Cranham
Church of England (VA)
Primary School

Freedom of Information Act Policy

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As public bodies, state schools are obliged, under the Freedom of Information (FOI) Act 2000, to publish certain information about their activities and produce information requested by members of the public. The principles of the FOI Act are:

- that everybody has a right to access official information;
- disclosure of information should be the default;
- requesters do not have to give a reason for wanting the information;
- all requests should be treated equally;
- information should only be disclosed if it is information that would be given to anyone (or the world at large)

Information covered by the FOI Act:

The FOI Act covers recorded information that is held by the school including printed documents, computer files, letters, emails, photographs, and sound or video recordings. This means that schools do not need to provide information they do not collect and hold as part of their regular routines. So, if the information is just in someone's head and not recorded, this is not subject to the Freedom of Information Request. As the guidance on the ICO website states, 'You do not have to create new information or find the answer to a question from staff who may happen to know it.'

The difference between a Freedom of Information Request and a Subject Access Request

It is important to remember that the FOI Act does not cover personal data as this is covered by the GDPR and Data Protection Act 2018. Access to personal data is made via a Subject Access Request and not a Freedom of Information Act Request although many people may confuse the two.

The School's Responsibilities Regarding FOI Requests:

When receiving a FOI request, a school has 20 school days (or 60 working days – whichever is shorter) to respond to the request. The time starts when the school received the request and extra time may be allowed if further clarification is needed from the requester.

A valid FOI request must be in writing (letter, email, social media, etc), include the requester's real name, include an address (postal or email) for correspondence, and describe the information requested.

Under law, schools are expected to release the information (if they have it) unless there is a good reason to withhold some or all of it. Our FOI Policy template contains the list of the possible exemptions that could apply. Remember though, the default position should be the disclosure of information and information should not be changed or deleted once it has been requested.

Guidelines for Responding to an FOI Request:

- When responding to an FOI request, information should be sent by whatever means most reasonable. Schools don't have to spend time formatting but can send as it is stored. For example, if a request is for data per term, and the school generally holds reports for years, send the annual data, don't take unnecessary time trying to break it down.
- It is very important to not share anything that allows an individual to be identified, including by context. For example, if only one member of staff was dismissed, and only one person left the school staff in that year, it could be possible to identify who that individual was.
- Ensure that there are no other personal or sensitive data included – this is particularly important when sharing data electronically as there may be metadata on a document that identifies for example, the name of the document author. Similarly, a spreadsheet may have hidden cells with data in that haven't been checked and identified.
- If the data is held publicly anywhere, such as governor records that are available on the school website, the requester can simply be directed to the location of the data where they can retrieve it form themselves.

Refusing an FOI Request:

It is possible to refuse an FOI Request on the grounds of cost, if a request is vexatious, or if it repeats a previous request from the same person. Our FOI Policy Template sets out some of the criteria for identifying if an FOI request exceeds a cost limit or is considered vexatious, and further detailed advice can be found in the ICO guidance link below.

The only other time that you may refuse a request is if the school identifies an exemption. These are designed to protect information that should not be disclosed. Some exemptions are 'absolute' which means information can automatically be withheld if they apply. Other exemptions are 'qualified' which means the decision to withhold the information or not is subject to the public interest test – does the public interest in withholding the information outweigh the public interest in disclosing it or not. Often the public interest will be to

disclose the information even if, for example, the information is commercially sensitive. The bar is high for preventing disclosure.

Freedom of information guidance and resources | ICO