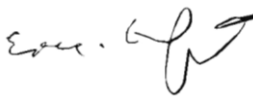


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# FREEDOM OF INFORMATION POLICY

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| <b>Recommended by:</b>                   | CRSAAT DPO   |
| <b>Recommendation Date:</b>              | 23 <sup>rd</sup> September 2020  |
| <b>Ratified by:</b>                      | Trust Board  |
| <b>Signed:</b>                           |  |
| <b>Position on the Board:</b>            | Chair  |
| <b>Ratification Date:</b>                | 30/09/2020   |
| <b>Next Review:</b>                      | September 2021   |
| <b>Policy Tier (Central/Hub/School):</b> | Central  |

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## **1. Introduction.**

The Central RSA Academies Trust has an obligation to publish a Freedom of Information statement, outlining how the Trust will meet its duties under the Freedom of Information Act 2000 and associated regulations.

This Policy outlines the Trust's policy and procedures for:

- The release and publication of private data and public records
- For providing applicants with advice and assistance throughout the duration of their requests and
- Detailing how the Trust will respond to requests from individuals for access to information held about them under the Data Protection Act 2018.

It also clarifies its position regarding the appropriate limit to the costs incurred by the Trust and its Schools/Academies in obtaining any requested information and on charging fees for its provision.

## **2. Legal Framework**

The Freedom of Information Act 2000 (FOI) came into force on 1 January 2005. Under the Act any person has a right to ask for access to information held by the Trust and its Schools/Academies. Individuals are entitled to be told whether the Trust holds the information and to receive a copy, subject to certain exemptions.

The policy also has due regard to the following legislation:

- The Data Protection Act 2018
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

The Policy also has due regard to guidance, including:

- Information Commissioner's Office 'Model publication scheme' 2016,
- Information Commissioner's Office 'Duty to provide advice and assistance (section 16)' 2016,
- Ministry of Justice 'Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000' 2009

This Policy should be viewed in conjunction with the Trust's Data Protection Policy.

## **3. Obligations and Duties**

The Trust has a duty to provide advice and assistance to individuals requesting information.

The Trust will:

- Respond to straightforward verbal requests for information (although verbal enquiries are not covered by the FOI Act),
- Help enquirers to put complex verbal requests into writing so that they can be handled in accordance with the Act,
- Advise enquirers whether or not the Trust holds the information being requested, and
- Provide access to the information held.

#### 4. Accepting Requests for Information

A FOI request should:

- be in writing, including email or fax, capable of being used for subsequent reference,
- state the enquirer's name and correspondence address,
- describe the information requested, and
- not be covered by other legislation.

If the request relates to a Subject Access Request under the Data Protection Act 2018 the Trust/School/Academy may ask for more information to confirm the identity of the enquirer.

#### 5. General Right of Access

Provided that the request complies with the above the Trust and its Schools/Academies will, no later than 20 school days\* from the receipt of the request, comply with its duty to:

- Confirm or deny to any person making a request for information to the Trust and its Schools/Academies whether it holds information of the description specified in the request.
- Provide the documentation, if the Trust/School/Academy confirms that it holds the requested information.

\*For academies, the standard time limit is 20 school days, or 60 working days if this is shorter. Working days exclude school holidays and inset or training days where the pupils are not present. A school day is any day on which there is a session and the pupils are in attendance.

The Trust and its Schools/Academies will not be obliged to comply with the 20 school day response time if:

- The Trust and its' Schools/Academies reasonably require further information to meet a Freedom of Information request, the applicant has been informed of this requirement, but has not subsequently supplied the further information.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeat request from the same person, made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.

Where information is, or is thought to be, exempt, the Trust or one of its' Schools/Academies will, within 20 school days, give notice to the applicant which:

- States the facts.
- Specifies the exemption in question.

The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, the Trust/School/Academy will assist the applicant by discussing alternative formats in which the information can be provided.

The information provided will also be in the language in which it is held, or another language that is legally required. If the Trust/School/Academy is required to translate any information, it will do so.

If, under relevant disability and discrimination regulations, the Trust/School/Academy is legally obliged to provide the information in other forms and formats, it will do so.

## 6. Appropriate Limit

The Trust/School/Academy will not comply with any Freedom of Information request that exceeds the statutorily imposed appropriate limit of £450. When determining whether the cost of complying with a Freedom of Information request is within the appropriate limit, the Trust/School/Academy will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the above activities on behalf of the Trust/School/Academy, are to be estimated at a rate of £25 per person per hour.

## 7. Charging Fees

The Trust/School/Academy may, within 20 school days, give an applicant who has requested information under the Act, a written notice stating that a fee is to be charged for their compliance.

Charges may be made for disbursements, such as the following:

- Photocopying
- Postage and packaging
- Costs directly incurred as a result of viewing information

Fees charged will not exceed the total cost to the Trust of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

Where a fee is to be charged, the Trust/School/Academy will not provide the information requested under the Act unless the stated fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

When calculating the 20<sup>th</sup> school day in which to respond to a Freedom of Information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## 8. Communication of Information

Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the Trust/School/Academy will, as far as is practicable, give effect to that preference as follows. The provision to the applicant of:

- copy of the information in permanent form or in another form acceptable to the applicant.
- reasonable opportunity to inspect a record containing the information.
- digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

## 9. Providing Advice and Assistance

The Trust and its' Schools and Academies will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information under the Act.

**The Trust/School/Academy may offer advice and assistance in the following circumstances:**

- If an individual requests to know what types of information the Trust/School/Academy holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the Trust/School/Academy is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the Trust/School/Academy to assist the individual who has submitted the request.

**The Trust/School/Academy will provide assistance for each individual on a case-by-case basis, including:**

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

**In order to provide assistance as outlined above, the Trust/School/Academy will engage in the following good practice procedures:**

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.
- The school will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the Trust/School/Academy, as a matter of good practice, will provide advice and assistance. If it is accessible by other means, they will advise the applicant how and where information can be obtained.

Where there is an intention to publish the information in the future, the school will advise the applicant of when this publication is expected.

If the request is not clear, the Trust/School/Academy will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

If the Trust/School/Academy is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.

If any additional clarification is needed for the remainder of a request, the Trust/School/Academy will ensure there is no delay in asking for further information.

If an applicant decides not to follow the Trust/School/Academy's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.

If the school is under any doubt that the applicant did not receive the advice and assistance, the Trust/School/Academy will re-issue it.

The Trust/School/Academy is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.

The Trust/School/Academy is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the Trust/School/Academy will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

A record will be kept by the Trust of all the advice and assistance provided.

## **10. Publication Scheme**

The Central RSA Academies Trust will meet its duty to adopt and maintain a Publication Scheme which specifies the information which it will publish on the Trust website.

The Publication Scheme will be reviewed and, where necessary, updated on an annual basis.