

## HULL SCHOOLS

### POLICY & GUIDANCE ON THE FREEDOM OF INFORMATION ACT 2000

#### 1. INTRODUCTION

- 1.1 The school recognises that compliance with The Freedom of Information Act 2000 (FOIA) is essential to promote public trust in public authorities and the school will endeavour to make information publicly available.
- 1.2 Further guidance on the legislation and Codes of Practice are available from the Information and Security Officer (telephone 616017), the Information Governance Team, Legal Services, Hull City Council, and The Information Commissioner's Office.
- 1.3 The Policy and Guidelines cover all requests for information, except
  - a) requests from individuals for their own personal data – referred to as Subject Access Requests; these should be handled under The Personal Data Handling Policy and Guidance, in compliance with The Data Protection Act 1998;
  - b) normal business process or routine requests - in other words, requests for information or services that the school would expect to receive as part of day to day operations.
- 1.4 Each headteacher/senior management team member must ensure that all employees have received the relevant training. Evidence of training needs to be retained by the school.

#### 2.0 SUMMARY OF THE LEGISLATION – THE FREEDOM OF INFORMATION ACT 2000

- 2.1 Anyone from anywhere can request information from public organisations.
- 2.2 All information **held** by the organisation should be considered **public information** unless one of the 23 **exemptions** (reasons to withhold information) applies. This covers all forms of **recorded** information including e-mails, CCTV and camera images, diaries and notes, tapes and audio. The following summary points apply to requests made under the Freedom of Information Act:
  - there is no need to state the act in any request – consequently any request for information can be considered an FOIA request;
  - the request can be made in written form (hard copy or electronic) or in accordance with the Environmental Information Regulations, verbally (see note 4.1);

- the request must state name and address (for correspondence purposes);
- the request requires no explanation, reason or justification;
- the request must be **accepted** by **anyone** in the organisation who receives it (see 5.5);
- schools must provide the information within **20** working days;
- the request must clearly describe the information required (if further clarification is required the 20 days does not begin until this is received);
- requests for information costing up to £450 to retrieve are free.

2.3 Requests up to £450 are free but schools can charge for disbursements (see 4.14) i.e. photocopying, printing and posting costs. The Act does not require the public organisation to satisfy information requests costing more than £450. The formula for calculating the £450 is based on a £25 hourly rate for finding, sorting, editing or redacting\* the material requested. Time taken for considering the application of exemptions or the public interest test is not included.  
 \* Definition: Redaction is done when a public record contains sensitive, private, or confidential information that is to be taken out of the document, or redacted, in a way that does not distort the meaning of the record.

2.4 To enable the investigation of complaints, evidence of information withheld must be retained along with the reasons for doing so. Complaints are handled through the school's complaints procedure, if the complainant is not satisfied with the school and governing body's response the request is referred to The Information Commissioner's Office (ICO). The ICO may overturn any decision that has been made by a public organisation.

2.5 There are 23 exemptions - see the school's document "Reasons to Pass on an Information Request".

2.6 **Information** is exempt, not the **document**; consequently, schools cannot usually apply an exemption to a whole document to withhold it. Instead, schools must go through the document line by line to determine which exemptions apply to which information.

### 3. PUBLICATION SCHEMES

3.1 Each public organisation has to maintain and, from time to time, review a scheme for the publication of information (a 'publication scheme') which specifies the classes of information it publishes or intends to publish, the manner of publication and whether a fee is payable. A Publication Scheme is in essence a guide to the information that the school routinely publishes.

3.2 A Publication Scheme is something which public bodies are required by law under the Freedom of Information Act 2000 to produce and operate. The School's Publication Scheme *can* be sited on the school's web site.

3.3 The purpose of the Publication Scheme is to ensure that a significant amount of information is available, without the need for a specific request. If the information requested is in the Publication Scheme then applicants should be redirected to this. There is no need to collate information on receipt of an individual request for information, if it is available through the Publication Scheme.

#### **4. REQUEST PROCESSING ARRANGEMENTS**

- 4.1 Under the Environmental Information Regulations 2005, verbal requests for information must be accepted. Therefore it is appropriate for schools to similarly process verbal requests in order to accommodate requests from individuals who have English as a second language, are visually impaired or have low levels of literacy. It is possible to accommodate this procedure under the Freedom of Information Act using the school's "Information Request Form".

