



Nether Kellet Primary School

Freedom of Information Policy

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Summary Guidance for Governing Bodies

Department for Constitutional Affairs - Questions and Answers

1. What is the Freedom of Information Act?

The act is a law giving people the general rights, with some exemptions, to see recorded information held by public bodies. The request needs to be in written form and answered within 20 working (school) days, excluding school holidays.
2. What is a potential Freedom of Information request?

Any query received in writing (letter, email, or fax) by any member of the school, is an FOI request. For this reason all members of staff and the Governing Body are to receive copies of this policy. An enquiry does not need to refer to FOI for the request to be covered by FOI legislation.

Recorded information that may be requested covers documents, memos, emails and other written communications or minutes of meetings produced by the School.

In order for a FOI request to be valid, the applicant needs to provide a name and address (e-mail address is acceptable). A FOI request is not valid if only a telephone or fax number is provided. In such cases, you should contact the applicant using the details they have provided, telling them they need to resubmit the request including their name and address.

3. Managing Freedom of Information Requests.

The instant a request is received it should be logged with the School Clerk who will record, in a specific log, the date it was received together with the request and name and address of applicant.

The Clerk will ensure that the appropriate action is taken within the 20 working (school) days there is allowed to respond to the request.

The Head teacher will decide the course of action to be taken. Should there be the need for an appeal then the Chair of Governors will mediate.

4. Assembling the Requested Information.

Firstly, has the applicant provided enough detail for the request to be fully understood? If a clarification request is required this should be sent to the applicant and the date logged by the Clerk. It should be noted that the 20 working (school) day clock stops at that date. The clock restarts with another full 20 working (school) days to respond to the applicant when the clarification is received.

When wording the request for clarification the FOI law states that we cannot ask why an individual wants the information. This is to ensure all requests are treated equally.

FOI requires us to confirm or deny whether any requested piece of information is held. The answer must be specific as "I don't know" is not an acceptable answer.

If the information is available, then, subject to the exemptions below, the record should be copied and given to the Clerk.

The information requested may be covered by an exemption. An outline of the exemptions which may be relevant are:

- a) The information is available elsewhere - the applicant is to be informed where they can get the information.
- b) Personal Information - Personal information is usually exempt under FOI and is covered by the Data Protection Act (DPA) 1998. This DPA gives individuals the right of access to information about themselves but not others.
- c) Information intended for future publication - press releases, results and reports may be exempt. In such cases the applicant should be advised when and where the information is intended to be published.
- d) Investigations and proceedings - this usually relates to disciplinary procedures regarding staff or reports on individual pupils.
- e) Law enforcement - information which might prejudice the prevention or detection of crime, court proceedings and other information relating to law enforcement.

- f) Health and Safety - if disclosure would be likely to endanger the physical or mental health or safety of an individual.
- g) Information provided in Confidence - information provided by an external person in confidence if breach of that confidence is actionable. This may prove difficult to prove as it will be founded on common law.
- h) Commercial Interests - Information that might be considered could prejudice the commercial interest of the School.
- i) Request exceeds the cost threshold - If it is considered to take over 18 hours to research and write up. Multiple requests or "campaigns" may come under this heading as considered as single entity.

In general any specific information that is considered "confidential" and exempt from the FOI will be kept on separate red paper so as the information will not accidentally be sent out on request. Any minutes or reports should be so written to separate this "confidential" information from the remaining information.

5. Preparing and Sending the Information Requested.

If the request is found to be valid the Clerk will forward copies of the papers onto the applicant logging the date they are sent.

Charges may be made for the information, particularly if they were considered to be excessive, in this case the applicant should be consulted to ascertain if the request can be fulfilled by an alternative method.

6. Closing the Request.

The log needs to be kept fully updated and any requests not closed need to be closely monitored with reference to the 20 working (school) days rule. The log will record refusals and reasons for refusals as well as appeals.

7. Multicultural and Gender Issues

No individual requesting information will be compromised for any reason and equal opportunities will be upheld. If the applicant requests information in another language every effort will be made to provide this.

8. Review

This policy will be reviewed every two years or earlier if necessary.