Swinemoor Primary School
Freedom of Information Policy

Effective Date:	**April 2024**
Date to be Reviewed:	**April 2026**

1. Background

The Freedom of Information Act 2000 ('the Act') grants a right of access to information held by public authorities; this includes maintained schools, academies and free schools. The Act grants two rights, both subject to specific exemptions - a right to be told whether information is held and a right to receive the information. Requests must be made in writing, state the name of the applicant and give an address for correspondence. A response must be provided within 20 school days, or 60 working days if this is shorter. The Act also obliges public authorities to publish certain information about their activities.

2. Definitions for the Purposes of this Policy

Public authorities - Government departments, local authorities, the NHS, local authority maintained schools, academies, free schools, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. Further details can be found in Schedule 1 of the Act.

Information - Information recorded in any form. It is not limited to official documents, nor is it limited to information you create. Information does include that which is held on behalf of a public authority even if it is not held on the authority's premises. The Act does not cover information that is in someone's head. Neither does it require you to create new information. The Act does not cover information you hold solely on behalf of another person, body or organisation.

Personal data – any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

3. Policy Statement

Swinemoor Primary School will comply with its duties under the Freedom of Information Act 2000. Specifically, it will seek to ensure that requests made are dealt within statutory timescales; it will provide reasonable advice and assistance to persons making applications and in circumstances where it is refusing a request it will ensure that the grounds of the refusal are clear and based on one of the exemptions set out in the Act.

4. Corporate Requirements

Swinemoor Primary School is a public authority under the Freedom of Information Act 2000.

Governors are responsible for ensuring compliance with the Freedom of Information Act 2000, however the Head Teacher is responsible for ensuring compliance within the day to day activities of the school.

The Head Teacher and those in managerial or supervisory roles are responsible for ensuring that the school has processes and procedures in places that comply with the Freedom of Information Act 2000 and this policy. All employees within the school are responsible for ensuring that information required to respond to requests is forwarded to a member of the Senior Leadership Team in a timely manner to ensure that the School complies with requests within statutory timescales.

All employees are responsible for forwarding freedom of information requests to Mrs C Boughton, Data Protection Officer; Email: swinemoor.primary@eastriding.gov.uk.

The Data Protection Officer is responsible for liaising with the relevant employees to collate information in response to a request and/or establish if any exemptions should be claimed in response to a request.

The Date Protection Officer is responsible for: -

- Providing advice and guidance on Freedom of Information requests.
- Logging details of and acknowledging all requests for information.
- Co-ordinating responses to requests for information.
- Considering draft responses and ensuring that requests are responded to.
- Co-ordinating internal reviews of requests.
- Monitoring response times against statutory timescales.
- Maintaining the School's Publication Scheme.

5. Policy Development including Consultation

This policy has been developed in accordance with the Corporate Policy Guidance Notes. The following people and groups were consulted in development of this policy:

- East Riding of Yorkshire Council *(as part of a traded service)*
- Senior Leadership Team
- Governors

6. Links with other Policies

This policy links to other Council documents:

- Data Protection Policy
- Records Management Policy
- GDPR Appropriate Policy Document

7. Receiving a Request

Any officer could receive a request for information held by the School. In order to be considered a valid request, the request must -

- Be in writing;
- Clearly describe the information being sought;
- Contain the name of the applicant and a return address.

A request does not have to refer to the Freedom of Information Act in order to make a request under the Act. In all cases the categories of information published by the School pursuant to data transparency requirements should be checked to see if the information is already published. If this is the case the applicant should be told where the information can be obtained. If the information is

information that the service area would routinely make public in any event the information should be provided to the applicant.

- Requests by individuals for their Personal Data held by the School should be dealt with as a Subject Access Request (SAR) or Educational Record Request (ERR) as outlined in the School's Data Protection Policy.

If an employee is unclear as to whether a request is for Freedom of Information or Personal Data, guidance should be sought from a member of the Senior Leadership Team.

All other requests for information should be forwarded to the Data Protection Officer as soon as they are received.

8. Recording a Request

Each request received by the School will be logged and the request will be acknowledged. The Data Protection Officer will confirm whether the information is held and will establish if any exemption from the duty to confirm information is held or the duty to provide information is being claimed.

9. Responding to a Requests

The School will ensure the following information is recorded on file as part of responding to a request: -

- Whether information that comes within the scope of the request is held.
- Provide a copy of any information that is held.
- Setting out any exemptions from either the duty to confirm information is held or the duty to provide information.

The Data Protection Officer will respond to the person making the request informing whether the School holds any information that comes within the scope of the request and either provide a copy of the information and/or setting out the grounds on which the School claim an exemption from either the duty to confirm information is held or the duty to provide information.

10. Claiming an Exemption

Where an exemption from disclosure is claimed the School must set out which of the exemptions from disclosure is claimed. In the majority of cases, any exemption claimed will be a qualified exemption which will mean that a decision as to whether information should be withheld should be taken in two stages. Firstly, a decision has to be made as to whether the information is covered by an exemption and then even if an exemption does apply the information must be disclosed unless the public interest favours non-disclosure. The School therefore needs to set out the exemption claimed, the public interest arguments in favour of disclosure, the public interest arguments against disclosure and a conclusion as to whether or not the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If only an element of the information held contains exempt information, access should not be refused to the whole of the information unless it is absolutely necessary to do so in order to ensure that exempt information is not disclosed. Instead that information over which an exemption is claimed should be withheld and the remainder of the information provided.

11. Reviews and Appeals

An applicant has the right to ask for a review of any response to a request for information. Such a review must be carried out by a senior member of staff other than the member of staff who dealt with the original request. Following a review an applicant has the right to appeal to the Office of the Information Commissioner.

12. Vexatious Requests

The School is not obliged to comply with a request for information where that request for information is 'vexatious'. In order to be considered vexatious the request should be considered, not the person making the request, and the following factors should be taken into account -

- Could the request fairly be seen as obsessive?
- Is the request harassing the School or causing distress to staff?
- Would complying with the request impose a significant burden?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

If a request is deemed to be vexatious that should be communicated to the person making the request along with the reasons for treating the request as vexatious. Any such decision may be reviewed or appealed as set out in section 11.

13. Training

It is Swinemoor Primary School policy that all employees receive the appropriate training, in order to comply with data protection legislation. The DPO will accordingly ensure that data protection training is available for all staff (including temporary or contracted staff) and arrange refresher training every two years. Training in data protection matters will be arranged at the Induction Meeting by the School Business Manager. The School are aware that training should be undertaken at intervals thereafter to maintain awareness.

Failure to adhere to this policy can result in disciplinary action. Section 77 states that it is a criminal offence to alter, block, destroy or conceal information. Depending on the nature of the incident, employees could be charged with this offence. The penalty is a fine.

14. Outcomes and Impacts

- Swinemoor Primary School and employees are aware of their duties under the Act
- Swinemoor Primary School and employees are of who to contact for advice.
- Requests for information are handled in accordance with the Act.
- The school is compliant with the model publication scheme.
- Uphold people's right to see certain information covered by the Act.

15. Policy Implementation

The Freedom of Information Policy will be implemented through on-going training and regular updates at staff meetings or via the Basecamp staff communication software.

16. Evaluation

The Freedom of Information Policy will be subject to a two yearly review to ensure that it is appropriate and responsive to all relevant legislation and guidance.

17. References

Freedom of Information Act 2000
Data Protection Act 2018
ICO Guide to Freedom of Information