



Michaela Community School

# FREEDOM OF INFORMATION POLICY

<b>Date of last review:</b>	July 2016	<b>Review period:</b>	1 year
<b>Date of next review:</b>	July 2017	<b>Owner:</b>	K.Ashford

Michaela Community School will comply with the terms of the Freedom of Information Act 2000, and any subsequent relevant legislation, to ensure all information held by the school is treated in a manner that is fair and lawful. This policy should be used in conjunction with the school's *Internet Use Policy* and *Data Protection Policy*.

### **Data Gathering and Storage**

Information will only be gathered and stored for specified purposes. In order to be able to respond to requests for information the school will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

Information held by the school will be regularly reviewed with a view to archiving or destruction, where appropriate.

### **Publication Scheme**

The school will adopt and publish the appropriate model publication scheme, as recommended by the DFE and approved by school governors. The current recommended model schemes can be viewed via the Information Commissioner's website.

### **Dealing with Requests for Information**

Theoretically any request for information is a request under the Freedom of Information Act, but the school receives a considerable number of requests for information through our day-to-day operations. Most of these are dealt with as 'business as usual' requests and responded to accordingly. The school is committed to responding to all requests for information.

Where a requester wants to have their request dealt with under the access to information legislative framework, the school will ensure that this is put in writing. Legally EIR requests can be made verbally over the phone or in person. Where this does happen, the school will put it in writing and process the request as a standard information request and, as part of this process, consider whether or not the request should be dealt with as an Environmental Information Request.

The school will assist applicants in making their request to have access to information held by the school. Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, LEA, hospital).

The school will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information should still be dealt with in compliance with the 20 day deadline, whether they are recorded as Freedom of Information requests or not.

If a response will take longer than 10 working days to respond an acknowledgement should be sent to the person making the request, informing them when the information will be supplied. This acknowledgement does to allow the school to exceed the overall 20 day deadline.

The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by the Department for Constitutional Affairs. If the estimated cost of complying with the request does not exceed this amount the school is not entitled to make a charge for fulfilling the request.

A senior member of staff will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.

Persons requesting data will be supplied with a copy of our complaints procedure. Copies of data supplied should be retained for two years from the date it was put into the public domain.

### **Applying Exemptions**

A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

The decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Governors, other governors, Headteacher, Deputy Headteacher.

The decision to apply qualified exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Governors, other governors, Headteacher, Deputy Headteacher. Even if the group decides information should not be disclosed, a public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

Advice should be sought from legal professionals if there is any doubt as to whether information should be disclosed.

### **Logging Requests Received**

The school will keep a record of all requests received for monitoring purposes, noting:

- a) the date the request was received,
- b) name and contact details of the person or organisation making the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20 day deadline.

## **Approval by Governing Body and Review Date**

This policy and plan has been formally approved and adopted by the Local Governing Body at a formally convened meeting.

Signed:   
Chair of Governing Body

Date: 7 July 2016

Review date: July 2017

**End of Statement**