#### **5. GENERAL**

- 5.1 All third parties must be informed of the implications of The Freedom of Information Act 2000 in that any information held by the school or by them on behalf of the school, could be made public as a result of a request – see the school's document "Summary for Third Parties on the Implications of the Freedom of the Information Act 2000".
- 5.2 All employees must ensure that 'out of office messages' are put onto email during anticipated periods of absence. These out of office messages must include the email address (for external and internal email) of an alternative recipient. This is to assist in the dealing of information requests received via email within the deadline.
- 5.3 All employees should avoid entering into confidentiality clauses on behalf of the School unless this is unavoidable.
- 5.4 All employees should encourage requests for information to be supplied on the school's "Information Request Form". The information booklet 'Accessing Information from Hull City Council' and the printed request forms should be available in public areas.
- 5.5 All written or email requests for information must be accepted by the employee to whom they are submitted. Applicants should not be told to submit their request to another area of the school once submitted; they may, however, be redirected for help or assistance.
- 5.6 An acknowledgement of receipt of the request must be sent immediately if the request may take more than a few days to supply (see template "Information Request Acknowledgement" letter).
- 5.7 All responses must contain details of the school complaints procedure. A standard text for responses should be used (see template "Information Request Response").
- 5.8 Requests must be immediately referred to the Information and Security Officer, the Information Management and Research Manager, or the Information Governance Team within the Council Legal Services, if:
- they appear contentious or politically sensitive; or
  - they can not be supplied within 20 days and are not covered by the school publication scheme; or
  - are estimated to be beyond the ceiling of £450, equivalent to 18 hours to retrieve (fees regulations); or
  - it is believed that information should be withheld.

The Children & Young People's Services Information and Security Officer can be contacted on 616017. The Information Governance Team can be contacted on tel: 615167 or by e-mail on [information@hullcc.gov.uk](mailto:information@hullcc.gov.uk).

- 5.9 Information which is the subject of an information request must not be deleted or disposed of after the receipt of a request. This could lead to prosecution under the Act. Information should be deleted or disposed of in accordance with The Record Retention Guidelines.
- 5.10 The application of exemptions and the withholding of information is a specialist role requiring access to legal guidance and the experience of the Information Governance Team within Legal Services, Hull City Council. For these purposes the Information and Security Officer is a member of this team, specialising in the Children & Young People's Services area.
- 5.11 All information requests must be monitored and recorded fully. This is in order to trace proceedings for each request and aid subsequent investigations if a complaint arises. For this reason it is recommended that requested information records are retained for 5 years from the date of receipt.
- 5.12 The school is not obliged to satisfy requests chargeable at more than the ceiling of £450 specified in the fees regulations. However the school will enter into discussions with the applicant and endeavour to supply at least part of the request. The Freedom of Information Act 2000 places upon public authorities (schools) the duty "to advise and assist" a requestor seeking information. If, for example, the school is requested for a policy that has been placed on the school's website, then the school has a duty to advise the requestor on its location (in this case the web address). Internet access can be gained at local libraries if the requestor does not have direct access from home or via friends or business.

Discussions with the applicant will need to consider:

- if the requester is willing to pay the full cost of recovery of the data
  - extending the deadline
  - if the resource requirements can reasonably be met
  - how much information can be supplied for the ceiling cost
  - if the collation of the information required may jeopardise the normal operations of the School because of the resources required.
- 5.13 The minimum disbursement charge for a Freedom of Information request is £5. This means that a disbursement fee will be charged when the request involves in excess of 20 printed or photocopied sheets at 25p per sheet. A minimum of £2.50 postage will be charged for those requests that require postage.
- 5.14 Employees not complying with this policy or legislation will be dealt with as appropriate under the school's Disciplinary Procedure. Non-compliance may be deemed an act of gross misconduct. In the event of non-compliance by an agency worker or casual worker, his/her work with the school may be terminated. A contract may also be terminated if the employee is an employee of a contractor.
- 5.15 There are two types of exemptions that can be applied to Freedom of Information Act requests: Absolute and Qualified. Absolute exemptions are not subject to the public interest test. Qualified exemptions require the public body i.e. the school, to consider whether the public interest in maintaining the exemption from communicating information outweighs the public interest in communicating it.