



Freedom of Information Policy

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Introduction

The school will comply with:

- the terms of the Freedom of Information Act, 2000 and any other relevant legislation to ensure requests for access to information held by the school are treated in a manner that is fair and lawful;
- Central Bedfordshire council's advice and guidance; and
- information and guidance displayed on the Information Commissioner's website (see [here](#)).

This policy should be used in conjunction with the school's **data protection policy**. The council's website has comprehensive information and guidance on information governance – see [here](#).

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

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

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. This includes state schools.

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

The Act does not give people access to their own personal data (information about themselves) such as personnel records or educational records. If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request.

Data gathering and storage

Information will only be gathered and stored for specified purposes. In order to be able to respond to requests for information the school will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

The school's retention policies will be based on the Central Bedfordshire Council's Document Retention Schedule and the Information and Records Management Society's Records Management toolkit for schools and will be reviewed biennially in line with any updates to this toolkit.

Information held by the school will be regularly reviewed with a view to archiving or destruction, where appropriate.

Publication scheme

The school will adopt and publish the appropriate model publication scheme, as recommended by the DfE, Information Commissioner and Central Bedfordshire Council, and approved by school governors.

Dealing with requests for information

All requests should be sent to GDPR@ivelvalley.beds.sch.uk



Any request for information is a request under the Freedom of Information Act. However, the school's governing body has taken the decision that it will not consider any request that forms part of the normal pattern of work to be a freedom of information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as freedom of information requests.

The school will assist applicants in making their request to have access to information held by the school. Assistance will be given to applicants whose requests need to be transferred to another public authority (for example, another school, the council or a hospital). Similarly, if the request should be regarded as a Subject Access Request under UK GDPR the applicant will be notified and the Subject Access Request procedure will be followed.

The school will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. Any request for information will still be dealt with in compliance with the 20 (school) working day deadline, whether it is recorded as freedom of Information request or not.

If a response will take longer than 10 working days to respond an acknowledgement will be sent to the person making the request, informing them when the information will be supplied. We recognise this does allow the school to exceed the overall 20 (school) working day deadline. The designated member of staff will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request.

The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by government statute. If the estimated cost of complying with the request does not exceed this amount the school is not entitled to, and will not, make a charge for fulfilling the request.

Persons requesting data will be supplied with a copy of our complaints procedure upon request. Any complaints regarding a freedom of information request must firstly be addressed by the school. If, once we have had opportunity to reconsider our decision, we believe the initial response was correct, the applicant shall be entitled to take the matter to the Information Commissioner's Office and, ultimately, to the Information Tribunal.

Copies of data supplied will be retained for two years from the date it was put into the public domain.

Applying exemptions

A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

The decision to apply absolute exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: the chair of governors, other governors, the head teacher or the deputy head teacher.

The decision to apply qualified exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: chair of governors, other governors, head teacher, deputy head teacher. Even if the group decides information should not be disclosed, a public interest test will be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must and will be disclosed.

Advice will be sought from Central Bedfordshire council's freedom of information officer if there is any doubt as to whether information should be disclosed.



Logging requests received

The school will keep a record of all requests received for monitoring purposes, noting the:

- date the request was received;
- name and contact details of the person or organisation making the request;
- date the request was fulfilled or refused;
- reason for any exemption being applied; and
- reason for any failure to meet the 20-day deadline.

Legal framework & statutory guidance

Linked national guidance:

- Freedom of Information Act 2000
- UK GDPR

Linked policies:

- Data Protection Policy
- Complaints Policy

Equalities Considerations

This policy will be applied in line with the Equality Act 2010 and the Public Sector Equality Duty. The member of public who is making the freedom of information request should make the school aware of accessibility needs, such as requiring the information to be shared in large text. The school will make every reasonable effort to ensure that information is accessible.

Safeguarding implications

In the FOI legislation exemptions exist to protect information that should not be disclosed, for example because disclosing it would be harmful to another person or it would be against the public interest. Therefore will not be disclosing any information where there could be safeguarding implications