



**St Andrew's C of E School, Totteridge**

**FREEDOM OF INFORMATION (FOI) POLICY**

**(Statutory Policy)**

**(Resource Management Committee)**

(Approval by Resource Management Committee – 3 Year Review Cycle)

<b>Date to be implemented from:</b>	18 <sup>th</sup> March 2021
<b>Date to be reviewed by:</b>	18 <sup>th</sup> March 2024
<b>Date Reviewed by Sub Committee:</b>	9 <sup>th</sup> March 2021

**Approved by:**

Signed: ..... (Chair – Resources Committee)

(Print Name) .....

Date .....

***This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.***

***This Policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this School.***

**1 Policy Statement**

1.1 St Andrew's School affirms that individuals are entitled to equal rights, responsibilities and opportunities. The School strives to ensure that all individuals are equally valued and everyone is treated with respect.

1.2 St Andrew's School will meet its duty to have a FOI Policy and meet any other legislation or requirements to ensure an open and transparent environment for pupils, staff, parents/carers and visitors.

1.3 The Policy will be readily accessible within the School on the Website and in hard copy on request



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### **2 Reviewing the Policy**

2.1 Reviewing the Policy – St Andrew's School will assess the implementation and impact of this Policy on a continuous basis and undertake a regular formal review on an annual basis to ensure it is fit for purpose.

### **3 School Vision**

3.1 Our vision is to become an outstanding School within a loving, Christian community.

3.2 Our parents/carers, children and staff will work together to enable all children to:

- achieve their potential
- learn in a safe, stimulating environment
- enjoy learning now and in the future

### **4 Purpose of Policy**

4.1 At St Andrew's School, in common with all Schools, we collect, collate and analyse data. Some information is gathered in order to enable us to improve our education and predict trends or challenge performance and some information is collected to ensure we comply with its statutory obligations.

4.2 The Freedom of Information Act (2000) came fully into force in 2005. Under the Act, any person has a legal right to ask for access to information held by the School. They are entitled to be told whether the School holds the information and to receive a copy, subject to certain exemptions. Whilst the Act assumes openness, it recognises that certain information is sensitive. The exemptions are there to protect this information.

4.3 Governing Bodies are responsible for ensuring that Schools comply with the FOI, some aspects, such as Charging are at the discretion of the Governing Body. The Act is fully retrospective, so that any past records that the School holds are covered by the Act.



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### **5 Aim of Policy**

5.1 The aim of this Policy is to create a culture and ethos where information held is accessible according to legal requirements regarding transparency and confidentiality.

5.2 This Policy provides a framework that translates the values and aims of the School regarding FOI into effective procedures to enable access to appropriate information.

5.3 This Policy ensures all staff involved with the collection, processing and disclosure meets the requirements and understand that it is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry. Requests under FOI can be addressed to anyone in the School.

### **6 Definitions**

6.1 The FOI Act joins the Data Protection Act, GDPR and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the School.

6.2 This Policy should be read with the Data Protection/GDPR Policy. Anyone has the right to ask an organisation whether or not they are using or storing their personal information. You can ask for copies of your personal information, verbally or in writing. This is called the right of access and is commonly known as making a Subject Access Request or SAR.

6.3 Requests under FOI can be addressed to anyone in the School; so all staff need to be aware of the process for dealing with requests.

6.4 Requests must be made in writing, including email, and should include the enquirers name and correspondence address and clearly state what information they require. Requests do not have to mention the Act, nor do they have to say why the information is required.

6.5 There is a 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



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apply.

- 6.6 There is no need to collect data in specific response to a FOI enquiry.
- 6.7 There is a time limit of 20 days excluding School holidays for responding to the request.
- 6.8 Requests for personal data are covered by the Data Protection Act/GDPR via a SAR and must be dealt with accordingly (see 6.2)
- 6.9 Requests for information relating to the environment and H&S are covered by the Environmental Information Regulations (EIR) (eg. about chemicals used in the School, phone masts, car parks). Requests under EIR are dealt with in the same way as those under FOI, but unlike FOI requests, they do not need to be written and can be verbal.
- 6.9.1 If any part of a request to the School includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FOI and must be dealt with accordingly.



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### 7 Obligations and Duties

7.1 St Andrew's CE Primary School is a Data Controller for the purposes of the Data Protection Act and Freedom of Information Act 2000 - Registration Z4850446.

7.2 The School recognises its duty to provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information and will help enquirers to put their requests into writing so that they can be handled under the Act.

7.3 We will tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny) and provide access to the information we hold in accordance with the procedures laid down. We will tell enquirers where the information is subject to absolute or qualified exemptions.

