

BOURNE PRIMARY SCHOOL

Freedom of Information Policy

1 Statement of Intent

- 1.1 As an educational provider, our school 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.
- 1.2 More specifically, this policy outlines:
- How the school will respond to requests from individuals for access to information held about them.
 - Our school's policy and procedures for the release and publication of private data and public records.
 - Our school's policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.
- 1.3 It also clarifies our position regarding the appropriate limit to the costs incurred by the school in obtaining any requested information, and on charging fees for its provision.

2 Legal Framework

- 2.1 This policy has due regard to the following legislation:
- The General Data Protection Regulation
 - The Freedom of Information Act 2000
 - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- 2.2 This policy also has due regard to guidance, including, but not limited to, the following:
- ICO 'Model publication scheme' 2016
 - ICO 'Duty to provide advice and assistance (section 16)' 2016
- 2.3 This policy will be viewed in conjunction with the following other school policies:
- GDPR Data Protection Policy
 - Customer Services Policy

3 Accepting requests for information

- 3.1 The school will only accept a request for information which meets all of the following criteria:
- It is in writing
 - It states the name of the applicant and an address for correspondence
 - It describes the information requested
- 3.2 A request will be treated as made in writing if it meets all of the following requirements:
- It is transmitted by electronic means
 - It is received in legible form
 - It is capable of being used for subsequent reference

- 3.3 The school will publish details of its procedures for dealing with requests for information on the website, which includes:
- A contact address and email address
 - A telephone number
 - A named individual to assist applicants with their requests

4 General right of access to information held by the school

- 4.1 Provided that the request complies with section 3 of this policy, the school will, no later than 20 working days from receipt of the request, comply with its duty to:
- Confirm or deny to any person making a request for information to the school, whether it holds information of the description specified in the request.
 - Provide the documentation, if the school confirms that it holds the requested information.
- 4.2 The school will not comply with section 4.1 of this policy where:
- The school reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
 - 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.
 - A request for information is exempt under section 2 of the Freedom of Information Act 2000.
 - The cost of providing the information exceeds the appropriate limit.
 - The request is vexatious.
 - The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
 - A fee notice was not honoured.
- 4.3 Where information is, or is thought to be, exempt, the school will, within 20 working days, give notice to the applicant which:
- States the fact.
 - Specifies the exemption in question.
- 4.4 The information provided to the applicant will be in the format that they have requested, where possible.
- 4.5 Where it is not possible to provide the information in the requested format, the school will assist the applicant by discussing alternative formats in which it can be provided.
- 4.6 The information provided will also be in the language in which it is held, or another language that is legally required. If the school is required to translate any information, it will do so.
- 4.7 If, under relevant disability and discrimination regulations, the school is legally obliged to provide the information in other forms and formats, it will do so.

5 The appropriate limit

- 5.1 The school will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

- 5.2 When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the school will take account only of the costs we reasonably expect to incur in relation to:
- Determining whether it holds the information.
 - Locating the information, or a document which may contain the information.
 - Retrieving the information, or a document which may contain the information.
 - Extracting the information from a document containing it.
 - 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 school, are to be estimated at a rate of £25 per person per hour.
- 5.3 Where multiple requests for information are made to the school 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 school of complying with all of them.

6 Charging fees

- 6.1 The school may, within 20 working days, give an applicant who has requested information from the school, a written notice stating that a fee is to be charged for the school's compliance.
- 6.2 What the school can charge for under the GDPR:
- 6.2.1 the costs which may be taken into account in calculating whether the appropriate limit is exceeded are:
- determining whether the information is held;
 - locating the information, or a document containing it;
 - retrieving the information, or a document containing it; and
 - extracting the information from a document containing it.
- 6.2.2 the communication costs (including the costs of communicating whether or not the information is held even if it is not to be provided); and
- 6.2.3 staff time spent on communicating the information.
- 6.2.4 Certain activities are not permitted to have chargeable costs. These are:
- considering if an exemption applies;
 - redacting time taken or expected to be taken
- 6.3 The school should not do this work without getting written agreement from the requester that they will pay the extra costs. The school should also give the requester the option of refining their request rather than paying extra. The 'time for compliance' clock is paused in these circumstances, until payment is received.
- 6.4 Where a request is made that does not fall under the GDPR, charges may be made for disbursements, such as the following:
- Photocopying
 - Postage and packaging
 - Costs directly incurred as a result of viewing information

- 6.5 Fees charged for information not covered by the GDPR will not exceed the total cost to the school of:
- Informing the person making the request whether we hold the information.
 - Communicating the information to the person making the request.
- 6.6 Where a fee is to be charged, the school will not comply with section 4 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 applicant.
- 6.7 When calculating the 20th working 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 applicant and ending with the day on which the fee is received, will be disregarded.

7 Means by which communication is to be made

- 7.1 Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the school will, as far as is practicable, give effect to that preference:
- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
 - The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
 - The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

8 Providing advice and assistance

- 8.1 The school 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 school.
- 8.2 The school may offer advice and assistance in the following circumstances:
- If an individual requests to know what types of information the school holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
 - If a request has been made, but the school is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
 - If a request has been refused, e.g. due to an excessive cost, and it is necessary for the school to assist the individual who has submitted the request.
- 8.3 The school will provide assistance for each individual on a case-by-case basis; examples of how the school will provide assistance include the following:
- Informing an applicant of their rights under the Freedom of Information Act 2000
 - Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
 - Advising an applicant if information is available elsewhere and how to access this information
 - Keeping an applicant informed on the progress of their request
- 8.4 In order to provide assistance as outlined above, the school will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Adhere to the school's Customer Services Policy which outlines the steps included within the code.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant 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.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

8.5 The school will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

8.6 In circumstances where an applicant has difficulty submitting a written request, the school will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- 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 school may decide to take additional assistance measures that are appropriate to the case.

8.7 Where an applicant'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 school, as a matter of good practice, will provide advice and assistance.

8.8 The school will advise the applicant how and where information can be obtained, if it is accessible by other means.

8.9 Where there is an intention to publish the information in the future, the school will advise the applicant of when this publication is expected.

8.10 If the request is not clear, the school will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

8.11 If the school 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.

8.12 If any additional clarification is needed for the remainder of a request, the school will ensure there is no delay in asking for further information.

8.13 If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.

8.14 If the school is under any doubt that the applicant did not receive the advice and assistance, the school will re-issue it.

- 8.15 The school is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.
- 8.16 The school 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 school will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- 8.17 A record will be kept by the headteacher in the school office of all the advice and assistance provided.

9 Publication scheme

- 9.1 The school will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the school 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 an annual basis.
- 9.3 The Publication Scheme for Bourne Primary School is attached as an appendix to this policy

10 Monitoring and review

- 10.1 This policy will be reviewed on an annual basis, or in light of any changes to relevant legislation, by the school governors and headteacher.

Publication Scheme for Bourne Primary School

Freedom of Information Act

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information:

- **Who we are and what we do.**
Organisational information, locations and contacts, constitutional and legal governance.
- **What we spend and how we spend it.**
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

- **What our priorities are and how we are doing.**
Strategy and performance information, plans, assessments, inspections and reviews.
- **How we make decisions.**
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- **Our policies and procedures.**
Current written protocols for delivering our functions and responsibilities.
- **Lists and registers.**
Information held in registers required by law and other lists and registers relating to the functions of the authority.
- **The services we offer.**
Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- 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.
- 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.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at

minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.