



# Freedom of Information Policy

<b>Audience:</b>	School and academy staff, particularly Headteachers and school finance / administrative staff Local Governing Bodies
<b>Reviewed</b>	July 2018
<b>Other related policies / procedures</b>	
<b>Owner</b>	
<b>Policy / procedure model</b>	<b>MAT policy: all Crofty schools use this policy</b> Aligned: Policy to be adapted to school where indicated School policy: specific to needs of the school

## **INTRODUCTION**

- 1.1. Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the Crofty Multi Academy Trust and schools within it. They are entitled to be told whether the organisation holds the information and to receive a copy subject to certain exemptions.

## **2. ELIGIBILITY**

- 2.1. Anyone can make a request for information. The request must be made in writing (including fax and email) and should include the enquirer's name, correspondence address, what information they seek and in what format they require the information. They do not need to say why they want the information.
- 2.2. Requests for personal data are still covered by the Data Protection Act 1998. Individuals can request to see what information the multi academy trust or school holds about them and this is known as a Subject Access Request. The Multi Academy Trust's Data Protection Policy provides further information about this.

## **3. OBLIGATIONS AND DUTIES**

- 3.1. The Board of Trustees recognises the duty to provide advice and assistance to anyone requesting information. Each school will respond to simple verbal requests for information and will help enquirers to put more complex requests into writing so that they can be handled under the Act.
- 3.2. The Board of Trustees recognises the duty to tell enquirers whether or not the school holds the information they are requesting (the duty to confirm or deny). The school will provide access to the information the school holds in accordance with the procedures laid down in this policy and the Act.
- 3.3. Where requests are made directly to the Multi Academy Trust regarding information which is held centrally the same principles as above will be applied.

## **4. RESPONSIBILITIES**

- 4.1. The Board of Trustees has delegated the day-to-day responsibility for compliance with the Act to headteacher within each school, and to the ICT manager within the central team; reporting to the CEO.

## **5. DEALING WITH REQUESTS**

- 5.1. The school/ MAT office will respond to all requests within 20 working days, in accordance with the time-scales set out in the Act. If more time is needed to deal with the request then the enquirer will be contacted to provide a new timescale and explain the reason for this.

## **6. EXEMPTIONS**

- 6.1. Certain information is subject to either absolute or qualified exemption under the Act.
- 6.2. Absolute exemptions are not subject to any public interest test and act as an absolute bar to disclosure of information, some of which include:
- a) Information that is accessible by other means;
  - b) Information that is contained in court records;
  - c) Information which could be obtained under the Data Protection Act 1998 or where release of the information would breach the data protection principles;
  - d) Information provided to the school in confidence;
  - e) Where disclosure of the information is prohibited by law.
- 6.3. Qualified exemptions are subject to a public interest test. This means that the information must be disclosed unless public interest favours non-disclosure. There are many qualifying exemptions, some of which include:
- a) Information intended for future publication;
  - b) Where disclosure of information would or would be likely to endanger physical or mental health, or endanger the safety of the individual;
  - c) Where disclosure of information would or would be likely to prejudice commercial interest.
- 6.4. The multi academy trust will apply the public interest test before any qualified exemptions are applied in accordance with guidelines set out in the Act.

## **7. CHARGING**

- 7.1. The multi academy trust reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.
- 7.2. The Multi Academy Trust also reserves the right to charge a fee for complying with requests for information under the Act. Fees may include communication costs such as photocopying, printing and postage and will be calculated according to the statutory regulations. The enquirer will be notified of the cost the before the information is supplied.

## **8. COMPLAINTS**

- 8.1. Any comments or complaints will be dealt with through the multi academy trust's normal complaints procedure. If, after investigation, the original decision is upheld then the multi

academy trust will inform the complainant of their right to appeal to the Information Commissioner's Office.

- 8.2. Appeals should be made in writing to:  
FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## 9. DISCLOSURE LOG

- 9.1. A Disclosure Log shall be maintained within each school/ the MAT office, detailing all information requests received and what responses were made and when, including when a request has been refused and the reasons for the refusal. Details of requests where a complaint has been made and the outcome of the resultant investigation will also be registered.
- 9.2. The Disclosure Log will be retained for 5 years from the date of the request.

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**Signed by:**

Chair of Board: .....

Date: .....

CEO: .....

Date: .....

*This policy will be reviewed annually*