7.4 When we wish to apply a qualified exemption to a request, we will invoke the Public Interest test procedures to determine if Public Interest in applying the exemption outweighs the Public Interest in disclosing the information. Unless it is in the Public Interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

7.5 We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

7.6 We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum.

*Section 12 para 8, states that public authorities don't have to comply with requests where they estimate that the cost of compliance will exceed the "appropriate limit" ie £450 for Schools. Staff time must be calculated as directed by current legislation and only the estimated cost of establishing if the information is held, locating the information, retrieving the information and extracting the information can be included.*



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### 8 Procedures

8.1 Requests for information must be made in writing, which includes any email, and be addressed to the Headteacher. Any requests made to other staff under FOI should be forwarded to the Headteacher for consideration.

8.2 Where the initial request does not clearly identify the information required then the request will be denied.

8.3 No information will be released unless the identity of the person making the request is established. Where personal information (under Data Protection/GDPR) is being requested about a pupil, the relationship to the child will need to be proved (with relevant documentation) before information is shared. We will ensure Safeguarding procedures at all time.

8.4 The response time for a FOI request, once officially received by the School, is 20 School days, or 60 working days if this is shorter. The time allowed for complying with a request starts when the School receives the request - provided it has been lodged correctly.

8.5 Third party information is that which has been provided by another, such as the Police, LA, Health Care professional or another School. Before disclosing third party information consent will normally be obtained.

8.6 Any information that may cause serious harm to the physical or mental health or emotional condition of a pupil or another will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

*If there are concerns over the disclosure of information additional advice will be sought.*



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8.7 The Headteacher will make a decision on the response to the FOI request and if the request has been submitted correctly will estimate the 'cost' of answering the FOI request. The Headteacher will also apply the Public Interest test. If the data is not held or it would cost above the limit then the requester will be informed in writing that the request is rejected. A request refusal may be for:

- It would cost too much or take too much staff time to deal with the request
- The request is vexatious
- The request repeats a previous request from the same person
- There are exemptions based on the harm that would arise or would be likely arise from disclosure (it is possible to disclose information in spite of an exemption, where it is in the Public Interest to do so.) Exemptions can be class- based or prejudice-based

It is possible for the School to answer the request, if the requester agrees to pay the costs above the £450 limit (in writing) and the School is happy to comply with the request even if the cost exceeds £450.

8.8 Information disclosed will be clear, with codes or technical terms clarified and explained. Personal information can be provided at the School with a member of staff on hand to help and explain matters if requested or provided at a face to face handover. The views of the applicant will be taken into account when considering the method of delivery, however, the School has a duty to ensure the safety of data (under Data Protection/GDPR).

8.9 If a person requests information, either under FOI or under the Data Protection Act/GDPR, and they wish to challenge the decision to refuse disclosure then they have the right to complain under the School Complaints Procedures (Policy).



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8.9.1 Any comments or complaints will be dealt with through the School's normal Complaints Procedure.

8.10 If the internal Complaints Procedure does not solve the situation, the requester/complainant may contact the Information Commissioner's Office (ICO) to resolve the issue (see <https://ico.org.uk/>)

8.11 **All staff** will:

- Answer 'normal' questions from parents/carers about pupils as part of the dialogue between parents/carers and School
- Report to the Headteacher and questions from parents/carers that request information about personal, sensitive or data that is about another person
- Follow the procedures of the Data Protection Policy
- Immediately forward any request under the FOI to the Headteacher and do not indicate to any person requesting information under the FOI Act that the School will/not comply with the request

8.12 The **School Leadership** will:

*Headteacher*

- Decide where requests are just part of general 'customer care' within a School and what is deemed formal requests
- Keep Safeguarding of young children as the priority
- Decide what requests are within the scope of the Data Protection/GDPR and what are FOI requests
- Estimate the likely cost(s) of answering FOI requests
- Decide when to comply or not with requests
- Ensure anyone requesting information under FOI receives a written answer within the deadline
- Ensure pupils, staff, parents/carers and Governors all understand this Policy and its implications
- Monitor and evaluate this Policy at regular intervals





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### *Governance*

- Ensure the Data held (both paper based and electronic) is managed effectively
- Ensure the School is not compromised by vexatious requests for data
- Support the Head in the decision making where Safeguarding takes priority
- Support the Headteacher in making judgements regarding FOI requests
- Invoke and lead on the Complaints Procedures in the case of a complaint about FOI judgement leading to refusal to disclose



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### 9 Sources of further information and support

Data Protection in Schools: how to comply with the Data protection Act 2018 – Hub  
<https://www.highspeedtraining.co.uk/hub/data-protection-act-compliance-schools/>

How to make an FOI request – Gov.UK

<https://www.gov.uk/make-a-freedom-of-information-request>

The Guide to FOI – Information Commissioner's Office

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

Data protection – ICO Office

<https://ico.org.uk/>



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