is responsible for ensuring that the school complies with the Freedom of Information Act 2000

3. Scope

The Freedom of Information Act works alongside other information rights legislation.

3.1 Personal Information

Requests for personal information are not dealt with under FOIA. They must be handled under data protection legislation through a Subject Access Request process. Individuals have the right to request access to information held about themselves.

3.2 Environmental Information

Requests about environmental matters are covered by the Environmental Information Regulations (EIR). Examples may include information about:

- Land and buildings
- Water or air quality
- Health and safety matters affecting the environment
- Chemicals used on school premises
- School grounds and facilities

Unlike FOIA requests, EIR requests may be made verbally.

3.3 Mixed Requests

Where a request contains personal data, environmental information and other information, each element will be handled under the appropriate legislation.

4. Requests for Information

Anyone may request information held by the school. Requests:

- Must be made in writing, including by email.
- Must include the applicant's name and correspondence address.
- Must clearly describe the information requested.
- Do not need to mention the Freedom of Information Act.

- Do not need to explain why the information is being requested. Requests may be received by any member of staff. All staff must ensure requests are passed promptly to the School Business Manager for processing.
-

5. Responsibilities

Governing Board

The Governing Board is responsible for ensuring that the school complies with the Freedom of Information Act 2000.

Executive Head Teacher

The Executive Head Teacher has overall responsibility for ensuring that this policy is implemented effectively and that statutory obligations are met.

School Business Manager

The School Business Manager is responsible for:

- Coordinating responses to requests.
- Maintaining records of requests and outcomes.
- Providing advice to staff.
- Ensuring statutory timescales are met.
- Keeping refusal records where information has not been disclosed.

All Staff

All staff must:

- Be aware of this policy.
 - Forward requests promptly to the School Business Manager.
 - Preserve records that may be relevant to a request.
 - Never alter, conceal, damage or destroy information that has been requested.
-

6. Duty to Assist

The school will provide reasonable advice and assistance to anyone making a request for information.

This includes:

- Responding to straightforward enquiries.

- Helping individuals put more complex requests into writing where necessary.
 - Explaining how information can be accessed through the school's Publication Scheme where appropriate.
-

7. Publication Scheme

The school has adopted the Information Commissioner's Model Publication Scheme for Schools.

Information that is routinely available to the public will be published through this scheme whenever possible.

8. Responding to Requests

The school will handle all requests in line with statutory requirements and agreed procedures.

Timescales

- FOIA requests will normally be answered within **20 school working days**, excluding school holidays.
 - Requests under the Environmental Information Regulations will normally be answered within **20 working days**.
 - Subject Access Requests will be dealt with in line with current data protection legislation. [
-

9. Exemptions

The Freedom of Information Act recognises that some information must not be disclosed. Information may be exempt from disclosure where the law allows or requires it. Exemptions may be:

- **Absolute exemptions**, where the information must not be disclosed.
 - **Qualified exemptions**, where the school must consider whether disclosure is in the public interest.
-

10. Public Interest Test

Where a qualified exemption applies, the school will carry out a Public Interest Test. The school will consider:

- The public interest in openness and accountability.
- The public interest in withholding the information.

Information will only be withheld where the public interest in maintaining the exemption outweighs the public interest in disclosure.

11. Record Keeping

The school will:

- Keep a record of requests received.
- Maintain a register of requests where information has been refused.
- Record the reasons for any refusal.

The refusal register will be retained for **two years**

12. Charges

The school reserves the right to refuse a request where the cost of compliance exceeds the statutory limit set by legislation.

Any charges that are permitted by law will be communicated to the applicant before information is provided.

13. Internal Review and Complaints

If an applicant is unhappy with the school's response, or if information has been withheld, they may request an internal review.

Requests for an internal review should be submitted in writing to:

Lucy Gray

Chair of Governors

The school will aim to complete internal reviews within **40 working days**.

If the original decision is upheld, the applicant will be informed of their right to complain to the Information Commissioner's Office (ICO).

Information Commissioner's Office

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

14. Safeguarding, Data Protection and Records Management

Nothing in this policy overrides the school's safeguarding duties, data protection obligations or statutory records management requirements.

The school will:

- Protect personal information in accordance with data protection legislation.
 - Maintain secure records management systems.
 - Retain records in accordance with statutory retention requirements.
 - Ensure that no record subject to a request is altered, concealed, damaged or destroyed.
-

Approval

Chair of Governors: Lucy Gray

Signature: _____

Date: _____

Executive Head Teacher: Rachel Hocking

Signature: _____

Date: _____

Approval and Review Recommendation

This policy should be approved by the Governing Board and reviewed every three years, or sooner if there are changes to:

- Freedom of Information legislation;
- UK GDPR or Data Protection Act 2018 requirements;
- Information Commissioner's Office guidance;
- Department for Education guidance; or
- Local governing body requirements.

Policy Owner: Rachel Hocking, Executive Head Teacher.

Responsible Officer: Eileen Elliott, School Business Manager.

Chair of Governors: Lucy Gray.

Appendix A - Freedom of Information Procedure

Swalwell Primary School

Responsible Officers

Executive Head Teacher: Rachel Hocking

School Business Manager: Eileen Elliott

Chair of Governors: Lucy Gray

1. Purpose

This procedure explains how Swalwell Primary School will respond to requests for information under the Freedom of Information Act 2000 (FOIA).

The school is committed to openness and transparency and will provide information wherever possible unless a legal exemption applies.

