



South Rise

PRIMARY SCHOOL

Freedom of Information Policy

Reviewed policy agreed by GB:	Spring 2016
Reviewed policy shared with staff:	Spring 2016
Policy to be reviewed again:	Spring 2019
Committee responsible for review:	Resources

Please note: "Executive Headteacher" hereinafter referred to as "Headteacher"

The Governing Body of South Rise primary school are responsible for ensuring the school complies with the Freedom of Information Act 2000 ('the Act'); the Data Protection Act 1998 ('DPA') and The Environmental Information Regulations 2004 ('the Regs'). The Head Teacher has day to day responsibility for this policy and the provision of advice, guidance, publicity and interpretation of the school policy.

This policy applies to all information held electronically including e-mail or recorded on paper by the School.

The Freedom of Information Act 2000 (FOIA).

Anyone has a right to make a request to the School for access to information held by us. This will cover all recorded information. It is not limited to official documents and it covers for example, drafts, e-mails, notes, recordings of telephone conversations and CCTV recordings.

What is a valid request for information?

A request for information under FOIA **must**:

- Be in writing, including e-mail, fax or via Social Media. (Verbal enquiries are not covered by FOIA). There is no need for requests to indicate that they are made under the Act and all requests will be dealt with in accordance with this policy.
- State the requester's name and correspondence address (e-mail addresses are allowed);
- Describe the information requested – (You must provide sufficient information to allow the School to identify and locate the information).

What is the time limit for responding to the request?

Our main obligation under the Act is to respond to all requests promptly, and no later than 20 school days, or 60 working days if this is shorter.

A 'school' day will be any day on which there is a session and the pupils are in attendance.

'Working days' exclude school holidays and 'inset' or training days where the pupils are not present.

How will the School deal with your request?

The School has two separate duties when responding to these requests:-

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

The School will not comply with a request for information for the following reasons:

- The Information is not held. If the School does not hold the information requested we will notify you of this, in writing. If we know that the information is held by another public authority, we will transfer your request to them or advise the requester to redirect their request.
- The cost of locating, extracting and retrieving the information is above the cost of £450.
- The request is considered vexatious or repeated.

If the request is vexatious the School will not comply with your request. The key test for the School is whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

The request is considered to be identical or substantially similar to a previous request submitted by the same individual, unless a reasonable period has elapsed between those requests.

- One or more exemptions may apply.
- If the School receives a request that is ambiguous, with many potential interpretations, or no clear meaning at all the School will write to the requester and ask for clarification. At this stage, the School will not deal with your request until we have received whatever clarification we reasonably need and the 20 school days start time will begin. The School will also consider whether it can give the requester advice and assistance to enable you to clarify or rephrase your request.
- If you are dissatisfied with the handling of your request for information you have a right to ask for an internal review. Internal review requests should be submitted within two months' of the date of receipt of the response to your original letter. At this stage a fresh decision will be made (by a member of staff who did not deal with the original request) on all the available evidence that is relevant at the date of the request. A response will be provided promptly and within 20 school days.
- If you are unhappy with the outcome of your internal review you have a right to apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

What if the information requested contains personal information?

If a request is made for information (e.g. governing body minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the information may be issued by removing the relevant personal information.

How much we will charge?

- The School can charge a fee, for photocopying, printing and postage. For the fees, please see our **charging and remissions policy**. The table below details our costs for photocopying.

Number of Pages	Maximum Fee
1 - 19	£1
20 - 29	£2
30 -39	£3
40- 49	£4
50 - 59	£5
60 - 69	£6
70 - 79	£7
80 - 89	£8
90 - 99	£9
100 - 149	£10
150 - 199	£15
200 - 249	£20
250 - 299	£25
300 - 349	£30
350 - 399	£35
400 - 449	£40
450 - 499	£45
500+	£50

The Environmental Information Regulations 2004 ('EIR')

Anyone has a right to make a request to the School for access to information. These regulations provide a separate right of access to information about the environment. All other types of information are covered by the Freedom of Information Act.

What is environmental Information?

Environmental Information is any information in written, visual, aural, electronic or any other material form on the state of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas,

biological diversity and its components, including genetically modified organisms, and the interaction between these elements.

What is a valid request for information?

