



# Freedom of Information Policy

May 2021

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## Statement of Intent

As an educational provider, the Sea View Trust ('the Trust') has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How the Trust will respond to requests from individuals for access to information held about them.
- The Trust's policy and procedures for the release and publication of private data and public records.
- The Trust's policy and procedures for providing requesters with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the Trust in obtaining any requested information, and on charging fees for its provision.

Signed by:

\_\_\_\_\_ Executive Leader      Date:

\_\_\_\_\_ Chair of governors      Date:

## **1. Legal framework**

1.1. This policy has due regard to legislation, including, but not limited to the following:

- The Freedom of Information Act 2000
- The Data Protection Act 2018
- The UK General Data Protection Regulation (GDPR)
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2. This policy will also have regard to the following guidance:

- Information Commissioner's Office 'Model publication scheme' 2016
- Information Commissioner's Office 'Duty to provide advice and assistance (section 16)' 2016
- Ministry of Justice 'Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000' 2009

1.3. This policy will be implemented in conjunction with the following other Trust policies:

- GDPR Data Protection Policy
- Data Retention Schedule

## **2. Accepting requests from individuals**

2.1. The Trust will only accept a request for information which meets all of the following criteria:

- a) it is in writing;
- b) it states the name of the requester and an address for correspondence;
- c) it describes the information requested.

2.2. A request will be treated as made in writing if it meets all of the following requirements:

- a) It is sent by letter or email. Requests can also be made via the Trust's website, or even on social networking sites such as Facebook or Twitter;
- b) It is received in a legible form;
- c) It is capable of being used for subsequent reference.

- 2.3 The Trust will publish details of its procedures for dealing with requests for information on the Trust's website which includes:
- a) contact name and email address;
  - b) telephone number; and
  - c) A named individual to assist requesters with their requests.
- 2.4 If an employee receives a request for information, they must **immediately** direct it to the Business Manager. If the Business Manager is unavailable it should be brought to the attention of a member of SLT.

### **3. General right of access to information held by the Trust**

- 3.1. The Trust will respond to request for information under the Freedom of Information Act within 20 school days (or 60 working days if this is shorter) by either:
- a) Confirming or denying to the person making a request for information whether the Trust holds information of the description specified in the request;
  - b) Provide a copy of that documentation if it is held by the Trust;
  - c) Give details of the internal review procedure (see section 8 below); and
  - d) Explain the requester's right to complain to the ICO, including contact details for this.
- 3.2. The Trust will not comply with section 3.1 of this policy where:
- a) The Trust reasonably requires further information to meet a freedom of information request, has informed the requester of this requirement, but was not subsequently supplied with that further information.
  - b) The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
  - c) A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
  - d) The cost of providing the information exceeds the appropriate limit.
  - e) The request is vexatious.
  - f) The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
  - g) A fee notice was not honoured.
- 3.3. Where information is, or is thought to be, exempt, the Trust will, within 20 school days (or 60 working days if this is shorter), give notice to the requester which:
- a) States the fact that the request is being refused;

- b) Explains what provision of the Freedom of Information Act the Trust relies on to refuse the request and why;
  - c) Give details of the internal review procedure (see section 8 below); and
  - d) Explain the requester's right to complain to the ICO, including contact details for this.
- 3.4. The information provided to the requester will be in the format that they have requested, where possible.
- 3.5. Where it is not possible to provide the information in the requested format, the Trust will assist the requester by discussing alternative formats in which it can be provided.
- 3.6. The information provided will also be in the language in which it is held, or another language that is legally required. If the Trust is required to translate any information, it will do so.
- 3.7. If, under relevant disability and discrimination regulations, the Trust is legally obliged to provide the information in other forms and formats, it will do so.

#### **4. The appropriate limit**

- 4.1. The Trust will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450. The £450 is calculated to be 18 hours of staff time based on an hourly rate of £25 per hour, which is provided for by Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
- 4.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the Trust will take account only of the costs we reasonably expect to incur in relation to:
- a) Determining whether it holds the information.
  - b) Locating the information, or a document which may contain the information.
  - c) Retrieving the information, or a document which may contain the information.
  - d) Extracting the information from a document containing it.
  - e) Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of the Trust, are to be estimated at a rate of £25 per person per hour (see section 4.1 above).
- 4.3. Where multiple requests for information are made to the Trust within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the Trust of complying with all of them.

#### **5. Charging fees**

- 5.1. The Trust may, within 20 school days (or 60 working days if this is shorter), give a requester who has requested information from the Trust, a written notice stating that a fee is to be charged for the Trust's compliance.
- 5.2. Charges may be made for disbursements, such as the following:

- a) Photocopying
- b) Postage and packaging
- c) Costs directly incurred as a result of viewing information

5.3. Fees charged will not exceed the total cost to the Trust of:

- a) Informing the person making the request whether we hold the information.
- b) Communicating the information to the person making the request.

5.4. Where a fee is to be charged, the Trust will not comply with section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the requester.

5.5. The Trust will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.

5.6. When calculating the 20th school day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the requester and ending with the day on which the fee is received, will be disregarded.

## **6. Means by which communication is to be made**

6.1. Where, on making a request for information, the requester expresses a preference for communication by any one of the following means, the Trust will, as far as is practicable, give effect to that preference:

- a) The provision to the requester of a copy of the information in permanent form or in another form acceptable to the requester.
- b) The provision to the requester of a reasonable opportunity to inspect a record containing the information.
- c) The provision to the requester of a digest, or summary of the information, in permanent form or in another form acceptable to the requester.

