



Freedom of Information Act Policy

1. Introduction

1.1 St. Mary's C.E. primary school, Dilwyn is obliged to adhere to the provisions of the Freedom of Information Act 2000 (FoIA) which ensures the free availability of information to members of the public, from publicly funded organisations.

2. Responsibility for the Policy

2.1 Overall responsibility for ensuring that the school meets the statutory requirements of the FoIA lies with the *Governors*.

2.2 It is the responsibility of the *Governing Body* to ensure that the school's publication scheme is registered and approved by the *Information Commissioner's Office*.

2.3 The *Governing Body* has delegated the day-to-day responsibility of implementation to the principal.

3. Scope of the Policy

3.1 The underlying principle of this policy is that members of the public have a right of access to recorded information held by the school and that the School should seek to promote an open regime regarding access to information, subject to exemptions contained within relevant legislation.

3.2 The policy applies to all recorded information held by the school that relates to the business of the School. This includes:

- Information created and held by the school
- Information created by the school and held by a third-party organisation on the School's behalf

- Information held by the school provided by third parties, where this relates to a function or business of the school (such as contractual information)
- Information held by the school relating to Governors where the information relates to the function or business of the school

3.3 The policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of "personal data", as defined in the Data Protection Act.

4. Operation of the Policy

4.1 Section 19 of the FOIA requires every public authority, including state funded Free Schools, to adopt and maintain a publication scheme which has been approved by the Information Commissioner, and to publish information in accordance with the scheme. The St. Mary's publication scheme is published as a separate document.

4.2 In addition, parents have a statutory right of access to their children's own "personal data" under the Data Protection Act (June 2018) which also supports the General Data Protection Regulation (GDPR) (May 2018). Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA.

4.3 The School is also obliged to observe the terms of the Environmental Information Regulations 2004 (EIR) which give rights of public access to environmental information held by publicly funded bodies. Examples of subject areas covered by EIR include waste disposal, energy use, noise levels, environmental factors affecting human and animal health and safety, land use and air quality.

4.4 For the purposes of this policy, the "public" is defined as any individual or organisation anywhere in the world and an "information request" refers to any request for recorded information made under the FoIA, EIR, GDPR or DPA.

4.5 The Government's Information Commissioner enforces the DPA, FoIA, GDPR and EIR regimes. Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who has the power to overturn the decision. A list of information exempt from the FoIA is contained in Appendix 2.

5. Requesting Information

5.1 Requests for information under the FoIA should be made in writing to the school.

5.2 The School will respond to the request within 20 working days, excluding school holidays.

5.3 A fee for complying with the request, as calculated in accordance with FoIA regulations may be made. If a charge is made, the applicant requesting information will be informed in writing before the information is supplied. The school will only charge for the cost of copying and transmitting information.

5.4 Where the School estimates that the cost of locating the information will exceed the statutory threshold, it is not obliged to comply with the request.

5.5 Provision of information that can be considered to form the substance of a vexatious request will be denied. A vexatious request includes:

- Requests couched in abusive or aggressive language
- Requests that form part of a personal grudge against an individual
- Requests that can be construed as unreasonable persistence over an issue
- Requests that contain unfounded accusations
- Frequent or overlapping requests
- Requests that take an unreasonably entrenched position
- Requests that are a deliberate attempt to cause annoyance or disruption
- "Scattergun" requests that lack a clear focus
- Requests relating to an issue that has already been resolved

6. Withholding Information

6.1 The FoIA contains 23 exemptions whereby information can be withheld. There are two categories: absolute and non-absolute. Some of these exemptions apply to Schools.

6.2 The School will automatically withhold information covered by an absolute exemption. This includes:

- Information accessible to the applicant by other means, e.g. via the Publication Scheme
- Information supplied by, or relating to, bodies dealing with security matters
- Court records
- Personal Information (where the applicant is the subject of the information). This is covered by the Data Protection Act
- Information provided in confidence

- Where a disclosure is prohibited by an enactment or would constitute contempt of court

6.3 The School will withhold information subject to a non-absolute exemption (also referred to as a “qualified exemption”) if the public interest in refusing to disclose outweighs the public interest in providing the requested information. Types of information relevant to schools that could come into this category include:

- Information intended for future publication when active arrangements for publication are in place
- Health and safety
- Personal information when the applicant is requesting information about a third party.
- Commercially sensitive information
- Law enforcement
- Investigations and proceedings by public authorities

6.4 The School will seek advice from the Information Commissioner's Office in all cases of doubt.

6.5 Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the school's complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the school's complaints procedure as detailed in its Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, the information will be supplied as soon as possible.

Date Implemented	January 2022	Review Date	January 2025
Approved By	Rev M Burns	(Chair of Governors)	
Person Responsible	<i>Peter Kyles</i>	(Principal)	