A request for information under EIR can either **be**:

- Made in writing, including e-mail, fax, via Social Media or verbally. (Please note the School will always respond in writing, regardless of how the request is made).
- We will require the requester's name and correspondence address (e-mail addresses are allowed);
- A description of the information requested (The requester must provide sufficient information to allow the school to identify and locate the information).

What is the time limit for responding to the request?

The School will respond to your request promptly, and no later than 20 school days. If due to the complexity and volume of the information it is impracticable for the School to comply with your request we will respond to you within school days.

The School will not comply with a request for information for the following reasons:

- The Information is not held. If the School does not hold the information requested we will notify you of this, in writing. If we know that the information is held by another public authority, we will transfer your request to them or advise the requester to redirect their request.
- The request is considered to be 'manifestly unreasonable or vexatious'. The key test for the School is if this request is too burdensome to deal with; is likely to disrupt the School's ability to perform its core functions; or seems to be aimed at disrupting the School's performance.
- One or more exceptions may apply.
- If the School receives a request that is ambiguous or unclear, with many potential interpretations, or no clear meaning at all. The School will write to the requester and ask for clarification. At this stage, the School will not deal with your request until we have received whatever clarification we reasonably need and the 20 school days start time will begin. The School will also consider whether it can give the requester advice and assistance to enable you to clarify or rephrase your request.
- If you are dissatisfied with the handling of your request for information you have a right to ask for an internal review. Internal review requests should be submitted 40 working days of receiving the response to your original letter. At this stage a fresh decision will be made (by a member of staff who did not deal with the original request) on all the available evidence that is relevant at the date of the request. A

response confirming the outcome of the Internal Review will be provided promptly and within 40 school days of receiving the complaint.

- If you are unhappy with the outcome of your internal review you have a right to apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

The Data Protection Act 1998 – (DPA)

In accordance with the DPA an individual has the right to a copy of their personal data that is held by the School. This is known as a subject access request. (SAR).

What is a subject access request (SAR) under DPA?

A subject access request (SAR) is a written request made by or on behalf of an individual (for example, a solicitor acting on behalf of a client, or an individual wants someone else to act for them) for their personal data under section 7 of the DPA. The request does not have to be in any particular form. Nor does it have to include the words 'subject access' or make any reference to the DPA. A request may be considered to be valid SAR even it refers to other legislation, such as the FOIA.

What is personal data?

For information to be personal data, it must relate to a living individual and allow that individual to be identified from it. It extends to personal information held on record anywhere by the School. It includes information in correspondence and in notes made by governors, teachers and other staff.

Formal requirements

A SAR must be made in writing either by e-mail, fax or sent in a hard copy and we do have a form for you to complete on our website. The School will verify your identity before releasing any personal data subject to any exemptions under the Act.

The School will respond to a SAR within 40 calendar days of receipt.

The School will charge a fee of £10.

Requests for information about children

Information about children may be released to a person with parental responsibility. However, the best wishes of the child will always be considered. Even if a child is very young, data about them is still their personal data and does not belong to anyone else. It is the child who has a right to access to the information held about them.

Right of access to “educational records” under the Education (Pupil Information)(England) Regulations 2005.

What is an educational record?

- This is any record which is processed by or on behalf of the governing body of or a teacher at the school.
- Relates to any person who is or has been a pupil at the School
- Originated from or was supplied by or on behalf of any governor or teacher at the School.

There are two forms of disclosure:-

A person with parental responsibility can make a written request to inspect their child/ren education records at the school.

- The School will respond within **15** School days of receipt of the parent's written request to inspect their child/ren education records. **No charge will be made.**

A person with parental responsibility can make a written request for a **copy** of their child/ren education records.

- The School will provide a copy of the educational records to the parent on ***payment of a fee**_within **15** school days of receipt of the parent/s written request.

In addition to this policy the school has adopted a publication scheme in accordance with section 19 of FOIA which will show the information the School currently publishes. The School is committed to updating and maintaining this scheme to ensure that it is current and relevant. This is split into categories of information known as ‘classes’. The classes of information which the School undertake to make available are organised into four broad topic areas:-

School Prospectus – Information published in the school prospectus

Governors Documents – Information published on the School Profile

School Policies and other information related to the School – Information about policies that relate to the school in general.