2. Who Can Request Information?

Any person may request recorded information held by the school.

Requests may be received from:

- Parents and carers
- Members of the public
- Journalists
- Researchers
- Current or former staff
- Pupils (where appropriate)
- Other organisations

A requester does not need to explain why they want the information.

3. Valid FOI Requests

To be considered under the Freedom of Information Act, a request must:

- Be made in writing, including by email.
- Include the applicant's name.
- Include an address for correspondence (postal or email).
- Describe the information being requested clearly enough for the school to identify it.

If a request is unclear, the school may ask for clarification.

The statutory response period will not begin until sufficient clarification has been received.

4. Requests Received by Staff

All staff must be aware that anyone can make an FOI request.

If any member of staff receives a request for information they must:

1. Forward it immediately to the School Business Manager.
2. Not delay the request.
3. Preserve any records that may relate to the request.
4. Not alter, delete, conceal or destroy information that may be relevant.

Failure to preserve relevant information may constitute a criminal offence under the Freedom of Information Act.

5. Logging Requests

The School Business Manager will:

- Record the date received.
 - Allocate a reference number.
 - Record the applicant's details.
 - Record the information requested.
 - Monitor the statutory deadline.
 - Maintain a register of responses.
-

6. Determining the Correct Legislation

The School Business Manager will decide whether the request should be handled under:

Freedom of Information Act 2000

For general recorded information held by the school.

UK GDPR and Data Protection Act 2018

For requests seeking personal information about an identifiable individual.
These requests will be treated as Subject Access Requests (SARs).

Environmental Information Regulations 2004

For information relating to:

- Land
- Buildings
- Water
- Air
- Energy
- Waste
- Environmental health and safety matters

Environmental Information Regulation requests may be made verbally or in writing.

7. Acknowledging Requests

Where appropriate, the school will acknowledge requests and confirm:

- The date received.
 - The statutory deadline.
 - Whether clarification is required.
 - Any applicable charging arrangements.
-

8. Statutory Timescales

The school will normally respond within:

Request Type	Timescale
Freedom of Information	20 school working days (excluding school holidays)
Environmental Information Regulations	20 working days
Subject Access Requests	One calendar month

Where a Subject Access Request is complex, the school may extend the response period by up to two additional months. The requester will be informed if an extension is required.

9. Searching for Information

Relevant staff will be asked to search for information held by:

- Email systems
- Paper records
- Electronic files
- Archived records
- Management systems
- Shared drives

Staff must conduct thorough and reasonable searches.

The school is not required to create new information in order to answer a request.

10. Providing Advice and Assistance

The school has a duty to provide reasonable advice and assistance.

This may include:

- Helping an applicant clarify a request.
 - Directing an applicant to information already published.
 - Explaining how information can be obtained.
-

11. Exemptions

Some information may be exempt from disclosure.

Before refusing information, the school will consider whether an exemption applies.

Common exemptions include:

- Personal information.
- Information intended for future publication.
- Commercially sensitive information.
- Confidential information.
- Information relating to investigations or legal proceedings.

Each request will be considered individually.

12. Public Interest Test

Where a qualified exemption applies, the school will carry out a Public Interest Test.

This involves balancing:

Factors Favouring Disclosure

- Openness and accountability.
- Public understanding of decisions.
- Transparency in the use of public funds.

Factors Favouring Withholding Information

- Protection of personal information.
- Protection of confidential information.
- Effective operation of the school.

- Protection of safeguarding processes.

The reasons for the decision will be recorded.

13. Charges

The school may charge for:

- Photocopying.
- Printing.
- Postage.

The school may refuse a request where the cost of compliance exceeds the statutory cost limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Any charges will be communicated before information is supplied.

14. Refusing a Request

If information is withheld, the response will explain:

- What information is being withheld.
 - Which exemption applies.
 - Why the exemption applies.
 - The applicant's right to request an internal review.
 - The applicant's right to complain to the Information Commissioner's Office (ICO).
-

15. Internal Review Procedure

Anyone dissatisfied with the school's response may request an internal review.

Requests should be submitted in writing within 40 working days of the school's response.

Internal reviews will be considered by:

Lucy Gray

Chair of Governors

The review will examine:

- Whether the request was handled correctly.
- Whether exemptions were applied appropriately.
- Whether all relevant information was identified.

The school will normally aim to complete reviews within 40 working days.

16. Complaints to the Information Commissioner's Office

If a requester remains dissatisfied following the internal review, they may complain to the Information Commissioner's Office (ICO).

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Website: www.ico.org.uk

17. Record Keeping

The School Business Manager will maintain:

- A register of FOI requests.
- Copies of responses.
- Records of exemptions applied.
- Public Interest Test decisions.
- Internal review outcomes.

Records of refused requests will be retained for a minimum of two years.

18. Safeguarding, Confidentiality and Data Protection

Nothing in this procedure overrides the school's safeguarding responsibilities.

Information will not be disclosed where doing so would:

- Place a child at risk of harm.
- Breach UK GDPR or the Data Protection Act 2018.
- Compromise safeguarding investigations.
- Reveal confidential information protected by law.

The welfare of children remains the school's paramount consideration when considering disclosure of information.

Related Documents

- Freedom of Information Policy

- Publication Scheme
- Data Protection Policy
- UK GDPR Privacy Notices
- Records Management Policy
- Safeguarding and Child Protection Policy
- Complaints Policy