



**CHARLESWORTH SCHOOL**

*...from tiny acorns great oaks grow*

# Freedom of Information Act

## Policy and Procedures



## **Freedom of Information Act 2000 – Policy and Procedure**

The Freedom of Information Act 2000 covers rights of access to information held by public bodies.

The legislation is designed to promote greater transparency and openness throughout the public sector.

The Office of the Information Commissioner is the enforcing body.

Charlesworth School is a public body and is therefore subject to the Freedom of Information Act 2000 along with the Data Protection Act (GDPR)

Members of the general public can request, and expect to receive, information held by the School (subject to any exemptions and restrictions imposed by the Act).

The Governing board is responsible for ensuring that the school complies with the Freedom of Information Act 2000 (FoIA).

### **The School's Commitment**

The School is committed to the implementing the provisions of the Freedom of Information Act (2000) and related legislation. This applies to all information the School holds regardless of how it was created or received. It applies no matter what media the information is stored in and whether the information may be on paper or held electronically.

The School will offer advice and assistance to anybody who wishes to make a request. Repeated or vexatious requests for information will be refused. The School will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny and the public interest.

The School adheres to the duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no obligation on the School to collect data in specific response to a FOI enquiry. The School follows the DfE "Freedom of Information Act 2000 – A Guide for Maintained Schools on Full Implementation from January 2005.

### **Request information**

If the information you require is not already accessible by other means, then you need to make your request in accordance with the Freedom of Information Act 2000 guidelines.

You need to put your request in writing to the Head teacher.

What to include:

- Your full name
- Your reply address
- Be as specific as possible when describing your request to make it easier for the School to find the information.

Under the Freedom of Information Act 2000 you do not need to state a reason for your request, nor do you have to refer to the Freedom of Information Act 2000.

The School has to let you know whether or not the information is held and provide you with that information (subject to fee and exemptions) within 20 working days excluding school holidays (this time can be extended in specific circumstances).

The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to

guide schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed although information contained within a document which does not specifically relate to the request, will be redacted.

Your name and contact details will be made known to appropriate School Staff and/or Governors so they can process your request,

## **Charges**

For information which does not fall within the Exemption List within the Act or which does not fall within the Data Protection Act, the School reserves the right to make any charges in relation to any significant amounts of work or copying involved. Charges will be calculated in accordance with the Freedom of Information Act 2000 fees regulations.

## **Relationship with the Data Protection Act (GDPR)**

The School is under a legal duty to protect personal data under the Data Protection Act (1998). The School will carefully consider its responsibilities under the Data Protection Act before releasing personal data about living individuals, including current and former staff, Governors, children and businesses contracted with the School.

The Act comes into force in two stages:

**The Publication Scheme:** Charlesworth School publishes all statutory Information and Public Information on its website.

**The Right to Know:** From January 2005 any person who makes a request to a public body for information has the right to know whether or not the public body holds the information and subject to any exemptions, be supplied with that information. There may be a charge for the provision of the information.

## **Relationship with Re-use of Public Sector Information Regulations**

On 1 July 2005 a new directive, the **Re-use of Public Sector Information Regulations 2005 SI 2005 No. 1515 (PSI)** was introduced to allow people to apply to re-use information we hold.

Re-use means using the information for a purpose other than the purpose for which the document was originally produced. This could include for a commercial purpose

## **Can you see all information held by the School?**

No, because certain information is exempted by the Freedom of Information Act 2000; the Data Protection Act 1998 and the Local Government Act 1972. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. for example:

- An individual's personal information
- Information about negotiations which affect commercial interest
- Information which could affect the prevention (or investigation) of any crime or legal proceedings
- Information provided in confidence

There are other restrictions on the provision of information relating to health and safety, legal professional privilege, court orders and national security.

In some cases where an exemption applies the School may apply a Public Interest Test. This involves considering whether the public interest is better served in disclosing or withholding the information.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and will be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoIA, but unlike FoIA requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements will be dealt with under DPA or EIR. Any other information is a request under FoIA, and will be dealt with accordingly.

### **What to do if an FOI request is refused under an exemption clause.**

If you disagree you can complain to the School Governors using the procedure within the School's complaints policy.

If your complaint is not upheld and you still feel aggrieved, you will be advised to contact the Information Commissioner's Office at the address below.

**For independent data protection and freedom of information advice.** If you need further information about your rights under the Freedom of Information Act 2000, please contact the Office of the Information Commissioners.

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire, SK9 5AF

T: [03031231113](tel:03031231113)

- [ICO website](#)