EARLSMEAD PRIMARY SCHOOL

Freedom of Information and Publication Scheme Policy

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MISSION STATEMENT

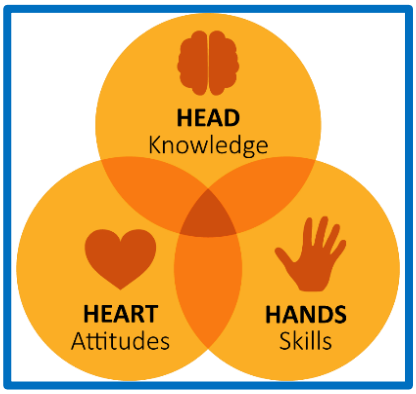
At Earlsmead Primary School, our mission is to empower every child through *Head, Heart, and Hands*. We cultivate curious minds (Head), nurture compassionate spirits (Heart), and develop the practical skills (Hands) needed to thrive in an ever-changing world.

VISION

Everyone achieving their full potential.

OUR MOTTO

Head, Heart and Hands



OUR VALUES

Head:	**1.** Curiosity	**2.** Achievement
Heart:	**3.** Integrity	**4.** Care
Hands:	**5.** Collaboration	**6.** Creativity

1. INTRODUCTION

Earlsmead Primary School is committed to the Freedom of Information Act 2000 (FOI), to the principles of accountability and to the general right of access to information held by the school, subject to the exemptions contained within the relevant legislation. The FOI Act was introduced to promote greater openness and accountability across the public sector.

The Information Commissioner's Office (ICO) is responsible for regulating and enforcing the Act. The ICO is an independent authority which has legal powers to ensure schools comply with the Act.

This policy outlines the school's responsibilities to the Act and provides a framework for managing requests.

2. BACKGROUND

The FOIA provides the public with a statutory right of access to recorded information held by the school, subject to certain exemptions within 20 working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved 'publication scheme'.

In addition, individuals have a statutory right of access to their own personal data under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Requests by individuals for access to their own personal data will normally be handled as subject access requests under data protection legislation rather than under the FOIA.

The Environmental Information Regulations (EIR) provides a statutory right of access to 'environmental information', as defined in these regulations. The EIR are also fully retrospective.

The Information Commissioner enforces these three information 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 can overturn any decision to withhold information. 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 or DPA.

3. SCOPE

This 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 another organisation on our 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 functions or business of the School.

This policy informs recipients of school services, members of the public and external parties to the processes the school has established for complying with the FOIA. This policy operationally applies to all employees of the school, governors, contractors, agents and temporary staff working for or on behalf of the school.

This 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 DPA and General Data Protection Regulation). These requests are exempt for the FOI under section 40 and shall be processed in accordance with the Data Protection Act 2018 (DPA).

4. ROLES AND RESPONSIBILITIES

Overall responsibility for ensuring that the School meets the statutory requirements of the FOIA, EIR and DPA lies with the Governors and the Chair of Trustees has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Head Teacher.

The Headteacher and Senior Management Team are required to ensure that the school has in place adequate guidance on FOI and effective measures to comply with this policy. All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and in compliance with this policy and the prevailing procedures. All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and disclosure in every case unless an exemption applies.

The Schools Data Protection Officer has responsibility for ensuring compliance with the FOIA, EIR and DPA. All requests for information should be sent to office@earlsmeadprimaryschool.co.uk

Third parties who are users of information supplied by the school will be required to confirm that they will abide by the requirements of the FOIA and indemnify the school against any prosecutions, claims, proceedings, actions or payment of compensation or damages, without limitation.

The school will ensure that:

- Everyone managing, and handling information understands that they are responsible for following good information management practice.
- Staff who handle information are appropriately supervised and trained.
- Methods of handling information are regularly assessed and evaluated.
- Any disclosure of data will be in compliance with approved procedures.
- All necessary steps will be taken to ensure that data is kept secure at all times against unauthorised or unlawful loss or disclosure.
- All contractors who are users of information supplied by the school will be required to confirm that they will comply with the requirements of the Act with regard to information supplied by the school.
- The school will abide by any Code of Practice on the discharge of the functions of Public authorities with is issued by the Ministry of Justice. In addition, the school will take account of any guidance which is issued by the Information Commissioner to promote good practice.

