

# **St Peter's Catholic Primary School**

## **FREEDOM OF INFORMATION POLICY**

**September 2023**

**Review September 2027**

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## **1. Introduction**

- 1.1 St. Peter's Catholic Primary School is committed to complying with the provisions of the Freedom of Information Act 2000 (FOI).
- 1.2 FOI gives the public right of access to all recorded information held by all public authorities, subject to exemptions.
- 1.3 Access to information can only and will only be denied if there is an absolute exemption which applies to its disclosure or if a conditional exemption applies and the public interest assessment dictates that the information should not be disclosed.
- 1.4 The FOI is regulated by the Information Commissioner's Office (ICO).
- 1.5 FOI complements or supports the following legislation:
  - GDPR and Data Protection Act 2018, which give individuals access to personal information held about them by schools;
  - Environmental Information Regulations 2004, which give access to information about the environment held by the government and public authorities.
- 1.6 In complying with its duty, the school must take account of the Code of Practice in relation to FOI issued by the Government under Section 45 of the Act.

## **2. Policy Statement**

- 2.1 The school will comply with all the relevant provisions of the FOI and, where relevant, the requirements of the Environmental Information Regulations 2004 (EIR).
- 2.2. The school will provide advice and assistance to help people make requests under the FOI. The school will aim to respond to all requests promptly and within the statutory response period of 20 working days following receipt of a valid request.
- 2.3 In cases where information is covered by a conditional exemption or other legislation, consideration is given as to whether or not it is in the public interest to disclose the information, regardless of the exemption.
- 2.4 The school will adopt and maintain a Publication Scheme that has been approved by the ICO. The Publication Scheme contains details of all the information that the school makes available to the public. The Publication Scheme will be subject to regular review.
- 2.5 The school is committed to conducting its affairs in a transparent manner and enabling public access to its information whenever this is appropriate. The school will act in as open and transparent a manner as possible, whilst ensuring the integrity of its information and protecting the privacy of its pupils, employees, parents and governors.

## **3. Scope**

- 3.1 This Policy informs recipients of school services, members of the public and external parties of the processes the school has established for complying with the FOI.

- 3.2 This Policy operationally applies to all employees of the school, governors, contractors, agents, and temporary staff working for or on behalf of the school.
- 3.3 This Policy does not cover Subject Access Requests (requests for access to information about a living individual which could identify them). These requests are exempt from the FOI under section 40, and should be processed in accordance with the GDPR/Data Protection Act 2018.

#### **4. Relationship with GDPR and Data Protection Act 2018**

- 4.1 The school is under a legal duty to protect personal data as required by the GDPR/Data Protection Act 2018. The school will carefully consider its responsibilities under the GDPR before disclosing personal data about living individuals, including current and former members of staff, governors and pupils.

#### **5. Roles and Responsibilities**

- 5.1 All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOI and in compliance with this Policy.
- 5.2 All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless one of the statutory exemptions applies.
- 5.3 Senior Management are required to ensure that the school have in place adequate guidance on Freedom of Information and effective measures to comply with this Policy. Third parties who are users of information supplied by the school will be required to confirm that they will abide by the requirements of the FOI, and indemnify the school against any prosecutions, claims, proceedings, actions or payment of compensation or damages, without limitation.
- 5.4 The school will ensure that:
- Everyone managing and handling information understands that they are responsible for following good information management practice;
  - Staff who handle information are appropriately supervised and trained;
  - Methods of handling information are regularly assessed and evaluated;
  - Any disclosure of data will be in compliance with approved procedures;
  - All necessary steps will be taken to ensure that data is kept secure at all times against unauthorised or unlawful loss or disclosure;
  - All contractors who are users of information supplied by the school will be required to confirm that they will comply with the requirements of the Act with regard to information supplied by the school;
  - The school will abide by any Code of Practice on the discharge of the functions of Public Authorities which is issued by the government. The school will also take account of any guidance which is issued by the Information Commissioner to promote good practice.

## **6. Right to refuse Information Requests**

- 6.1 The school reserves the right to refuse requests whose total administrative cost exceeds the appropriate limit of 18 hours based on an average flat rate of £25 per hour (£450), as stated in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004.
- 6.2 The school reserves the right to refuse any vexatious or repetitious request.
- 6.3 Where the school already publishes the information requested, enquirers will be directed to the public resource where they may find the information they require.
- 6.4 The school reserves the right to withhold information if it is subject to an exemption under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the GDPR/Data Protection Act 2018.
- 6.5 The school reserves the right not to provide copies of items subject to copyright restrictions, although these may still be open for inspection under the Act.
- 6.6 A refusal of a request for information will only be made when it is necessary to do so. The refusal of the request will be made in writing and will state the reason for refusal, specify the exemption which applies and state clearly why the exemption applies.

When applicable the school will identify why the public interest in maintaining an exemption outweighs the public interest in any disclosure. Whenever appropriate the factors taken into account will be identified and communicated.

## **7. Review and Complaints**

- 7.1 If applicants are not satisfied with the response to their FOI request, they have the right to ask for a review. Applicants should make this request in writing in 20 working days of receipt of the response from the school and should set out what they are not satisfied with, sending it to the address below:

**St. Peter's Catholic Primary School**

**Hough Hill Road**

**Stalybridge**

**SK15 2HB**

**admin@st-peters.tameside.sch.uk**

- 7.2 The school has a complaints procedure, and any complaints about the general handling of a request may be dealt with by clearly marking your correspondence 'Complaint' and addressing it to the address above.
- 7.3 If you are not content with the outcome of the review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
www.ico.org.uk  
Tel: 01625 545 745

- 7.4 The school will maintain a record of all complaints and their outcomes, which will be kept in accordance with our retention schedule.

## **8. References and Related Documents**

- Freedom of Information Act 2000
- General Data Protection Regulation (EU) 2016/679
- Data Protection Act 2018
- Environmental Information Regulation 2004
- Human Rights Act 1998
- Data Protection Policy
- Model Publication Scheme
- School complaints policy and procedure