



# SUMMERHILL INFANT SCHOOL



*Inspiring, nurturing and supporting each child, every day to develop citizens for the future. Our School lays the foundation for a lifetime love of learning*

## FREEDOM OF INFORMATION POLICY

### Document Summary

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<b>Governing Reviewing Committee/Governor:</b>	FP
<b>DfE Statutory or Optional policy:</b>	O
<b>Appendices:</b>	None
<b>On School Website?</b>	Yes

### Amendment History

Version	Amendment Date	Pg Num	Amendment Summary

### Introduction

The School is a “public authority”.

The Freedom of Information Act 2000 (FOIA) provides public access to information held by public authorities.

The Environmental Information Regulations 2004 (EIR) provides public access to environmental information as defined in the Regulations.

FOIA and EIR promote openness and transparency.

Information is provided in two ways:

1. It is mandatory to publish certain information (publication scheme);
2. Any person is entitled to request information which subject to the application of any exemptions must be provided.

The Act does not give people access to their own personal data. Subject Access Requests are dealt with in accordance with the Data Protection Policy.

### Aim

This Policy will ensure:

The School complies with its duties under the FOIA and EIR and handles requests under the correct regime.

The School has a system in place which will result in the proactive publication of information.

Any person knows they can make a request and who to contact.



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All appropriate staff will be able to recognise and respond appropriately to a valid request for information.

That there is awareness amongst staff, contractors or others having contact with the School that the duties under FOIA and EIR may impact on the ability to guarantee confidentiality of information.

## **Scope**

This Policy applies to:

- All recorded information held by the School or by a third party on the School's behalf.
- Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
- Any request for information made in writing, including by email, whether or not the Freedom of Information Act is mentioned.

## **Roles and Responsibilities**

The Governing Body of the School has overall responsibility for ensuring compliance with the Freedom of Information Act. The Headteacher has day to day responsibility for FOI /EIR compliance and the School Administration Manager is the point of contact for enquiries. All staff will be trained on recognising a request for information.

A designated member of staff is responsible for handling requests for information. Requests should be made to the School Administration Manager either via email to [Summerhill.i@bristol-schools.uk](mailto:Summerhill.i@bristol-schools.uk) or in writing to the school address: Summerhill Infant School, Clouds Hill Road, St George, Bristol, BS5 7LE

## **Publication Scheme**

The School has adopted the Model Publication Scheme for Schools as approved by the Information Commissioner.

## **Request handling**

The School will ensure that:

Information on meeting the requirements of the FOIA as provided time to time by the Information Commissioner's Office will be used to guide the School's approach. An overview of the process is included in the Appendix.

Advice and assistance will be provided to the requestor if required.

Responses will (unless an exemption is applied)

- tell the applicant whether any information held falls within the scope of their request; and
- where it does, provide that information.

Responses will be provided as promptly as possible, and within the statutory time limit of 20 School days. A 'School' day will be any day on which there is a session and the pupils are in



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attendance. In the alternative the School will respond within 60 working days if that is shorter.

If the School is unclear about the precise information requested, a request for further clarity will be made to the requester as soon as possible after receiving the request. The 20 day response period will not begin until the requested clarification is received.

Care will be taken to ensure that personal data is not unlawfully disclosed in response to a request for information made under FOIA or EIR.

Information provided to the School from third parties may be the subject of a request for information. In considering whether exemptions apply, the School will seek to consult with the third party but the legal responsibility for deciding whether or not the information should be released rests with the School.

## **Exemptions**

Certain information may be subject to either absolute or qualified exemptions. Information will only be withheld in accordance with the exemptions specified by legislation and we will be guided by advice published time-to-time by the Information Commissioner's Office when considering whether to apply an exemption. Where an exemption is found to apply, the School may choose not to apply it, as long as in doing so no other statutory duty is breached.

Absolute exemptions include, amongst others:

- where the cost of locating, retrieving and extracting the information is estimated to cost more than £450, with staff costs calculated at £25/hour (18 hours work);
- where multiple requests from the same person (or from people who appear to be linked) are received within a 60 day period, the costs may be aggregated in relation to the £450 limit
- where a request is judged to be vexatious and/or repeated
- where the information is already readily accessible to the requester
- requests for personal information in relation to a living person.

Qualified exemptions may include, amongst others:

- where information is intended for future publication;
- where the release of information would or might prejudice commercial interests.

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. Where, this is found to be the case, the exemption may be applied.

Where the School needs more time to consider the Public Interest test, up to 20 additional working days may be taken. However, the School still has a duty to respond to the initial request within the original 20 school days, informing the enquirer as to which exemption is being applied, and the additional time extension needed to apply the Public Interest test.



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## **Fees**

Where the cost exemption (in terms of staff time) has not been applied, fees related to locating information (but not staff time costs) and communicating that information (for example, photocopying, postage) will be estimated on a case-by-case basis and will not exceed the estimated cost to the school.

Where the school wishes to charge a fee, we will send the requester a fees notice. We do not have to send the information until we have received the fee. The time limit for complying with the request (normally 20 school days) will exclude the time spent waiting for the fee to be paid. We will issue the fees notice within the standard time for compliance, and once we have received the fee, we will send out the information within the time remaining. If the requester does not pay the requested fee within 3 months, then the School's obligations under the FOIA in this case will cease.

## **Records and Reviews**

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.

Any requests for internal reviews will be dealt with in accordance with the Schools Complaint Policy and will be responded to within twenty School days as recommended by the Information Commissioner.

If the School's original decision is upheld, then the School has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals should be made in writing to the Information Commissioner and addressed to: Head office. Information Commissioner's Office **Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF**. Tel: 0303 123 1113