

Bankwood Primary School

Freedom of Information Policy

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Overview to the FOI Act

The Freedom of Information [FOI] Act 2000 came in to force on the 1st January 2005. It is legislation enacted by Parliament and is monitored by the Information Commissioner's Office [ICO]. Further information on the ICO can be viewed on their website of www.ico.org.uk.

As stated by the ICO, the main principle behind FOI legislation is that people have a right to know about the activities of public authorities - unless there is a good reason for them not to. The FOI Act 2000 provides public access to information held by public authorities. It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

Public authorities include, although this is not an exhaustive list, government departments, local authorities, the NHS, police forces and **state schools**. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

The Act covers all recorded information. This includes, but not exhaustively, printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the Data Protection Act 1998. This would apply to a parent/guardian requesting information about their child.

Types of request

There are two types of requests that can be made under the Act:

- a Freedom of Information Act request (a FOI request), and,
- an Environmental Information Regulation requests (a EIR request).

In its simplest definition a FOI request is a request for recorded information that the school may hold. An EIR request is the same, however the request will focus around information that has environmental context – and this can be in its widest meaning of the term ‘environment’ (for example building extensions, building removals, wildlife surveys, carbon emissions, renewable energy, etc.).

Environmental Information Regulations

EIRs are under the umbrella of FOI; however there is the Environmental Information Regulations 2004 that specifically address EIRs. The Regulations give people a right of access to information about the activities of public authorities that relate to or affect the environment, unless there is good reason for them not to have the information. This is sometimes referred to as a presumption in favour of disclosure. The school will abide by these Regulations.

Identifying a request

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. An EIR request can just be made verbally.

The school will provide the contact details of our FOI contact point – although we cannot ignore or refuse a request even if it is addressed to a different member of staff. Any letter or email to the school asking for information is a request for recorded information under the Act.

This does not mean that the school will treat every enquiry formally as a request under the Act. It will often be most sensible, for both the school and the customer, to deal with it as a general customer enquiry. The provisions of the Act need to come into force only if:

- the school cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

The requester must provide their name and a point of contact. They do not have to state why they want the information, for what they intend to use the information or whether they will disclose the information further. When information is released the school should assume they are releasing it publically and not just to the individual. Once information is released in to the public domain it is out of the control of the school.

Time compliance

When the school receives a request for information then we should respond as soon as possible and aim for this to be not later than 20 working days following the date of receipt. However, it should be noted that ‘working days’ are ‘school working days.’ A ‘school working day’ is any day on which there is a session and the pupils are in attendance. For clarity, school holidays and inset days are not classed as working days for a school. This is in line with ICO Guidance, “Time limits for compliance under the Freedom of Information Act (Section 10)”.

Access to information

This Policy does not prevent the school voluntarily giving information to people outside the provisions of FOI (or EIR). However, it does allow the school to work within acceptable boundaries over the release of information. It also provides clarity to what an enquirer can expect from the school. Information that is proactively provided is listed within the school's Publication Scheme.

Complaints

Complaints about the above procedure should be made to the Headteacher who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure. Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner.

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact the Headteacher who will also act as the main point of contact for any FOI or EIR requests. Further advice and information is available from the Information Commissioner's Office, www.ico.org.uk.