## **7. Providing advice and assistance**

7.1. The Trust will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the Trust.

7.2. The Trust may offer advice and assistance in the following circumstances:

- a) If an individual requests to know what types of information the Trust holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- b) If a request has been made, but the Trust is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.

- c) If a request has been refused, e.g. due to an excessive cost, and it is necessary for the Trust to assist the individual who has submitted the request.
- 7.3. The Trust will provide assistance for each individual on a case-by-case basis; examples of how the Trust will provide assistance include the following:
- a) Informing a requester of their rights under the Freedom of Information Act 2000
  - b) Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
  - c) Advising a requester if information is available elsewhere and how to access this information
  - d) Keeping a requester informed on the progress of their request
- 7.4. In order to provide assistance as outlined above, the Trust will engage in the following good practice procedures:
- a) Make early contact with an individual and keep them informed of the process of their request.
  - b) Accurately record and document all correspondence concerning the clarification and handling of any request.
  - c) Give consideration to the most appropriate means of contacting the requester, taking into account their individual circumstances.
  - d) Discuss with the requester whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
  - e) Remain prepared to assist a requester who has had their request denied due to an exemption.
- 7.5. The Trust will give particular consideration to what level of assistance is required for a requester who has difficulty submitting a written request.
- 7.6. In circumstances where a requester has difficulty submitting a written request, the Trust will:
- a) Make a note of the application over the telephone and then send the note to the requester to confirm and return – the statutory time limit for a reply would begin here.
  - b) Direct the individual to a different agency that may be able to assist with framing their request.
- NB. This list is not exhaustive and the Trust may decide to take additional assistance measures that are appropriate to the case.
- 7.7. Where a requester's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the Trust, as a matter of good practice, will provide advice and assistance.

- 7.8. The Trust will advise the requester how and where information can be obtained, if it is accessible by other means.
- 7.9. Where there is an intention to publish the information in the future, the Trust will advise the requester of when this publication is expected.
- 7.10. If the request is not clear, the Trust will ask for more detail from the requester in order to identify and locate the relevant information, before providing further advice and assistance.
- 7.11. If the Trust is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- 7.12. If any additional clarification is needed for the remainder of a request, the Trust will ensure there is no delay in asking for further information.
- 7.13. If a requester decides not to follow the Trust's advice and assistance and fails to provide clarification, the Trust is under no obligation to contact the requester again.
- 7.14. If the Trust is under any doubt that the requester did not receive the advice and assistance, the Trust will re-issue it.
- 7.15. The Trust is not required to provide assistance where a requester's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.
- 7.16. The Trust is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the Trust will consider whether any information can be provided free of charge if the requester refuses to pay the fee.
- 7.17. A record will be kept by the Principal in the Trust office of all the advice and assistance provided.

## **8. Internal review process**

- 8.1 If a requester is:
  - a) unhappy with the way in which the Trust has dealt with their request;
  - b) is dissatisfied with the decision made regarding disclosure or non- disclosure of information; or
  - c) is of the opinion that the Trust is not compliant with our publication schemethey are able to request an internal review. All responses issued by the Trust will provide the requester with details on how to request such an internal review.
- 8.2 The Data Protection Officer will be the internal reviewer unless they are unable to undertake the review due to circumstances such as, however not limited to, absence, illness or prior involvement. In the event that the Data Protection Officer is unable to undertake the review, an alternative internal reviewer will be appointed, and the requester duly notified.
- 8.3 The internal reviewer will review the manner in which the request was dealt with and has the power to either uphold or overturn the original decision.

8.4 The Trust will only consider requests for an internal review which are made within 2 months of the date of the response to the requester.

8.5 The requester will be notified as to the outcome within a reasonable timescale. The Trust aims to deal with internal reviews within 20 working days of receipt of the request. If it becomes clear at any stage of the internal review that the Trust will not be able to meet this target, the requester will be notified.

## **9. Publication scheme**

9.1 The Trust will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the Trust's website, and whether the information will be available free of charge or on payment.

9.2. The publication scheme will be reviewed and, where necessary, updated on a bi-annual basis.

## **10. Monitoring and review**

10.1. This policy is reviewed every two years by the Data Protection Officer and the Executive Leader.

10.2 The next scheduled review date for this policy is May 2023.

## **Model Publication Scheme**

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

### **1. Classes of information**

Information that is available under this scheme includes:

- Who we are and what we do
- What we spend and how we spend it
- What are our priorities and how we are doing?
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form, or notes, documents in older versions, emails or other correspondence.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **2. How to request information**

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the Trust using the below contact details. To enable us to process your request quickly, please mark all correspondence:

#### **“FREEDOM OF INFORMATION REQUEST”**

Documents can be translated under disability legislation into accessible formats where possible.

### **3. Charges**

Documents contained in this scheme are free to view on the Trust website. Single paper copies are also available free of charge to parents/carers and prospective parents/carers of the Trust.

### **4. Feedback**

We welcome any comments or suggestions you may have regarding this scheme. Please contact the governing body via the Trust by emailing [\[INSERT EMAIL ADDRESS\]](#)