



# **Hardenhuish School Freedom of Information Policy**

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Office Manager**



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## **1. Introduction**

Hardenhuish School is subject to the Freedom of Information Act 2000 (FoIA) as a public authority and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

## **2. Background**

2.1. Any request for any information from Hardenhuish School is technically a request under the FoIA, whether or not the individual making the requests mentions the FoIA. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

2.2. In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response must then be sent to the Headteacher.

2.3. All other requests should be referred in the first instance to the Headteacher, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.

2.4. When considering a request under the FoIA, this is essentially release to the general public as once information has been released to an individual, anyone can then access it and access cannot be restricted when releasing information by making it “confidential” or “restricted”.

## **3. Time Limit for Compliance**

The School must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For a school when calculating the 20 working day deadline, a “working day” is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school days) to respond.

## **4. Responsibilities**

Overall responsibility for ensuring that the School meets the statutory requirements of the FoI lies with the Governors. Day to day responsibility for implementation of this policy and these procedures is delegated to the Headteacher. The Headteacher is assisted by the Business Manager who fulfils the role of ‘FoI Officer’. All school staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the FoIA, taking advice from the FoI Officer where necessary.

## **5. Procedure for Dealing with a Request**

5.1. When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Headteacher who may re-allocate to an individual with responsibility for the type of information requested.

5.2. The first stage in responding is to determine whether or not the school “holds” the information requested. The school will hold the information if it exists in electronic or paper format. Some requests will require the school to collate information from different sources and manipulate it in some way. Where this would take minimal effort, the school is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor will be contacted to explain that the information is not held in the manner requested and offered the opportunity to refine their request. For example, if a request required the school to add up totals in a spreadsheet and release the total figures, this would be information “held” by the school. If the school would have to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information “held” by the school, depending on the time involved in extracting the information.

5.3. The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

- Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the Data Protection Act (DPA) and covered in the school’s Data Protection Policy;
- Section 40(2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in the school’s Data Protection Policy;
- Section 41 - Information which has been sent to the school (but not the school’s own information) which is confidential;
- Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;
- Section 22 – information that the school intends to publish at a future date;
- Section 43 – information that would prejudice the commercial interests of the school and/or a third party;
- Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);
- Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;
- Section 36 – information which, in the opinion of the Chair of Governors of the school, would prejudice the effective conduct of the school. There is a special form for this on the ICO’s website to assist with the recording of the Chair’s opinion.

## **6. Responding to a Request**

When responding to a request where the school has withheld some or all of the information, the school must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

The letter to the requestor must end by explaining how they complain – either by reference to an internal review by a governor or by writing to the ICO.

## **7. Contact**

Any questions about this policy should be directed in the first instance to the Business Manager.