



Freedom of Information Policy

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Policy summary

- 1 This policy provides Alderbrook School standards which must be maintained to comply with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). The policy also refers to further legislation where appropriate. Hereafter, unless otherwise specified, 'FOIA' encompasses FOIA and EIR.
- 2 The policy applies to all Trustees, employees, contractors, agents, consultants, partners or any other servants of the organisation, who manage and handle personal information held by, or on behalf of the organisation.
- 3 Alderbrook School is committed to implementing the provisions of FOIA and related legislation. The Act gives a right of access to both individuals and organisations to all types of recorded information held by the organisation. Information can be held in all types of format, including paper documents, electronic, visual and any other type of records that are held at the time of the request. FOIA also places certain obligations on the Alderbrook School in relation to datasets, which in this instance are collections of factual raw data gathered as part of delivering services and functions. FOIA does not require the Alderbrook School to create information to adhere to a request that it does not already hold.
- 4 This policy does not cover Subject Access Requests (requests for access to information about a living individual that could identify them). These requests are usually exempt from the FOIA under Section 40, and should be processed in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018.
- 5 The Information Commissioner's Office (ICO) regulates FOIA in the UK and a copy of their guidance note about this legislation can be accessed at www.ico.org.uk.

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Contents

Policy summary.....	2
Scope	4
Purpose	4
Introduction	4
Our obligations	5
Publication scheme	6
How to obtain information through the publication scheme	6
Requests for information	7
Exemptions	7
Roles and responsibilities	8
Training and awareness	9
Monitoring and review	9

Scope

- 6 This policy applies to all employees, Trustees, contractors or any other servant of the organisation, who manage and handle personal information held by, or on behalf of the organisation.
- 7 It applies to all information the Alderbrook School holds at the time of the request, ie all the information created, received and maintained by staff and members of the Alderbrook School in the course of their work. Information can be held in all types of format, including paper documents, electronic, visual and any other type of records that are not about living individuals.
- 8 This policy does not cover Subject Access Requests (requests for access to information about a living individual that could identify them). These requests are usually exempt from the FOI Act under section 40 and should be processed in accordance with the UK General Data Protection Regulation.

Purpose

- 9 The purpose of this policy is to provide a framework to ensure that the Alderbrook School fully endorses and adheres to the principles of Freedom of Information defined in FOIA. Compliance with FOIA will be achieved by making sure that we have an up-to-date publication scheme and that requests for information are dealt with as set out in this policy.
- 10 Compliance with this policy will facilitate compliance with other information related legislation; this includes our Data Protection policy, Information Security policy, and Retention Schedule.
- 11 This policy is part of a suite of Information Governance policies.

Introduction

- 12 Alderbrook School is committed to implementing the provisions of FOIA. Since 1 January 2005 there has been a general right of access to all types of recorded information held by all public bodies, subject to certain exemptions, and a response is required within a set deadline. The Information Commissioner's Office (ICO) regulates FOIA in the UK and a copy of their guidance note about this legislation can be accessed at www.ico.org.uk.
- 13 Recorded information includes paper records, emails, instant messenger, text messages, information stored on computer, audio or video cassettes, microfiche, maps, photographs, handwritten notes or any other form of recorded information. FOIA also places certain obligations on the Alderbrook School in relation to datasets, which in this instance are collections of factual raw data gathered as part of delivering services and functions. The section 45 code of FOIA gives recommendations for public authorities about their handling of requests.
- 14 The Alderbrook School already makes a considerable amount of information available to the public via its website.
- 15 Generally, requests for information need to be responded to within 20 working days. To ensure compliance, information needs to be well managed to enable us to determine if it exists and be able to locate it promptly. The code of practice on the management of records under section 46 of FOIA provides guidance on practices to be followed.

- 16 All requests for information are recorded centrally by the Headteacher's PA, with a unique identification reference number.

