The Federation of Cowick and Pollington-Balne CE Primary Schools

Freedom of Information and Environmental Information Policy

Document Status			
Date of Next Review	March 28	**Responsibility**	Finance
Date of Policy Creation	March 24	**Responsibility**	DPO
Date of Governors' Meeting at which Policy Adopted	Jan 25	**Responsibility**	Finance
Method of Communication	Website, Server	**Signed**	

1. Background

The Freedom of Information Act 2000 (FOI Act) grants a right of access to information held by public authorities; this includes maintained schools, academies and free schools. The Act grants two rights both subject to specific exemptions - a right to be told whether information is held and a right to receive the information. A response must be provided within 20 school days, or 60 working days if this is shorter. The Act also obliges public authorities to publish certain information about their activities.

The Environmental Information Regulations 2004 (EIR) give rights of public access to environmental information held by public authorities. The Regulations do this in two ways – public authorities must proactively make environmental information available, and members of the public are entitled to request environmental information from public authorities.

2. Definitions for the Purposes of this Policy

Public authorities - Government departments, local authorities, the NHS, local authority maintained schools, academies, free schools, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. Further details can be found in Schedule 1 of the FOI Act.

Information - Information recorded in any form. It is not limited to official documents, nor is it limited to information you create. Information does include that which is held on behalf of a public authority even if it is not held on the authority's premises. The Act does not cover information that is in someone's head. Neither does it require you to create new information. The FOI Act does not cover information you hold solely on behalf of another person, body or organisation.

Environmental Information - Any information in written, visual, aural, electronic or any other material form on –

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
(b) factors such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
(d) reports on the implementation of environmental legislation;
(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c), and
(f) the state of human health and safety including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of those elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

Personal data – any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

3. Policy Statement

The Federation Schools will comply with its duties under the FOI Act and the EIR. Specifically, it will seek to ensure that requests made are dealt within statutory timescales; it will provide reasonable advice and assistance to persons making applications and in circumstances where it is refusing a request it will ensure that the grounds of the refusal are clear and based on one of the exemptions set out in the legislation.

4. Corporate Requirements

Cowick CE Primary School and Polington-Balne CE Primary School are public authorities under the FOI Act and the EIR.

Governors are responsible for ensuring compliance with the FOI Act and the EIR, however the Head Teacher is responsible for ensuring compliance within the day to day activities of the school.

The Head Teacher and those in managerial or supervisory roles are responsible for ensuring that the school has processes and procedures in places that comply with the FOI Act, the EIR and this policy. All employees within the school are responsible for ensuring that information required to respond to requests is forwarded to their delegated Data Protection Officer in a timely manner to ensure that the School complies with requests within statutory timescales.

All employees are responsible for forwarding relevant requests to their allocated DPO on dpo@cowick.eriding.net or pollington-balnesmb@eastriding.gov.uk.

The Federation Schools are responsible for liaising with the relevant employees to collate information in response to a request and/or establish if any exemptions should be claimed in response to a request.

The Data Protection Officer is responsible for

- Providing advice and guidance on Freedom of Information requests.
- Logging details of and acknowledging all requests for information.
- Co-ordinating responses to requests for information.
- Considering draft responses and ensuring that requests are responded to.
- Co-ordinating internal reviews of requests.
- Monitoring response times against statutory timescales.
- Maintaining the School's Publication Scheme.

5. Policy Development including Consultation

This policy has been developed in accordance with the Corporate Policy Guidance Notes. The following people and groups were consulted in development of this policy:

- East Riding of Yorkshire Council *(as part of a traded service)*
- Senior Leadership Team
- Governors

6. Links with other Policies

This policy links to other School documents:

- Data Protection Policy
- Records Management
- Schools Publication Scheme
- Appropriate Policy Document
- Confidentiality Policy

7. Receiving a Request

Any officer could receive a request for information held by the Schools. In order to be a valid request, a request must

- Be in writing (verbal EIR requests are valid);
- Clearly describe the information being sought;
- Contain the name of the applicant and a return address (FOI and EIR requests are still valid if the requester doesn't use their real name).

A request does not have to refer to the FOI Act or the EIR in order to be a valid request under either Act. In all cases the categories of information published by the School pursuant to data transparency requirements should be checked to see if the information is already published. If this is the case the applicant should be told where the information can be obtained. If the information is information that the service area would routinely make public in any event the information should be provided to the applicant.

- Requests by individuals for their Personal Data held by the School should be dealt with as a subject access request or Educational Record Request as outlined in the Federation Data Protection Policy.

If an employee is unclear as to whether a request is for Personal Data, guidance should be sought from the Data Protection Officer.

All other requests for information should be forwarded to the Data Protection officer as soon as they are received.

