



Westwood with Iford School

Freedom of Information Policy

(This policy should be read in conjunction with the Scheme of Publication and Data Protection Policies)

Date: September 2019

Review Date: September 2021

1. Introduction

Westwood With Iford School is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act (FoIA) and the access provisions of the Data Protection Act 1998 (DPA). The school will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right to access recorded information held by the school and that the school seeks to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

2. Background

The FoIA applies to all public authorities and provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions. 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 currently have a statutory right of access to their own personal data under the DPA. The Environmental Information Regulations (EIR) provide a statutory right of access to environmental information.

3. Responsibilities

Overall responsibility for ensuring that the school meets the statutory requirements of the FoIA, EIR and DPA lies with the Governors. It is the responsibility of the Governors to ensure procedures are in place to enable the school to handle the information requests. Day to day responsibility for implementation of this policy and these procedures is delegated to the Headteacher (FOI officer). The Headteacher will be assisted by the school admin staff. All school staff are responsible under the guidance of the Headteacher for ensuring that they handle requests for information in compliance with the provisions of the various Acts.

4. Timescales

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays.

Requests for personal information under the Data Protection Act (subject access requests) should be dealt within 40 calendar days.

Requests for pupil information should be dealt with within 15 school days.

5. Scope

See Westwood With Iford School's Publication Scheme for details of documents held, availability and charges if applicable.

6. Procedures See Appendix A.

7. Withholding Information See Appendix B

8. Releasing a Third Party's Information

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, there may be need for consultation with the third Party.

Consultation will be necessary where:

- Disclosure of information may affect legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention of human rights.
- The views of the third party may assist you to determine if information is exempt from disclosure or
- the views of the third party may assist you to determine the public interest.

9. Information held within contracts with the School See Appendix C

10. Complaints Procedure See separate policy

11. Requests made under the Data Protection Act

The Data Protection Act 1998 entitles an individual to his or her 'personal data', as defined in that Act, where the information is held on an automated system, such as a computer and also manual files, where they amount to what the DPA describes as an "accessible record" or in a structured filing system, defined in the DPA as a "relevant filing system".

See the Data Protection policy for more detailed information.

Appendix A: Procedures for handling Freedom of Information Requests

- Requests for information under the FoIA or DPA may be made by letter or email. Under EIR legislation requests may be made by letter, email or verbally. Where applicants require assistance they will be directed to the FoI Officer.
- All requests must be logged and forwarded to the FoI Officer.
- The FoI Officer will ascertain whether the request is legitimate in accordance with the FoIA, DPA or EIR legislation and will also ascertain whether any exemptions apply.
- Prior to releasing any information, the FoI Officer will confirm any costs to the applicant.
- The FoI Officer will deal with any requests within the timescales defined above.

Appendix B: Withholding information

The Government's Information Commissioner enforces the 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.

There are four primary reasons for withholding information

- The information is not held
- The cost threshold of £450 is exceeded
- The request is considered vexatious or repeated
- One or more exemptions apply

The Freedom of Information Act contains 23 exemptions whereby information can be withheld.

There are two categories: absolute and non-absolute.

- Where an absolute exemption applies, the school can automatically withhold the information.
- 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. Where information is withheld under an exemption, the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld.

Appendix C: Information held within contracts with the School

Any contractual information, or information obtained from organisations during a 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 confidential 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 nondisclosure 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.