

# **St Mary's RC High School Freedom of Information**

## **FREEDOM OF INFORMATION**

### **1 General**

1.1 Since 1 January 2005 when the Freedom of Information Act 2000 (FOIA) came into force, there is a legal right for any person to ask a school for access to information held by that school.

1.2 St Mary's RC High School will undertake to comply with the terms of the FOIA, and any subsequent relevant legislation, to ensure all information held by the school is treated in a manner that is fair and lawful, within the realms of Information and guidance displayed on the Information Commissioner's website ([www.ico.gov.uk](http://www.ico.gov.uk)).

1.3 The Chair of School Governors is ultimately responsible for ensuring that this policy is implemented as required by the FOIA. Day-to-day responsibility will be passed to the Head teacher, who will ensure that all affected members of staff are aware of the requirements.

### **2 Data Gathering and Storage**

2.1 Information will only be gathered and stored for specified purposes.

2.2 In order to be able to respond to requests for information the School will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

2.3 Information held by the School will be regularly reviewed with a view to archiving or destruction, where appropriate.

### **3 Publication Scheme**

3.1 The School will adopt and publish the appropriate model publication scheme, as recommended by the Department for Education and Skills and the Information Commissioner, and approved by School Governors. The current publication scheme will be posted on the School website.

3.2 The current recommended model schemes can be viewed via the Information Commissioner's website.

### **4 Dealing with Requests for Information**

4.1 Schools are under a duty to provide advice and assistance to anyone requesting information. Enquirers do not have to say why they want the information and the request does not have to mention the FOIA.

4.2 The request must be in writing, which includes fax or email. All requests for information that are not covered by the Data Protection Act 1998 (i.e. from individuals to see their own personal information) or Environmental Information Regulations 1992 are covered by the FOIA.

4.3 The School will assist applicants in making their request to have access to information held by the School.

4.4 Assistance will be given to applicants whose requests need to be transferred to another public authority (eg school, LEA, hospital).

4.5 The School will exercise its duty to confirm or deny the existence of requested information, subject to any exemptions that may apply.

4.6 The School will supply information requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit.

4.7 If a response will take longer than 10 working days an acknowledgement will be forwarded to the person making the request, informing them when the information will be supplied. The purpose of this acknowledgement is to allow the School to exceed the overall 20 day deadline.

4.8 There will only be four reasons for the School not complying with a valid request for information under FOIA:

- the information is not held;
- the cost threshold is reached (limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by the Department for Constitutional Affairs);
- the request is considered vexatious or repeated;
- one or more of the exemptions apply (the FOIA provides a series of exemptions).

Whether or not the request should be complied with will be decided by the Head teacher and/or the Chair of School Governors.

4.8 If it is decided that information should not be disclosed, a public interest test will be carried out (as described by the Information Commissioner) when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information will be disclosed.

4.9 Personal information requested by the subject of that information (or an acceptable third party) is exempt under the FOIA. Such information is covered by the Data Protection Act 1998. Individuals must make a 'subject access request' using the School Data Protection Policy if they wish to access information in this category.

## **5 Logging Requests Received**

5.1 The School should keep a record of all requests received for monitoring purposes, noting:

- the date the request was received;
- name and contact details of the person or organisation making the request;
- the date the request was fulfilled or refused;
- the reason for any exemption being applied;
- the reason for any failure to meet the 20 day deadline.

## **6 Complaints**

6.1 Any written (including email) expression of dissatisfaction - even if it does not specifically seek a review - will be handled through the School's existing complaints procedure.

6.2 In the event that the individual is unsatisfied following the outcome of the complaints procedure, an appeal can be lodged with the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.