8. Recording a Request

Each request received by the School will be logged and the request will be acknowledged. The Data Protection Officer will confirm whether the information is held and will establish if any exemption from the duty to confirm information is held or the duty to provide information is being claimed.

9. Responding to a Requests

The School will ensure the following information is recorded on file as part of responding to a request: -

- Whether information that comes within the scope of the request is held.
- Provide a copy of any information that is held.
- Setting out any exemptions from either the duty to confirm information is held or the duty to provide information.

The Data Protection Officer will respond to the person making the request informing whether the School holds any information that comes within the scope of the request and either provide a copy of the information and/or setting out the grounds on which the School claim an exemption from either the duty to confirm information is held or the duty to provide information.

10. Claiming an Exemption

Where an exemption under the FOI Act or exception under the EIR from disclosure is claimed, the Data Protection Officer must set out which of the exemptions from disclosure is claimed. In the majority of cases any exemption claimed will be a qualified exemption which will mean that a decision as to whether information should be withheld should be taken in two stages. Firstly, a decision has to be made as to whether the information is covered by an exemption and then even if an exemption does apply the information must be disclosed unless the public interest favours non-disclosure. The Data Protection Officer therefore needs to set out the exemption claimed, the public interest arguments in favour of disclosure, the public interest arguments against disclosure and a conclusion as to whether or not the public interest in

maintaining the exemption outweighs the public interest in disclosing the information. If only an element of the information held contains exempt information, access should not be refused to the whole of the information unless it is absolutely necessary to do so in order to ensure that exempt information is not disclosed. Instead that information over which an exemption is claimed should be withheld and the remainder of the information provided.

11. Charging

The FOI Act and the EIR allow public authorities to recover costs when responding to a request for information, for example costs associated with photocopying, printing and postage. For the majority of requests there will be no costs to recover. However, if it is necessary to make a charge for a request we would let you know as soon as possible. In such cases payment must be received before we will send the information.

Under the Act, we will not charge for staff time, unless other legislation allows this. However, if the cost of complying with the request exceeds the 'appropriate limit' then we are permitted to recover our full costs, including staff time. The appropriate limit is set at 18 hours (or £450).

Under the EIR, in some circumstances the School can charge a fee for making the information available. Any charge would be 'reasonable', it would not exceed the costs we incur in making the information available. The charges we may apply are, the cost of staff time, including overhead costs, incurred when preparing information to be supplied in response to a specific request. This includes time spent locating, retrieving and extracting the information and putting it into the required format. We may also charge for the costs incurred when printing or copying the requested information and sending it to the applicant.

12. Reviews and Appeals

An applicant has the right to ask for a review of any response to a request for information. Such a review must be carried out by a senior member of staff other than the member of staff who dealt with the original request. Following a review an applicant has the right to appeal to the Information Commissioner's Office (ICO).

13. Vexatious Requests

The Schools are not obliged to comply with a request for information where that request for information is 'vexatious'. In order to be considered vexatious the request should be considered not the person making the request and the following factors should be taken into account -

- Could the request fairly be seen as obsessive?
- Is the request harassing the School or causing distress to staff?
- Would complying with the request impose a significant burden?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

If a request is deemed to be vexatious that should be communicated to the person making the request along with the reasons for treating the request as vexatious. Any such decision may be reviewed or appealed as set out in section 11.

14. Training

It is the Schools' policy that all employees with access to the Schools' computer network receive the appropriate training, in order to comply with the FOI Act and the EIR. ELearning will be made available to all School employees.

Training in freedom of information is undertaken and refreshed when necessary (ie, significant changes in training content). The Data Protection Officer is responsible for ensuring training has been undertaken.

Failure to adhere to this policy can result in disciplinary action. Section 77 of the FOI Act and Regulation 19 of the EIR state that it is a criminal offence to alter, block, destroy or conceal information. Depending on the nature of the incident, employees could be charged with this offence. The penalty is a fine.

15. Outcomes and Impacts

- The Federation Schools and employees are aware of their duties under the legislation.
- The Federation Schools and employees are of who to contact for advice.
- Requests for information are handled in accordance with the legislation.
- The school is compliant with the model publication scheme.
- Uphold people's right to see certain information covered by the legislation.

16. Policy Implementation

The Freedom of Information and Environmental Information Policy will be implemented through:

- Publication on the school's website
- Ongoing Training for staff

17. Evaluation

The Freedom of Information Policy will be subject to a two yearly review to ensure that it is appropriate and responsive to all relevant legislation and guidance.

18. References

Freedom of Information Act 2000
Data Protection Act 2018
ICO Guide to Freedom of Information
Environmental Information Regulations 2004
ICO Guide to Freedom of Information
ICO Guide to Environmental Information Regulations

Reviewed March 26