



# Freedom of Information Policy

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## Freedom of Information Policy

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## **1. Introduction**

The Lansdowne; a de Ferrers Trust Academy is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

## **2. Background**

The Freedom of Information Act 2000 (FOIA) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the academy. They are entitled to be told whether the academy holds the information, and to receive a copy, subject to certain exemptions.

The information which the academy routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the academy holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide academies on how long they should keep records. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under the FOIA can be addressed to anyone in the academy; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. 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 apply. There is no need to collect data in specific response to an FOI enquiry. There is a time limit of 20 school days for responding to the request.

For further information and guidance, see the DfE document "Freedom of Information: guide for academies" which can be found on [www.gov.uk](http://www.gov.uk).

## **3. Scope**

The FOIA joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the academy.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the academy holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the academy or on academy land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOIA, but unlike FOIA requests, they do not need to be written and can be verbal.

If any element of a request to the academy includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FOIA, and must be dealt with accordingly.

#### **4. Obligations and Duties**

The academy 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 more complex verbal requests into writing so that they can be handled under the Act.
- 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 in the DfE document “Freedom of Information: guide for academies”

#### **5. Publication Scheme**

Lansdowne: a de Ferrers Trust Academy has adopted the Model Publication Scheme for academies approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be available on request in writing or on the academy website as specified in the Publication Scheme.

#### **6. Dealing with Requests**

We will respond to all requests in accordance with the procedures laid down in the DfE document “Freedom of Information: guide for academies”.

We will ensure that all staff are aware of the procedures.

#### **7. Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in the DfE document “Freedom of Information: guide for academies”

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.

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.

## **8. Public Interest Test**

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.

For information on applying the Public Interest Test see the DfE document “Freedom of Information: guide for academies”

## **9. Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

Information published on our website is free. If information is requested in hard copy the academy will inform the person making the request of any charge (e.g. photocopying, postage) before fulfilling the request.

For more information on charging, see the DfE document “Freedom of Information: guide for academies”.

## **10. Responsibilities**

The day to day responsibility for compliance with the FOIA lies with the Principal. All requests for information that may fall under the FOIA are referred to the Finance Director, who acts as a point of reference for advice and training.

## **11. Complaints regarding Freedom of Information**

Any comments or complaints will be dealt with through the academy’s normal complaints procedure.

We aim to determine all complaints within 15 school days of receipt. The academy will maintain records of all complaints and their outcome.

If on investigation the academy’s original decision is upheld, then the academy has a duty to inform the complainant of their right to appeal to the Information Commissioner’s office.

Further information is available from the ICO on [www.ico.gov.uk/concerns](http://www.ico.gov.uk/concerns) or via their helpline 0303 123 1113.

**Appendix 1  
Standard Letters**

**5.1 To inform the enquirer the academy does not hold the requested information.**

**{Academy Address}**

**{Applicant Address}**

**{Date}**

Dear **{Name}**,

Thank you for your request for information received on .

We have conducted a thorough search of our records and unfortunately we are unable to locate the information you requested. This may be because the academy has never held this information or that the information is older than the statutory requirements for retention and has been legally destroyed in accordance with our retention schedules.

If you have any comments relating to how your request has been handled by our academy, please contact **{Name and address of contact for complaints procedure}**.

Yours sincerely,

**{Name}**

**{Title}**

## 5.2 To seek clarification of a request

{Academy Address}

{Applicant Address}

{Date}

Dear {Name},

Thank you for your request for information received on . From the information described, we have been unable to identify the information you require.

Could you please give us more information relating to: **{Include specific information you require, try to ensure that terms that may be unfamiliar to the requestor are explained}**.

The Freedom of Information Act 2000 requires that we deal with requests such as this within 20 working days. We are not required to include any time whilst waiting for clarification of a request. We will endeavour to proceed with your request as soon as you supply the information required. If we have not received a reply within three months we will treat this request as cancelled.

If you have any comments relating to how your request has been handled by our academy, please contact **{Name and address of contact for complaints procedure}**.

Yours sincerely,

{Name}

{Title}

**5.3 To inform the enquirer that the information they want is already publicly available**

**{Academy Address}**

**{Applicant Address}**

**{Date}**

Dear **{Name}**,

Thank you for your request for information, received on .

The information which you requested is already available to the public via our academy publication scheme, which is available from the academy office or on our website **{website address}**.

If you have any comments relating to how your request has been handled by our academy, please contact **{Name and address of contact for complaints procedure}**.

Yours sincerely,

**{Name}**

**{Title}**

5.4 To inform an enquirer of any charges to be made for complying with their request

{Academy Address}

{Applicant Address}

{Date}

Dear {Name},

Thank you for your request for information received on . It is estimated that the time to find this information will be hours. The cost of this search will exceed the statutory ceiling of £450.00 for free searching time allowed under the Freedom of Information Act 2000 (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

To proceed with your request we will require a fee of £ {supply details of local address and payment details}. We will continue with the search on receipt of payment, however if we have not received a reply within three months we will cancel the request.

If you have any comments relating to how your request has been handled by our academy, please contact {Name and address of contact for complaints procedure}.

Yours sincerely,

{Name}

{Title}