



## FREEDOM OF INFORMATION POLICY

Written by: Catherine Lewis

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Signed by Head Teacher

Date: 13.02.2018

Signed by Chair of Governors .....Date: 27<sup>th</sup> March 2018

This policy will be reviewed every 3 years or in the light of changes.

Review end of **Spring Term 2021**

Document Control

Copy Held on Trust Governor - Policy Section.

# FREEDOM OF INFORMATION POLICY

## Provision of Information

The Russett School are committed to complying with and implementing the provision of the Freedom of Information Act 2000 and related legislation. This provides a general entitlement to any person to be able to access information held by the school, subject to exemptions and conditions laid down by law.

## Scope

This policy applies to all information held by the school regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically.

It should be noted that access to personal data (that is information from which a living individual can be identified) is governed under the Data Protection Act 1998. Requests for access to such information will be governed in line with the requirements of both the Freedom of Information Act 2000 and the Data Protection Act 1998, together with any other relevant or successor legislation.

## Dealing with Requests

We will provide information promptly, subject to the following conditions and guidance, which are based on our duties under the Freedom of Information Act 2000 and Data Protection Act 1998:

1. Copies of reference documents, such as policy statements and procedural guidance will be provided.
2. We will normally confirm within five school days whether or not we hold the information you request and will either provide it promptly and at least within the 20 school days (or 60 working days, which occurs first) required by the Freedom of Information Act, unless the provision of the Freedom of Information Act 2000 apply to give us a longer period for responding or unless we issue you with a fee notice in accordance with paragraphs 7 and 8 below.
3. A request for information will need to be put in writing (by letter only) to ensure that we have a clear statement of what is requested.
4. Where appropriate, we will provide information in redacted form, in line with any exemptions that we wish to apply under the legislation.

Example: You ask for a document that includes details of other children besides your own. We agree to provide the document with references to other children edited out.

5. If you do not accept our reasons for declining to disclose information requested you should write to the Chair of Governors, c/o the School in the first instance. If you are not happy with his/her response, you may wish to contact the Information Commissioner's Office.
6. Whilst we will provide most information free of charge, we may charge a fee for photocopying/printing/faxing/postage of larger documents. If you ask for information in an expensive alternative format, we may charge for this, subject to legislation such as the Equality Act 2010.
7. If we intend to charge for the provision of information, we will tell you in advance what the charge will be (through a fees notice) and will provide the information when we receive the payment (cash or cheque).
8. The time allowed for us to provide the information is 20 days or such other period as may be prescribed in the Freedom of Information Act 2000. This does not include the period between the issuing of the fees notice and the receipt of the payment.
9. We may be unable to provide the information you request for any of the following reasons:
  - We do not hold the information
  - We are applying an exemption to the disclosure in accordance with the provisions of the Freedom of Information Act 2000
  - The estimated costs of providing the information exceeds the government set threshold of £450.00. If we choose to comply with your request then you may be subject to additional charge of £45.00 plus any additional costs over £450.00.

If we are unable to comply with your request, we may in our discretion do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep down the costs.

### **Charges**

The fee for photocopying, printing and faxing is 5p black/white and 10p for colour per sheet. Postage costs will be at the appropriate rate. For more substantial items, the fee charged depends on whether we estimate that it would cost more or less than £450 to provide the information.

In the vast majority of cases the costs will be **under £450** and we will then charge only for photocopying, printing, faxing and postage. We may also charge for any costs that we incur when we are required to put the information into the required format, which could involve, for example:

- summarising the information
- putting the information onto CD
- translating the information into a different language

We will not normally charge for providing information in an alternative format where this is requested on grounds of disability.

Where we estimate that the cost of meeting a request is likely to be **over £450**, and we agree to provide the information, we will apply the same kinds of charges but in addition we will charge £45.00 plus charges we incur over and above £45.00 including staff time which will be charged at £25 per hour.

### **Requests for personal information under the Data Protection Act 1998 (subject access requests)**

Everyone has a right to request copies of their own personal data under the Data Protection Act 1998. These are called 'subject access request'. We may receive requests for information from a parent requesting details of personal data we hold about their child. There are separate regulations which cover access by parents' to the educational records of their child. A request for an educational record must receive a response within 15 school days.

Pupils attending the school have a right of access under the Data Protection Act 1998 to their own information. This is known as the right of subject access. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf.

Parents will be able to access all the personal data of their child under a subject access request if the child is unable to act on their own behalf or gives permission. As a general guide, a child of 12 or older is expected to be mature enough to make a subject access request.

In more complex cases we may need more time but are still required by law to respond in full within 40 days from the receipt of the request or the fee, whichever is later.

Schools can charge up to a maximum of £10 for responding to a subject access request.

We may be able to charge for copies of educational records but we will only do so where the cost is over £5, in which case we will charge 5p for black/white and 10p for colour per sheet for photocopying, printing or faxing up to the £50 maximum.

### **Equality Statement**

In accordance with its Public Sector Equality Duty, the school has given due regard to equality considerations in adopting this policy/procedure and is satisfied that its application will not impact adversely on members of staff or pupils who have a protected characteristic (age,

disability, gender, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, with the meaning of the Equality Act.

The Headteacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the protected characteristics.

Contact/useful address

Information Commissioner's Office,  
Wycliffe House  
Water Lane,  
Wilmslow,  
Cheshire SK9  
5AF.

Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

This policy is also available in the following formats, on request to the Headteacher:  
email, enlarged, print version: other formats by arrangement. This policy will be reviewed every  
3 years or in the light of any changes.

Spring 2021

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