



# **WOODFIELD ACADEMY**

## **FREEDOM OF INFORMATION POLICY**

Ratified on 13<sup>th</sup> July 2021

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## STATEMENT OF INTENT

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. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

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

As an educational provider, our Academy has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How our Academy will respond to requests from individuals for access to information held about them.
- Our Academy's policy and procedures for the release and publication of private data and public records.
- Our Academy's policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the Academy in obtaining any requested information, and on charging fees for its provision.

### 1. LEGAL FRAMEWORK

1.1. This policy has due regard to the following legislation:

- GDPR (2018)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2. This policy also has due regard to guidance, including, but not limited to, the following:

- Information Commissioner's Office 'Model publication scheme' 2016
- Information Commissioner's Office 'Duty to provide advice and assistance (section 16)' 2016
- Ministry of Justice 'Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000' 2009

1.3. This policy will be viewed in conjunction with the following other Academy policies:

- Data Protection Policy
- CCTV Policy

## 1.4 The difference between Data Protection and Freedom of Information

The Data Protection Act gives rules for handling information about people. It includes the right for people to access their personal data. The Freedom of Information Act and the Data Protection Act come under the heading of information rights and are regulated by the ICO.

When a person makes a request for their own information, this is a subject access request under the Data Protection Act. However, members of the public often wrongly think it is the Freedom of Information Act that gives them the right to their personal information, so you may need to clarify things when responding to such a request.

The Data Protection Act exists to protect people's right to privacy, whereas the Freedom of Information Act is about getting rid of unnecessary secrecy. These two aims are not necessarily incompatible but there can be a tension between them, and applying them sometimes requires careful judgement.

When someone makes a request for information that includes someone else's personal data, you will need to carefully balance the case for transparency and openness under the Freedom of Information Act against the data subject's right to privacy under the Data Protection Act in deciding whether you can release the information without breaching the data protection principles.

## 2. ACCEPTING REQUESTS FOR INFORMATION

2.1 The Academy will only accept a request for information which meets all of the following criteria:

- It is in writing
- It states the name of the applicant and an address for correspondence
- It describes the information requested
- We do not need to know the reason for the request.

2.2 A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

2.3 The Academy will publish details of its procedures for dealing with requests for information on the **website**, which includes:

- A contact address and email address
- A telephone number
- A named individual to assist applicants with their requests

## 3. GENERAL RIGHT OF ACCESS TO INFORMATION HELD BY THE ACADEMY

Provided that the request complies with section 2 of this policy, the Academy will, no later than 20 working days from receipt of the request, comply with its duty. A working day is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Where required, the Academy may claim a reasonable extension of time to consider the public interest test. An extension beyond an additional 30 working days should be exceptional.

If the academy needs further details to identify or locate the information, then the 20 working days will commence the day after it receives the required clarification from the requester. Where the authority requires a fee to process the request, the 'clock' will stop on the date it issues a fees notice to the requester and restart once payment is received.

There are variations to the normal 20 working day limit for requests to schools and some archived public records.

3.1 The school should:

- Confirm or deny to any person making a request for information to the Academy, whether it holds information of the description specified in the request.
- Provide the documentation, if the Academy confirms that it holds the requested information.

3.2 The Academy will not comply with section 3.1 of this policy where:

- The Academy reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.

3.3 Where information is, or is thought to be, exempt, the Academy will, within 20 working days, give notice to the applicant which:

- States the fact.
- Specifies the exemption in question.

3.4 The information provided to the applicant will be in the format that they have requested, where possible.

3.5 Where it is not possible to provide the information in the requested format, the Academy will assist the applicant by discussing alternative formats in which it can be provided.

3.6 The information provided will also be in the language in which it is held, or another language that is legally required. If the Academy is required to translate any information, it will do so.

3.7 If, under relevant disability and discrimination regulations, the Academy is legally obliged to provide the information in other forms and formats, it will do so.

#### 4. **THE APPROPRIATE LIMIT**

4.1 The Academy will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

4.2 When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the Academy will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of the Academy, are to be estimated at a rate of £25 per person per hour.

4.4 Where multiple requests for information are made to the Academy within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the Academy of complying with all of them.

## **5. CHARGING FEES**

5.1 The Academy may, within 20 working days, give an applicant who has requested information from the Academy, a written notice stating that a fee is to be charged for the Academy's compliance.

5.2 Charges may be made for disbursements, such as the following:

- Photocopying
- Postage and packaging
- Costs directly incurred as a result of viewing information

5.3 Fees charged will not exceed the total cost to the Academy of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

5.4 Where a fee is to be charged, the Academy will not comply with section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

5.5 The Academy will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.

5.6 When calculating the 20<sup>th</sup> working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## **6. MEANS BY WHICH COMMUNICATION IS TO BE MADE**

6.1 Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the Academy will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.

- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

## 7. PROVIDING ADVICE AND ASSISTANCE

7.1 The Academy will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the Academy.

7.2 The Academy may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the Academy holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the Academy is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the Academy to assist the individual who has submitted the request.

7.3 The Academy will provide assistance for each individual on a case-by-case basis; examples of how the Academy will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

7.4 In order to provide assistance as outlined above, the Academy will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

7.5 The Academy will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

7.6 In circumstances where an applicant has difficulty submitting a written request, the Academy will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

**NB.** This list is not exhaustive and the Academy may decide to take additional assistance measures that are appropriate to the case.

- 7.7 Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the Academy, as a matter of good practice, will provide advice and assistance.
- 7.8 The Academy will advise the applicant how and where information can be obtained, if it is accessible by other means.
- 7.9 Where there is an intention to publish the information in the future, the Academy will advise the applicant of when this publication is expected.
- 7.10 If the request is not clear, the Academy will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- 7.11 If the Academy is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- 7.12 If any additional clarification is needed for the remainder of a request, the Academy will ensure there is no delay in asking for further information.
- 7.13 If an applicant decides not to follow the Academy's advice and assistance and fails to provide clarification, the Academy is under no obligation to contact the applicant again.
- 7.14 If the Academy is under any doubt that the applicant did not receive the advice and assistance, the Academy will re-issue it.
- 7.15 The Academy is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.
- 7.16 The Academy is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the Academy will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- 7.17 A record will be kept by the **Headteacher** in the **Headteacher's office** of all the advice and assistance provided.

## **8. PUBLICATION SCHEME**

- 8.1 The Academy will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the Academy website, and whether the information will be available free of charge or on payment.
- 8.2 The publication scheme will be reviewed and, where necessary, updated on an **annual** basis.

## **9. MONITORING AND REVIEW**

- 9.1 This policy will be reviewed on an **annual** basis, or in light of any changes to relevant legislation, by the **Headteacher and Board of Directors**.

## **MODEL PUBLICATION SCHEME**

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

### **1. Classes of information**

Information that is available under this scheme includes:

- Who we are and what we do
- What we spend and how we spend it
- What are our priorities are and how we are doing?
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form, or notes, documents in older versions, emails or other correspondence.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **2. How to request information**

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the Academy using the below contact details.

To enable us to process your request quickly, please mark all correspondence:

**“FREEDOM OF INFORMATION REQUEST”**

Documents can be translated under disability legislation into accessible formats where possible.

### **3. Charges**

Documents contained in this scheme are free to view on the Academy website.

Single paper copies are also available free of charge to parents/carers and prospective parents/carers of the Academy.

### **4. Feedback**

We welcome any comments or suggestions you may have regarding this scheme. Please contact the Board of Directors using the following contact details: Clerk to Directors, Woodfield Academy, Studley Road, Redditch, B98 7HH. Telephone number: 01527 527081