Baines School

Nil Sine Labore

Freedom of Information Policy for Baines School

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To be reviewed: 3 yearly

Date of next review: ~~September 2026~~ September 2029

Introduction

Baines School is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 and the access provisions of the Data Protection Act 1998 (DPA). The school will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right to access to recorded information held by school and that the school should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

Separate guidance, in the form of operating procedures, is available to staff under the school's Data Protection Policy on how to handle information requests received under the Freedom of Information Act 2000 (FOIA).

Background

The FOIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges the school to make information pro-actively available in the form of an approved "publication scheme".

In addition, individuals currently have a statutory right of access to their own "personal data" under the DPA. Individual access rights to personal data are extended by the FOIA through amendments to the access provisions of the DPA.

The Environmental Information Regulation (EIR) provides a statutory right of access to "environmental information", as defined in these regulations. The EIR came into force on 1st January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government's Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. For the purposes of this policy, the "public" is defined as any individual or organisation anywhere in the world and an "information request" refers to any request for recorded information made under the FoI Act, EIR or DPA.

Legal framework

This policy has due regard to the following legislation:

- UK GDPR
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy also has due regard to guidance including, but not limited to, the following:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2013) 'Definition document for the governing bodies of maintained and other state-funded schools in England'

- ICO (2015) 'Model publication scheme'
- ICO (2016) 'Duty to provide advice and assistance (section 16)'
- ICO (2023) 'Time limits for compliance under the Freedom of Information Act (section 10)'

This policy will be viewed in conjunction with the following other school policies:

- Data Protection Policy

Timescales

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays. Requests for Data Protection (subject access requests) should be dealt with within 40 calendar days. Requests for pupil education records should be dealt with within 15 school days.

Delegated responsibilities

Overall responsibility for ensuring that the school meets the statutory requirements of the FOIA, EIR and DPA lies with the Governors, and the Chair of Governors has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Head teacher. The Head teacher is assisted by B Cropper (DPO) who currently fulfils the role of 'DPO/FOI officer and P Fellows who currently fulfils the role of DPL'. All School staff are responsible for ensuring they handle requests for information in compliance with the provisions of the various Acts, taking advice from the FOI officer where necessary.

Scope

This policy applies to all information held by school regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically. The Act's powers are fully retrospective and thus information is accessible no matter how old it may be. Similarly, information in draft form will also be accessible under the Act.

It should be noted that access to personal information (that is information from which a living individual can be identified) is still governed under the Data Protection Act and as such the School's Data Protection Policy. Requests for access to such information will be governed in line with the requirements of this legislation.

Dealing with Requests

The Freedom of Information Act 2000 (FOI) gives you the right to ask for all the recorded information the school has on any subject. Anyone can make a request for information – there are no restrictions on your age, nationality or where you live. A request will be handled under the Data Protection Act 2018 using the procedure detailed in Baines school's Data Protection Policy. Any request for information is technically a request under the FOI. However, the ICO has stated that routine requests for information (i.e. parents requesting a copy of a policy) can be dealt with outside of the provisions of the Act. Routine requests, if simple can be dealt with by the individual who receives the request. However all non-routine requests should be referred in the first instance to the DPO.

School will offer advice and assistance to anybody wishing to make a request for information. We are committed to dealing with requests within statutory guidelines, which means that a response will be made no more than 20 school days from the date of request and more speedily if possible. This will be extended in specific circumstances on legal advice in connection with the public interest test. However, school is committed to providing a prompt service and every attempt will be

made to provide the information earlier than the expiry of the 20-school day period. Repeated or vexatious requests for information will be refused. School will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny and the public interest. School will put in place an appropriate procedure for measuring the public interest when considering a qualified (also known as “non-absolute”) exemption which requires such a test.

Any request in writing will be considered a Freedom of Information request including those received by email and fax. There is no need for requests to indicate that they are made under the Act and all requests will be dealt with under this policy. School reserves the right to refuse requests where the cost of locating, retrieving and editing (where necessary) the information would exceed the statutory maximum (currently £450).

School recognises that requests for environmental information may be made over the telephone and that different exemptions apply.

Adopting and Maintaining Publication Schemes

School has adopted a Publication Scheme in accordance with Section 19 of the FOI Act and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains many of the documents, policies, plans and guidance which are regularly asked for. Material contained within the publication scheme, and a copy of the scheme itself, will be readily available. Where charges are applied these will be stated in the Scheme. The scheme can be accessed from school on request. School staff will give advice and assistance on how to use the scheme as appropriate.

Contact Details

For advice and assistance please contact Miss Philippa Fellows, the School Business Manager. Further advice and information about the Freedom of Information Act, including full details of exemptions and advice on the public interest test, is available from the Information Commissioner’s website at www.informationcommissioner.gov.uk