

ASHBY SCHOOL

FREEDOM OF INFORMATION POLICY

Documentation Information			
Reviewed By	GDPR Lead	Responsibility	GDPR Lead
Last Reviewed	Jan 2022	Next Review	2022-23 Half Term 3
Review Cycle	Annually	Ratified by LGB	Sept 2022

1.0 Purpose

1.1 The Freedom of Information Act 2000 ('the Act') creates a public "right of access" to information held by public authorities. The act does this in two ways:

- i) public authorities are obliged to publish certain information about their activities; and
- ii) members of the public are entitled to request information from public authorities

2.0 Policy

2.1 This policy applies to any recorded information that is held by Ashby School. All members of Staff working for the academy are bound by this policy. For the purposes of this policy, the term "Staff" means all members of staff including permanent, fixed term, and temporary staff, governors, secondees, any third party representatives, agency workers and volunteers.

2.2 Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

2.3 The academy is fully committed to abiding, not only by the letter, but also by the spirit of the Act, and, in particular, is committed to the observation, wherever possible, of the highest standard of conduct mandated by the Act. This policy has been written to acquaint staff with the academy duties under the Act and to set out the standards expected by the academy in order to safeguard individuals' rights and freedoms.

3.0 Definition

3.1 This policy applies to all information held by the academy regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically.

3.2 The Act's powers are fully retrospective and thus information is accessible no matter how old it may be. Similarly, information in draft form will also be accessible under the Act.

3.3 It should be noted that the Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file, this information is still governed under the Data Protection Act 1998. Please see the academy DATA PROTECTION POLICY for further information.

4.0 Dealing with Requests

4.1 The academy will offer advice and assistance to anybody wishing to make a request for information. We are committed to dealing with requests within statutory guidelines, which means that a response will be made no more than 20 school days (or 60 working days – whichever is shorter) from the date of request.

4.2 Any request in writing will be considered a Freedom of Information request including those received by email and fax. There is no need for requests to indicate that they are made under the Act and all requests will be dealt with under this policy. The academy would prefer to receive requests electronically in order to better track and manage our response. Email requests should be sent to: admin@ashbyschool.org.uk

4.3 Repeated or vexatious requests for information will be refused.

4.4 The academy reserves the right to charge a fee to cover our expenses when dealing with FOIA requests. In all circumstances a requester will be sent a fees notice before any costs are incurred.

4.5 The academy reserves the right to refuse requests where the cost of locating, retrieving and compiling the information would exceed the statutory maximum (currently £450).

4.6 Any requests that incur a charge will be invoiced in advance.

4.7 The academy recognises that requests for environmental information may be made over the telephone and that different exemptions apply.

4.8 please refer to Appendix 1 for information regarding charges

5.0 Publication Scheme

5.1 In accordance with Section 19 of the Freedom of Information Act the academy has adopted the ICO model publication scheme.

5.2 The Publication Scheme contains many of the documents, policies, plans and guidance which are regularly asked for, the majority of these documents will be published via our website.

6.0 Responsibilities

6.1 The academy will follow the Code of Practice issued by the ICO when developing policies and procedures in relation to freedom of information.

6.2 Responsibility for compliance with this and related policies will rest with academy trustees who will delegate those responsibilities to the Headteacher.

6.3 The Headteacher will have the ultimate responsibility for responding to FOIA requests, ensuring the accuracy of any information issued.

6.4 All academy staff have a responsibility to ensure that any request for information they receive is dealt with appropriately under the Act and in compliance with this policy

6.5 All academy staff are responsible for good information handling practice and for implementing records, management policies and procedures as appropriate to their post.

6.6 All academy staff should have read and understood this policy and be clear of their obligations as set out in this policy.

7.0 Complaints

7.1 Complaints will be dealt with in accordance with the academy's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

7.2 All complaints of dissatisfaction should be addressed to:

The Data Protection Officer, Ashby School, Nottingham Road, Ashby de la Zouch. Leicestershire LE65 1DT.

Telephone: 01530 413748

E-mail: admin@ashbyschool.org.uk

8.0 Review

8.1 This policy will be reviewed periodically as it is deemed appropriate, to take account of changes in the law and guidance issued by the Information Commissioner. These reviews will be no less frequently than every two years. The policy review will be undertaken by the Business Manager and ratified by the academy trustees.

Appendix 1 – Charges

1.0 Material which is published and accessed on a website will be provided free of charge.

1.1 Charges may be made for information subject to a charging regime specified by Parliament.

1.2 Charges may be made for actual disbursements incurred such as:

- a) photocopying
- b) postage and packaging
- c) the costs directly incurred as a result of viewing information

1.3 The academy reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme in accordance with the Act. Details of these fees and charges are shown below. When a request is initially made, the academy will determine an estimated fee based on the FOIA regulations (see below) and present this fee to the Requestor.

1.4 Fees must be paid by cheque or BACs and the 20 days' time limit for providing data will not begin until the cheque has cleared.

1.5 The estimate is based on the FOIA charges laid down for Public Authorities and Academies in 'The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004' which can be viewed in full here:

<http://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

1.6 Fees are charged at an hourly rate of £25 and cover staff time spent on the following items:

- a) determining whether academy holds the information
- b) locating the information, or a document which may contain the information
- c) retrieving the information, or a document which may contain the information
- d) extracting the information from a document containing it.

1.7 Additional fees may and can be charged as per section 6(3) of 'The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004' for the following items:

- a) complying with any obligation under section 11(1) of the 2000 Act as to the means or form of communicating the information
- b) reproducing any document containing the information
- c) postage and other forms of transmitting the information.

1.8 If the estimated fee is above the £450 limit then the request will be declined, as per the Freedom of Information Act. If the actual cost approaches the £450 limit then notice will be presented to the Requestor to confirm they wish to continue.