

Hayfield Primary School

Policy for

Freedom of Information

Freedom of Information Policy

Hayfield Primary School

Hayfield Primary 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.
- Information and guidance displayed on the Information Commissioner's website www.informationcommissioner.gov.uk

This policy should be used in conjunction with the school's **E-Safety Policy** and **Data Protection Policy**.

Appendices to this document:

1. Freedom of Information Publication Scheme
2. Records Retention Schedule
3. Freedom of Information Checklist for Schools
4. Summary Guidance for Governing Bodies leaflet

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 has adopted and published the appropriate model publication scheme [Appendix 1], as recommended by the DCSF, Information Commissioner and Derbyshire County Council, and approved by school governors.

Dealing with Requests for Information

Theoretically, any request for information is a request under the Freedom of Information Act. However, Hayfield Primary School will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests.

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 (eg LA, health).

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 (see below). 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 current defined charge limit is £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by the Department for Constitutional Affairs.

The school reserves the right to refuse to comply with a request if it estimates that it will cost them in excess of £450 to administer. Where the estimated cost of complying with the request does not exceed this amount, the only charges the school can pass to the applicant are those associated with providing the information, for example, photocopying and postage costs. The Learning and Culture Data Protection and Freedom of Information Manager will notify any changes to these rates to schools.

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.

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. 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 Learning and Culture's Data Protection and Freedom of Information Manager or Legal Services if there is any doubt as to whether information should be disclosed.

Logging Requests Received

The school should 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.

Please see following appendices attached for further information:

- 1. Publication Scheme on Information Available under The Freedom of Information Act 2000
- 2. Records Retention Scheme – Guidelines for Schools
- 3. Freedom of Information Checklist
- 4. Log of Requests for Information

This policy was approved by the governing body on:

Review date	Signed by Chair of Governors	Signed by Headteacher