



# Freedom of Information Act 2000

## Brockley Primary School

### Explanatory Notes

Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FoIA). Some aspects, such as charging are at the discretion of the governing body.

### 1. Introduction

Brockley Primary School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

### 2. Background

The **Freedom of Information Act 2000 (Fol)** came fully into force on January 1<sup>st</sup> 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

The information which the school routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under Fol can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in

specific response to an Fol enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

### **3. Scope**

The Fol Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

Requests for personal data are still covered by the **Data Protection Act. (DPA)**. Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the **Environmental Information Regulations (EIR)**. They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under Fol Act, but unlike Fol Act requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under Fol Act, and must be dealt with accordingly.

### **4. Obligations and Duties**

The school recognises its duty to:

- provide advice and assistance to anyone requesting information. *We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.*
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down in Appendix 1.

### **5. Publication Scheme**

Brockley Primary School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available from the School office. It will also be published on our website [www.brockley.derbyshire.sch.uk](http://www.brockley.derbyshire.sch.uk)

## **6. Dealing with Requests**

We will respond to all requests in accordance with the procedures laid down in Appendix 1.

We will ensure that all staff are aware of the procedures.

## **7. Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 2.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

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.

## **8. Public Interest Test**

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see Appendix 3.

## **9. Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450. See Appendix 4.

## **10. Responsibilities**

Brockley Primary School delegates the day to day responsibility for compliance with the FoI Act to the Head teacher.

All enquiries, advice or training should be discussed with the School Business Manager.

## **11. Complaints**

Any comments or complaints will be dealt with through the school's normal complaints procedure.

We will aim to determine all complaints within 14 days of receipt. We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome.

If on investigation 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's office. They can be contacted at:

FOI/EIR Complaints Resolution  
**Information Commissioner's Office**  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF