SOUTHWICK C OF E PRIMARY SCHOOL
FREEDOM OF INFORMATION POLICY

Introduction
Southwick CE 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 responses to the Act and provides a framework for managing requests.

Procedure for Dealing with Requests
A delegated person in school will handle all FOI requests (usually the SBM). The delegated person must inform the headteacher on receipt of a FOI request. In handling a request for information the school or delegated person will need to ask themselves a series of questions. These are set out below.

Is it a Freedom of Information (FOI) request for information?
A request for information may be covered by one, or all, of the three information rights:

- Data Protection enquiries or Subject Access requests are ones where the enquirer asks to see what personal information the school holds about the enquirer. If the enquiry is a Data Protection request, follow the School's Data Protection Access guidance.
- Environmental Information Regulations enquiries are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These therefore could include enquiries about recycling, phone masts, playing fields, car parking, etc. If the enquiry is about environmental information, follow the guidance on the Information Commission's website or the DEFRA website.
- Freedom of Information enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the Freedom of Information Act. All requests for information that are not data protection or environmental information requests are covered by the Freedom of Information Act (FoIA).

Is this a valid FOI request for information?

A FOI request should:

- Be in writing, including email or fax(a);
- State the enquirer's name and correspondence address (email addresses are sufficient);
- Describe the information requested – there must be enough information to be able to identify and locate the information(b); and
- Not be covered by one of the other pieces of legislation.

a) Verbal enquires are not covered by the FOI Act. Such enquiries can be dealt with when the enquiry is fairly straightforward. However, for more complex enquiries, and to avoid disputes over what information was requested, we ask the enquirer to put the request in writing or email, when the request will become subject to the FOI.
b) In cases where the enquiry is ambiguous, we will attempt to assist the enquirer to describe more clearly the information requested. Where possible, we will establish direct contact. The aim is to clarify the nature of the information requested and not to determine the aims or motivation of the enquirer. If we notify the enquirer that we need further information to enable us to answer, we do not have to deal with the request until the further information is received. The response time limit commences from the date the further information is received.

Does the school hold the information?
"Holding" the information, means information relating to the business of the school which:

- The school has created, or
- The school has received from another body or person, or
- Is held by another body on the school's behalf.

Information means both hard copy and digital information, including emails.
If the School does not hold the information, we do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before responding that you have **not** got the information the School might be expected to hold.

Has the information requested already been made public?
If the information requested is already in the public domain, for instance through the Publication Scheme, we will direct the enquirer to the information and explain how to access it.

Is the request vexatious or manifestly unreasonable or repeated?
The Act states that there is no obligation to comply with vexatious requests. This is taken to mean a request which is designed to cause inconvenience, harassment, or expense, rather than to obtain information, and would require substantial diversion of resources or would otherwise undermine the work of the School.
We do not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

Could a third party's interests be affected by disclosure?
Consultation of third parties may be required if their interests could be affected by the release of the information, and any such consultation may influence the decision. We do not need to consult where we are not going to disclose the information because we are applying an exemption.
Consultation will be necessary where:

- Disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- The views of the third party may assist us to determine if information is exempt from disclosure, or
- The views of the third party may assist us to determine the public interest.

Does an exemption apply?
The presumption of the legislation is that we will disclose information unless the Act provides a specific reason to withhold it. Certain information is subject to either absolute or qualified exemptions. For a full list of exemptions refer to the Freedom of Information Act 2000.
Only where we have real concerns about disclosing the information should we refer to see whether an exemption might apply. Where the potential exemption is a qualified exemption, we need to consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it will be released. Appendix 2 contains guidance on conducting a public interest test.

What if the request is for personal information about the applicant?
Personal information requested by the subject of that information is exempt under the FOI Act as such information is covered by the Data Protection Act. Individuals must make a "subject access request" under the Data Protection Act if they wish to access information about themselves.