Our obligations

- 17 Alderbrook School will, through appropriate procedures and controls comply, with FOIA, and see this as an opportunity to enhance public trust and confidence.
- 18 The Alderbrook School will seek to satisfy all FOIA requests promptly and within 20 working days. However, if necessary, this timescale will be extended to give full consideration to a Public Interest Test. If we do not expect to meet the deadline, we will inform the requestor as soon as possible of the reasons for the delay and when they can expect a reply.
- 19 Alderbrook School will continue to protect the personal data entrusted to us, by disclosing that information only in accordance with the provisions of Data Protection legislation.
- 20 Alderbrook School will maintain a comprehensive 'Publication Scheme' that provides information which is accessible without the need for a formal FOIA request.
- 21 Alderbrook School will provide advice and assistance to facilitate their use of FOIA. We will publish our procedures and assist requesters to clarify their requests, so that they can obtain the information that they require.
- 22 Alderbrook School will aim to supply the information in the requested format. Where the requestor asks for us to provide a response using a document attached to the email, we reserve the right to ask for the content to be submitted in the main body of the email as, in accordance with Information Security best practice, we are unable to open attachments sent by external email.
- 23 Alderbrook School will apply the exemptions provided in the Act; where qualified exemptions exist, we will disclose the information unless the balance of the public interest lies in withholding it.
- 24 We will consult with third parties before disclosing information that could affect their rights and interests. However, as per FOIA, Alderbrook School must take the final decision on disclosure.
- 25 Alderbrook School will record all FOIA requests and responses and will monitor our performance in handling requests and complaints.
- 26 Alderbrook School will charge (where applicable) for information requests in line with the [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#).
- 27 We will adopt good information and record management practices in line with the Lord Chancellor's "[Code of Practice on The Management of Records](#)", as per Section 46 of the FOI Act.
- 28 Alderbrook School will ensure that all permanent and contract staff are aware of their obligations under FOIA and will include FOIA education in the induction of all new staff.

Publication scheme

- 29 Alderbrook School Publication Scheme publishes information divided into the following classes, as recommended by the Information Commissioner (ICO) in the Model Publication Scheme:
- Who we are and what we do
 - How we make decisions
 - What we spend and how we do it
 - What our priorities are and how we are doing
 - Our policies and procedures
 - Lists and registers (including datasets)
 - The services we offer
- 30 The Publication Scheme is available on our website at the following [link](#)
- 31 The following information is not usually covered by the publication scheme:
- Information prevented from disclosure or by law or by an exemption under the FOIA or data protection legislation
 - Information in draft form
 - Information no longer readily available including that which has been archived or is difficult to access for similar reasons.
- 32 Any information held by Alderbrook School that is not published in the scheme can be requested, and its disclosure will be considered in accordance with the relevant legislation.
- 33 Section 19 of the FOI Act now means that Alderbrook School must publish any datasets released under the FOI Act in its Publication Scheme. Alderbrook School will also consider publishing electronic dataset information made available under the EIR in the same way.
- 34 Where possible, these datasets will be made available in a form that is capable of re-use. Where Alderbrook School alone owns the Copyright of the dataset details of the terms under which the information can be re-used will also be advised in the Publication Scheme.
- 35 Any regular datasets that it is reasonable for the Alderbrook School to make will also be regularly added to the scheme.

How to obtain information through the publication scheme

- 36 Where possible, we will provide the information detailed in our Publication Scheme on our website. If this is not the case or if a copy in another format is required, we will advise how the information can be accessed in these other formats in the scheme.
- 37 If an appointment is required to view information, the Alderbrook School will provide details about how to make an appointment.
- 38 If the publication scheme or documents available through it are required in another form to comply with disability legislation, we will, if possible, provide the requested format. Information is generally published in the language in which it is held. If copies are requested in other languages, Alderbrook School will translate if legally required to do so.

Requests for information

- 39 The Act provides individuals and organisations, from anywhere in the world, with the right to requests access to information held by the Alderbrook School. These are known within the Alderbrook School as FOI requests (although also encompassing requests made under EIR).
- 40 The requester does not have to state that the request is being made under FOIA. Any request for information not able to be answered as part of normal day to day business, or where the requester asks for it to be handled under FOIA, will be treated as a potential FOIA request.
- 41 If we decide to deal with a request for information under another information request regime or as a combination of regimes, we will advise accordingly. An example is when a request for someone's own personal information is made under FOIA. In this instance, the request would be considered under the UK General Data Protection Regulation, and treated as a Data Subject Access Request.
- 42 A valid FOIA request must:
- Be in writing
 - Provide enough information to determine the information requested, however there is no legal requirement to state why the information is required.
 - Include the requester's name and either a postal or email address
 - State whether the response should be in either hard copy or by email
- 43 Requests should be sent by email to office@alderbrook.solihull.uk, or in writing to

Alderbrook School
Blossomfield Road
Solihull
West Midlands
B911SN

- 44 We aim to respond as soon as possible within the statutory time limits. However, this time may be extended if an exemption applies where we need to carry out a public interest test. Working days are considered to be any day other than a Saturday, Sunday, school-published holiday or inset day, Christmas Day, Good Friday, Boxing Day or a day which is a UK bank holiday under the Banking and Financial Dealings Act 1971.
- 45 If we are unable to provide some or all of the information, we will explain why in writing within 20 working days, advising which exemption applies and why.
- 46 In instances where Alderbrook School believes information to be held by another public body it will advise the applicant with the name and contact details of the public authority to be contacted.

