



# 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          |
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| <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 (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](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 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<br><br>Treat as Subject Access Request (SAR) under UK GDPR and DPA 2018 |
| 40 (2) | Personal data of third parties                                                                                 | Absolute<br><br>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<br><br>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                                                                                                                                                                       |