What if the details contain personal information?
Personal information requested by third parties is also exempt under the FOI where release of that information would breach the Data Protection Act. If a request is made for a document which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information.

The procedure for redaction, or blocking out information, is to mask the passages which are not to be disclosed and then photocopy the document. Annotate in the margin against each blank passage the exemption and section of the Act under which the passage is exempt. Explain in the covering letter that the relevant exemptions are marked in the attachments and in the case of non-absolute exemptions, how the public interest test has been considered.
Under no circumstances should the document be rewritten, so that the resulting document appears as though it does not contain the exempted passage.

How much can we charge?
The Act allows the Schoool to charge for providing information.
The first step is to determine if the threshold (currently £450) would be exceeded. Staff costs should be calculated at £25 per hour, regardless of which staff member would be undertaking the work. We can take account of the time it takes to determine if the information is held, the time to locate and retrieve the information or extract the information from other documents. We cannot take into account the costs involved in determining whether the information is exempt.

If a request would cost less than the appropriate limit in force at the time of the request, the school can only charge for the cost of informing the applicant whether the information is held, communicating the information to the applicant. This may include photocopying, printing and postage.
If a request would cost more than the appropriate limit in force at the time of the request, the School can turn the request down, answer and charge a fee, or answer and waive the fee. If the School decides to charge a fee, it can charge on the basis of the costs above.
The School may wish to consider whether calculating the cost of the fee outweighs the cost of providing the information. For relatively straightforward requests, the School will consider responding free of charge.
If the School makes the decision to charge, we will send the enquirer a fees notice and do not have to comply with the request until the fee has been paid.

Is there a time limit for replying to the enquirer?
Compliance with a request must be prompt and within the prescribed limit of 20 working days, excluding school holidays. Failure to comply may result in a complaint to the Information Commissioner. The response time starts from the time the request is received. Where we have asked the enquirer for more information to enable us to answer, the 20 days begins when this further information has been received.
If a qualified exemption applies and we need more time to consider the public interest test, we will reply within the 20 days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made. This should be within a “reasonable” time – in practice, it is recommended by the Department that normally this should be within 10 working days.
Where we have notified the enquirer that a charge is to be made, the time period stops until payment is received and then resumes once payment has been received.

What action is required to refuse a request?
If the information is not to be provided, the person dealing with the request must immediately contact the person in the School with delegated responsibility for FOI to ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, we will send a refusal notice, which must contain:
1. The fact that the responsible person cannot provide the information asked for;
2. Which exemption we are claiming to apply;
3. Why the exemption applies to this enquiry if it is not self-evident;
4. The reasons for refusal if based on cost of compliance;
5. In the case of non-absolute exemptions, how we have applied the public interest test, specifying the public interest factors taken into account before reaching the decision (see Appendix 2);
6. Reasons for refusal on vexatious or repeated grounds
7. Details of the internal complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information. Records are to be retained for five years. There are no requirements to keep records where we have supplied the information requested.

What do we do if someone asks a follow up question?
If an applicant requests a follow up question this is treated as a new request.

Who has delegated responsibilities?
The School Board has delegated responsibility for compliance with the FOI Act to the Headteacher/ School Business Manager of the school.

What do we do if someone complains?
Any written (including email) expression of dissatisfaction – even if it does not specifically seek a review – should be handled through the School's existing complaints procedure. Wherever practicable the review should be handled by someone not involved in the original decision. The School will set a target time for determining complaints and publish information on the success rate in meeting the target time. The School will maintain records of all complaints and their outcomes.
When the original request has been reviewed and the outcome is that the information should be disclosed this should be done as soon as practicable. When the outcome is that procedures within the School have not been properly followed, the School will review procedures to prevent any recurrence. When the outcome upholds the original decision or action, the applicant will be informed of their right to appeal to the Information Commissioner. The appeal should be made in writing to:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Associated Documents
The following documents have relevance to this policy:

- FOI Publication Scheme
- Data Protection Policy