Exemptions

- 47 FOIA have a series of exemptions that may prevent the right of access of information and which therefore may prevent release including:
- Information already reasonably accessible to applicant by other means, ie on the website
 - Information intended for future publication
 - Environmental information

- Information provided in confidence
- 48 Some exemptions are “absolute” either in whole or part. This means that the requested information does not need to be disclosed under any circumstances.
- 49 Others are “qualified” exemptions, which are also subject to a prejudice test either in whole or part. This means that a public interest test will be carried out, and the information will only be withheld if the public interest in not disclosing is greater than the public interest in disclosing.
- 50 Some of the qualified exemptions are also subject to a prejudice test, which must be carried out before the information can be considered exempt. This test considers whether harm will or is likely to be caused if the information is released.
- 51 Prejudice Tests are considered by the Qualified Person; for Alderbrook School, the Qualified Person is the Mr Tom Beveridge (Headteacher).
- 52 We will explain in our response if we have carried out a public interest or prejudice test and, if we are withholding information, why this is the case.
- 53 In some cases, if an exemption applies and permits it, we may also decide to not say whether hold we hold the requested information. This would be the case if, for example to say we hold the information would reveal something of the content. Again, we will explain this in our response.

Roles and responsibilities

- 54 **Martin Mcloughlin** is the Senior Information Risk Owner (SIRO) for Alderbrook School and has the overall responsibility for FOIA in Alderbrook School. The role of the SIRO is to ensure that FOIA is managed effectively through continued implementation of this policy. The SIRO is also responsible for:
- Approving and promoting the implementation of the policy.
 - Monitoring and reviewing the effectiveness of the policy.
 - Ensuring that officers with responsibilities for FOIA functions are supported in their work in terms of commitment and resources.
 - Ensuring that Freedom of Information is suitably recognised in the setting and monitoring of budgets.
- 55 It is the role of the **SENIOR LEADERSHIP TEAM** to manage the effective implementation of this policy. Their responsibilities are to:
- Include the roles and responsibilities of the FOIA representatives within current and future job descriptions.
 - Ensure staff are trained to an appropriate level and aware of their responsibilities in compliance with the FoI Act and associated Codes of Practice, including ensuring requests are met within timescales.
 - Maintain awareness for Freedom of Information in the course of Alderbrook School business activities
 - Ensure all staff adhere to the policy.
 - Feedback on policy implementation.

- Recognise FOIA issues in service planning and resource allocation.

56 Martin Mcloughlin will oversee the day-to-day operation of FOIA procedures including:

- Managing all Freedom of Information requests, ensuring all requests are logged and acknowledged, and all information collated.
- Save and maintain all relevant documentation from each Freedom of Information requests into the relevant case file in compliance with S.46 of the FOI Act.
- Monitor requests to ensure deadlines for responses are met.
- Manage the content of the Freedom of Information public and staff webpages, including any relevant information about how to make a request, with contact details clearly stated on the website.
- Ensure the correct records management procedures are followed in accordance with Section 46 of the FOI Act.
- Consult with the Headteacher for further advice and guidance including information about exemptions.

57 **All staff**, whether or not they create, receive or maintain information, have responsibilities under FOIA. It is the duty of the full Alderbrook school workforce to ensure they are fully aware of this policy and their responsibilities. All employees must:

- Complete the Freedom of Information training.
- Pass all FOIA requests immediately to the Martin Mcloughlin for logging.
- Respond promptly when contacted for any information in response to a FOIA request.
- Ensure that records are maintained in accordance with the Alderbrook School Retention Schedule.
- Always provide an alternative contact email when Out of the Office.

Training and awareness

58 The Senior Leadership Team will need to ensure that Councillors / Governors and employees are appropriately trained and understand their responsibilities as set out in this policy.

59 Staff should undertake refresher training annually.

60 Freedom of Information awareness training is included in our mandatory staff induction programme.

Monitoring and review

61 This policy is effective immediately.

62 This policy will be reviewed every two years or where necessary when there are changes to legislation.

63 Responsibility for this policy remains with Martin Mcloughlin.