



SUMMERHILL INFANT SCHOOL



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FREEDOM OF INFORMATION POLICY

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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 (EIRs) 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 FOI exemption/EIRs Exception must be provided.

The FOI Act and the EIRs does not give people access to their own personal data. Subject Access Requests are dealt with in accordance with the Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA) 2018.

Aim

This Policy will ensure:

The School complies with its duties under the FOIA and EIRs 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 EIRs 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 or EIRs 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 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 prepared and approved by the Information Commissioner.

Request handling

The School will ensure that:

Information and guidance on meeting the requirements of the FOIA as provided from 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 under the FOIA or, an exception under the EIRs 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 (or 60 working days – whichever is shorter). A 'School' day will be any day on



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which there is a session and the pupils are in 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 school days (or 60 working days – whichever is shorter) 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 an exemption under the FOIA or, an exception under the EIRs 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 and Exceptions

Certain information may be subject to either absolute or qualified exemptions or exceptions. Information will only be withheld in accordance with the exemption and exception specified in the legislations 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.

Please see Appendix A which consists of the exemptions and exceptions.

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.



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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



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Appendix A

Exemptions provided under the Freedom of Information Act 2000

Absolute – Public interest test is not required.

Qualified - Public interest test is required.

Section	Exemption	Absolute or Qualified
12	Cost of compliance is excessive	No public interest test needed but estimate and breakdown of cost is needed.
14(1)	Vexatious request	No public interest test needed
14(2)	Repeated requests	No public interest test needed
21	Information is reasonably accessible to the applicant by other means	Absolute
22	Information intended for future publication	Qualified
22A	Information obtained in the course of, or derived from, a programme of research.	Qualified
23	Information supplied by or relating to security bodies	Absolute
24	National security	Qualified
26	Defence	Qualified
27	International relations	Subject to Prejudice Test
28	Relations within the UK	Qualified
29	Economy	Qualified
30	Investigations	Qualified
31	Law Enforcement	Qualified
32	Information Contained in Court records	Absolute
33	Public Audit	Qualified
34	Parliamentary Privilege	Absolute



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35	Policy formulation, Ministerial communication, Law Officers advice and operation of Ministerial Private Office	Qualified
36	Effective conduct of Public Affairs	Qualified
37	Communications with Her Majesty and the awarding of honors	Qualified
38	Health and Safety	Qualified
39	Environmental information	Treat under EIR
40	Personal Information of the requester	Absolute Treat as Subject Access Request (SAR) under UK GDPR and DPA 2018
40 (2)	Personal data of third parties	Absolute Treat as Subject Access Request (SAR) under UK GDPR and DPA 2018
41	The duty of confidence and the public interest. Information provided in confidence	Absolute
42	Legal Professional Privilege	Qualified
43	Commercial interest. Public sector contracts. Commercial detriment of 3rd parties	Qualified
44	Prohibitions on disclosure	Absolute



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Exceptions provided under the Environmental Information Regulations (EIRs) 2004

Regulation	Exception	Absolute or Qualified
12(3) and 13	Personal information of a person other than the applicant.	Absolute Contravention of the protection principles and the lawfulness for processing must be set out in the response.
12(4)(a)	Information not held	Qualified - Public interest test is needed to satisfy that adequate and properly directed searches have been carried out and, the school has convincing reasons to conclude that the information is not held.
12(4) (b)	Manifestly unreasonable requests	Qualified - Public interest Test needed
12(4)(c)	Requests formulated in too general a manner	Qualified - Public interest Test needed
12(4)(d)	Material in the course of completion, unfinished documents and incomplete data.	Qualified - Public interest Test needed
12(4)(e)	Internal communications	Qualified - Public interest Test needed
12(5)(a)	International relations, defence, national security or public safety	Qualified - Public interest Test needed
12(5)(b)	The course of justice and inquiries exception	Qualified - Public interest Test needed
12(5)(c)	Intellectual property rights	Qualified - Public interest Test needed
12(5)(d)	Confidentiality of proceedings	Qualified - Public interest Test needed
12(5)(e)	Confidentiality of commercial or industrial information	Qualified - Public interest Test needed
12(5)(f)	Interests of the person who provided the information to the public authority.	Qualified - Public interest Test needed
12(5)(g)	Protection of the environment	Qualified - Public interest Test needed