



Kirkbie Kendal School Academy Trust

Policy Title:	Freedom of Information Policy
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Member of Staff Responsible for review:	Headteacher
Governors' Committee/SLT Responsible:	PPM
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Change Record		
Version	Date	Description
1.1	PPM (28 Sep 17)	Changes to all sections
1.2		
1.3		
1.4		

“Kirkbie Kendal School promotes the safeguarding and welfare of children in its care; all policies support the Child Protection Policy.”

KIRKBYE KENDAL SCHOOL ACADEMY TRUST

FREEDOM OF INFORMATION ACT (FOIA) POLICY

1.0 Introduction

- 1.1 Kirkbye Kendal School Academy Trust ('the Trust') actively seeks and is legally required to share information about itself and its activities, subject to the constraints of Data Protection legislation and certain sensitive matters explicitly addressed by the Freedom of Information Act 2000.

2.0 Definitions

- 2.1 The main legislation covering freedom of information is the Freedom of Information Act 2000 ("the Act"). Under the Act, Academies classed as a public authority and has a legal obligation to provide information through an approved Publication Scheme and in response to valid requests made by individuals to the school under the Act.
- 2.2 Information that is held by the Trust in a recorded (paper or electronic) format can be requested under the Act and, subject to any relevant exemptions, will need to be disclosed. **Disclosures under the Act are disclosures into the public domain.** This includes recorded information, printed documents, computer files, letters, emails, photographs and sound or video recordings.
- 2.3 The Act does not give people access to their own personal data (information about themselves). Access to personal data is covered under the Data Protection Act 1998 (the DPA). A separate policy in relation to how the Trust deals with its obligations under the DPA can be found on the website: www.kirkbyekendal.cumbria.sch.uk

3.0 Rationale

- 3.1 The Trust is a separate public authority covered by the Act and has produced this policy to ensure employees and agents of the Trust comply with their respective obligations under the Act.

4.0 Core Principles

- 4.1 The Trust will publish the information set out in the Information Commissioner's Model Publication Scheme and will ensure that documents containing the information are available on request.
- 4.2 The Trust will give access to information not covered by the Model Publication Scheme, except for any exempt information, following a valid request and the payment, where appropriate, of the fee, within 20 school days (or 60 working days, whichever is shorter) or within 20 school days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter).
- 4.3 There will be occasions where the Trust does not hold the information requested or when it can refuse to give access to the requested information. If a refusal is made, the Trust will give reasons for the refusal and list any applicable exemptions (providing reasons for the public interest test being better served by non-disclosure (than by disclosure) where necessary).

5.0 Implementation, Monitoring and Review

- 5.1 Publication of information listed in the Publication Scheme will be the responsibility of the Headteacher.
- 5.2 The Publication Scheme and the materials it covers will be available from the school and/or published on the school website.
- 5.3 In addition to the information listed in the Publication Scheme, the school will share any other

information that it holds, as quickly as possible, unless it is properly exempt under the Act, for example where it:

- is not held by the school;
- is information reasonably accessible through another route (i.e. already within the public domain);
- is information in respect of an investigation that relates to criminal proceedings, either current or potential;
- relates to the prevention or detection of crime;
- relates to Court records, including information relating to legal proceedings;
- is personal information;
- is information provided in confidence;
- is planned to be publically disclosed in the future;
- is likely to endanger health and safety;
- is covered by legal privilege;
- would prejudice commercial interests, or
- is vexatious or repeated.

5.4 This is not an exhaustive list and, should a request be received, it should be forwarded immediately to the Headteacher. The statutory timescale starts to run as soon as it is received by a school (no matter who within the school receives it).

5.5 Access to information held by the school under the Act will be overseen by the Headteacher.

5.6 The Trust will:

- publish on the school website and in printed form, the Model Publication Scheme;
- provide assistance to persons wishing to access information but who are unclear about the process;
- acknowledge access requests within 5 working days of receipt;
- where further details of the information requested are needed before the access request can be dealt with, send a letter or email requesting that information within 5 working days of receipt of the access request;
- where a fee is to be paid, send a letter or email setting out details of the fee to be paid within 5 working days of the receipt of the access request or, where applicable, further details of the information request are received;
- make the information accessible in the form which the applicant requests within 20 school days of receipt of the original request (or 60 working days, whichever is shorter) or within 20 school days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter);
- in some instances, an extension to the timescale may be required either due to the length of time that is required to consider the public interest arguments under the Act in respect of possible disclosure of the requested information. The Trust is to notify the person requesting the information of the extension, which should be completed as promptly as possible and in any event within an additional twenty working days;
- where the information is exempt or the access request is vexatious or repeated, the Headteacher will send a refusal notice to the applicant setting out the reason for refusal with, where appropriate, the category of exemption claimed, any public interest test considerations and drawing attention to the appeals procedure;
- where the information is exempt, the Headteacher will decide whether to confirm/deny or not in the refusal notice, the existence of the information following the guidance in the Act;
- where the refusal is on the grounds that the information is available elsewhere, the Headteacher will, in the refusal notice, guide the applicant on where to access the information;

5.8 The Headteacher will present an annual report to the Governing Body detailing access requests received. For each individual request, the report will give:

- the date of the request;
- the subject(s) of the request;
- whether the request was made by an individual or a legal person, such as a company or corporation;
- the Trust's response to the request;

- where the response to the request was to give access:
 - the time taken to satisfy the request, and
 - the marginal cost of providing access and any fee charged.
- where the response to the request was to refuse access:
 - the reason for the refusal including the category of the exemption cited where applicable, and
 - the response of the applicant to the refusal.

5.9 The report will not give names or other personal details of the applicants. However, it will, where refusal to give access has been made on the grounds of 'repeated requests', include a note showing which requests were made by the same person.

5.10 This Policy will be reviewed every two years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

6.0 Requesting an External Review:

6.1 If the applicant is not happy with the outcome of the internal review they have the right to request an external review by the Information Commissioner. Requests for such an external review should be made in writing to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

7.0 Related Policies and Documents

INFORMATION COMMISSIONER'S OFFICE: FREEDOM OF INFORMATION ACT GUIDANCE
CHILD PROTECTION POLICY
WHISTLEBLOWING POLICY
DATA PROTECTION POLICY

Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

THIS DOCUMENT IS AVAILABLE IN THE FOLLOWING FORMATS:

**PAPER
ENLARGED PRINT
EMAIL
WEBSITE**