



St. Mary's College Sports College



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SUMMARY FOR THIRD PARTIES ON THE IMPLICATIONS OF THE FREEDOM OF INFORMATION ACT 2000

CONTRACTS, COMMERCIALY SENSITIVE INFORMATION AND CONFIDENTIALITY CLAUSES.

This guidance is to assist third party contractors in appreciating the possible implications of the Freedom of Information Act 2000 when supplying services to public organisations.

From January 2005, public organisations must respond within 20 days to written requests for information from anyone. Information may be withheld if it is considered to be confidential, personal, a trade secret or may harm your commercial interests. These categories are some of the many exemptions under which information need not be made public. Careful consideration of all the circumstances in a case would need to be given before deciding to withhold information for any of these reasons.

The Act is completely retrospective and covers all information held by schools, irrespective of when it was created. To this end all existing contracts schools have with third parties may be the subject of requests for information under the Act, as well as any new contracts.

The Act applies to public organisations, however private organisations may be affected indirectly if they have any links with public organisations. In particular you need to be aware that any information you have provided, and provide in the future to schools will be subject to the Act. Unless an exemption from the act applies schools will be obliged to disclose the information to the public in the event of a request.

If there is any information your organisation would prefer not to be made public then you will need to discuss this with us as soon as possible. You may prefer to do this before supplying us with the information, as negotiations on disclosure may affect your decision to tender or to supply information to us. If we currently hold information you have pre-supplied that is not now required, then it may be possible to arrange for the disposal or deletion of some information before a request is received. Information cannot be disposed of or deleted after the receipt of a request for it.

We may withhold information according to our interpretation of the legal definition of confidentiality, personal information, trade secret or harming your commercial interests. These decisions will be based on recent case law and government guidance and will be made in consultation with you if possible. However, there is a complaints procedure, handled by the government office, under which these decisions may be reconsidered.

We will consult with you whenever possible on requests for information that may impact on your organisation. However, should we be unable to contact anyone we may have to release the information to ensure that we remain within the 20 day deadline. We will always inform you of any information we have had to release under the Act.

Non public authority contractors, whose service provision is a function of the school, may be required to comply with the Act in relation to this function.

Further detailed guidance on contracts with third parties, in particular confidentiality clauses and the implications of THE FREEDOM OF INFORMATION ACT 2000 are available on the Council Web www.hullcc.gov.uk site under Information Governance. Please also see The Information Commissioners Office web site using the link from our web site or www.informationcommissioner.gov.uk.