5. PRINCIPLES

The following principles shall apply:

- The Act covers any recorded information held by the school. Recorded information includes printed documents, computer files, letters, emails, photographs and sound or video recordings.
- People shall have a right to know about the activities of the school, unless there is a good reason for them not to.
- An applicant (requester) shall not be required to provide a reason for requesting information. The school shall however justify refusing a request.
- The school shall treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data.

6. REQUESTING INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Any written request for information shall be regarded as a request for recorded information under the FOI Act unless:

- It forms a request for personal data relating to the individual requesting the information.

- This shall be dealt with under the General Data Protection Regulation (GDPR), and consequently shall be processed in line with the schools Data Protection Policy, Privacy Notice & Subject Access Requests.
- If an individual is asking for 'environmental information', the request shall be considered under the Environmental Information Regulations 2004.
- A freedom of information request shall only be accepted if made in writing, (online forms, letters, emails, faxes or social media)
- Requests for information shall be met promptly and within the statutory time limit of 20 school days, or 60 working days if this is shorter. If more information is needed the 20 days will not start until this information has been received.
- A request for information shall not be refused because the recorded information is out of date, incomplete or inaccurate.
- The school shall not make any changes or deletions to records as a result of a request.

Requests should be made to the schools Data Protection Officer who can be contacted via: office@earlsmeadprimaryschool.co.uk

7. REFUSING A REQUEST

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information. Certain exemptions also contain a "prejudice test", which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

The School will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a "public interest" exemption is being considered, the School will only withhold that information which can demonstrate that the public interest will be best served by withholding.

When considering withholding information under a non-absolute exemption the School will consider whether the release of the information would:

- Promote further understanding of current issues of public debate.
- Promote the accountability of decisions taken by the School and the spending and allocation of public money.
- Bring to light matters of public safety.
- Allow the public to understand and challenge decisions made by the school.
- Be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the School's Governing Body and the right of appeal to the Information Commissioner's Office.

The School will also refuse to supply information under the FOIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable'.

8. THIRD PARTY INFORMATION

The release of third party information will be considered carefully to prevent actions of breach of confidence or, in the case of living individuals, breaches of the DPA and/or GDPR. Both the EIR and FOIA permit information to be withheld when its release would breach the provisions of the DPA and/or GDPR.

The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

9. INFORMATION HELD WITHIN CONTRACTS WITH THE SCHOOL

Any contractual information, or information obtained from organisations during the tendering process held by the School are subject to the provisions of the FOIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FOIA and EIR in relation to the provision of information held in contracts.

The School can withhold contractual information where its disclosure under either the FOIA or EIR could be treated as actionable breach of confidence. Where the School intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed. The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FOIA may be relevant, relating to commercial interests. This exemption is subject to a "public interest" test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.

10. HOW INFORMATION WILL BE PUBLISHED

The school's information will be published on the School's website via a publication scheme. It is the responsibility of the Headteacher and the local governing body to ensure that the information covered by this scheme is routinely available.

In exceptional circumstances some information may be available only by viewing in person. An appointment to view the information will be arranged within a reasonable timescale.

11. REQUEST FOR A REVIEW

The school shall carry out an internal review whenever the requester expresses dissatisfaction with the handling or outcome of a request. Requests for an internal review should normally be made within 40 working days of the school's response and should explain what the requester is dissatisfied with. Wherever possible, the review will be undertaken by someone who was not responsible for the original decision. The school will aim to complete the review within 20 working days and, in exceptional circumstances, no later than 40 working days.

If the requester is not happy with the outcome of the review, they have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office: https://ico.org.uk/
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK95AF
Tel: 0303 123 1113

12. POLICY REVIEW

The Data Protection Officer is responsible for monitoring and reviewing this policy. This policy will be reviewed every two years, or earlier where changes to legislation, statutory guidance, ICO guidance, codes of practice or school procedures require an interim review.

ICO MODEL PUBLICATION SCHEME

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice. This publication scheme commits an authority to make information available to the public as part of its normal business activities.

The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term ‘dataset’ is defined in section 11(5) of the Freedom of Information Act. The term ‘relevant copyright work’ is defined in section 19(8) of that Act.

Classes of Information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
Our policies and procedures.
Current written protocols for delivering our functions and responsibilities.
Lists and registers.
Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.
Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.
The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that 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.

The method by which information published under this scheme will be made available The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.
Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme
The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Reuse of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.