

## **Marden Primary School Freedom of Information Policy**

**The Freedom of Information Act 2000 provides public access to all recorded information that we hold.**

It does this in two ways:

1. public authorities are obliged to publish certain information about their activities via a publication scheme
2. members of the public are entitled to request information from public authorities.

Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

Recorded information includes printed documents, computer files, letters, emails, photographs, sound and video recordings and even post-it notes, with the exemption of information that is on someone's head.

The Act is retrospective, so there is a right of access to information created, received or recorded before 2000 when the Act became law. Individuals of any age or nationality, as well as corporate bodies or pressure groups can request information under the Act.

A requester may ask for any information that is held by a school but, this does not mean we are always obliged to provide the information. In some cases, there will be a good reason why you should not make public some or all of the information requested.

### **Publication scheme**

The following guidance is produced by the Information Commissioner's Office (ICO) specifically for schools:

- [Template guide to information \(publication scheme\) for schools \(DOC, 219.5 KB\)](#)
- [How to complete the Model Publication Scheme \(PDF, 157.0 KB\)](#)
- [Freedom of Information Act Definitions \(PDF, 155.6 KB\)](#)

### **What do we do if we receive a request for information?**

Anyone has a right to request information from a public authority. The school has two separate duties when responding to these requests:

- to tell the applicant whether we hold any information falling within the scope of their request; and
- to provide that information.

The school normally has 20 working days (from date of receipt) to respond to a request.

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act.

The school does not have to treat every enquiry formally as a request under the Act. It will often be most sensible and provide better customer service to deal with it as a normal customer enquiry under our usual customer service procedures, for example, if a member of the public wants to know whether a school has a space for their child. The provisions of the Act need to come into force only if:

- we cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

When we receive a request, we read it carefully to make sure we know what is being asked for. The school must not simply give the requestor information we think may be helpful; we must consider all the information that falls within the scope of the request. We would consider contacting the applicant to check that we have understood their request correctly.

Requests are read objectively without getting diverted by the tone of the language the requester has used, our previous experience of them) or what we think they would be most interested in.

If we can't answer the request because we are not sure what is being requested, we would contact the requester as soon as possible for clarification.

We do not have to deal with the request until we have received whatever clarification we reasonably need but would consider whether we can give the requester advice and assistance to enable them to clarify or rephrase their request. For example, we might explain what options may be available to them and ask whether any of these would adequately answer their request.

The time for compliance will not begin until we have received the necessary clarification to allow us to answer the request.

The Act only covers recorded information the school holds. When compiling a response to a request for information, we may have to draw from multiple sources of information we hold, but we won't make up an answer or find out information from elsewhere if we don't already have the relevant information in recorded form.

If we don't have the information the requester has asked for, we can comply with the request by telling them this, in writing. If we know that the information is held by another public authority, we could transfer the request to them or advise the requester to redirect their request.

Before sending the information in answer to a request, we will double check that we have included the correct documents and that the information we are releasing does not contain unnoticed personal data or other sensitive details which we did not intend to disclose.

This might be a particular issue if releasing an electronic document. Electronic documents often contain extra hidden information or 'metadata' in addition to the visible text of the document. For

example, metadata might include the name of the author, or details of earlier draft versions. In particular, a spreadsheet displaying information as a table will often also contain the original detailed source data, even if this is not immediately visible at first glance.

### **Time scales for responding**

The school's main obligation under the Act is to respond to requests promptly, with a time limit acting as the longest time you can take. Under the Act, most public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day. For schools, the standard time limit is 20 school days, or 60 working days if this is shorter.

Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays; this may or may not be the same as the days we are open for business or staff are in work.

The time allowed for complying with a request starts when the school receives it, not when it reaches the relevant member of staff.

### **What if the information is inaccurate?**

The Act covers recorded information, whether or not it is accurate. We cannot refuse a request for information simply because we know the information is out of date, incomplete or inaccurate. To avoid misleading the requester, we would normally be able to explain to them the nature of the information, or provide extra information to help put the information into context.

### **We can refuse a request if:**

- it would [cost too much](#) (over £450) or take too long (over 18 hours) to deal with the request;
- the request is [vexatious](#);
- the request [repeats a previous request](#) from the same person.

In addition, the Freedom of Information Act contains a [number of exemptions](#) that allows us to withhold information from a requester. In some cases it will allow us to refuse to confirm or deny whether you hold the information.

Some exemptions relate to a particular type of information, for instance information relating to government policy. Other exemptions are based on the harm that would arise or would be likely to arise from disclosure, for example, if disclosure would likely to prejudice a criminal investigation or prejudice someone's commercial interests.

There is also an [exemption for personal data](#) if releasing it would be contrary to the Data Protection Act.

If we are refusing all or any part of a request, we must send the requester a written refusal notice. We will issue a refusal notice if we are either refusing to say whether we hold information at all, or confirming that information is held but refusing to release it.

### **What must we include in a refusal notice?**

We must refuse requests in writing promptly or within 20 working days (or the standard time for compliance) of receiving it.

In the refusal notice we should:

- explain what provision of the Act we are relying on to refuse the request and why;
- give details of any internal review (complaints) procedure we offer;
- explain the requester's right to complain to the ICO, including contact details for this.

For more detail on the above go to the [Guide to Freedom of Information](#) from the Information Commissioner's Office.

### **The Information Commissioner's Office (ICO)**

The ICO has a [general duty to investigate complaints](#) from members of the public who believe that an authority has failed to respond correctly to a request for information. The ICO complaints process gives a school an opportunity to reconsider its actions and put right any mistakes without taking any formal action.

If the complaint is not resolved informally, they can issue a decision notice. If they consider a school has breached the Act, the decision notice will say what the school should do to put things right.

The ICO also has powers to enforce compliance if a school fails to adopt the publication scheme or have not published information as they should.

### **We may be breaching the Freedom of Information Act if:**

- we fail to respond adequately to a request for information;
- we fail to adopt the model publication scheme, or do not publish the correct information; or
- we deliberately destroy, hide or alter requested information to prevent it being released.

This last point is a criminal offence that individuals and public authorities can be charged with under the Act.

### **Records Management Policy**

Under section 46 of the Freedom of Information Act 2000, the Code of Practice states that every authority should have a [Records Management Policy](#) in place.

The [Information Management Toolkit \(DOCX, 246.1 KB\)](https://www.kelsi.org.uk/school-management/data-and-reporting/access-to-information/records-management) (<https://www.kelsi.org.uk/school-management/data-and-reporting/access-to-information/records-management>) helps schools manage records to meet the code of practice.