



WELSHPOOL HIGH SCHOOL

FREEDOM OF INFORMATION POLICY – (Statutory)

DATE REVIEWED; **February 2021**

DATE FOR REVIEW; **February 2022**

SIGNED _____
Chair of Governing Body

Date _____
1/2/2021

SIGNED _____
Headteacher

Date _____
1/2/2021

Welshpool High School Freedom of Information (Fol) Policy

Background:

Welshpool High School complies with the **Freedom of Information Act 2000** and as such will implement and regularly review a policy for supplying information to enquirers.

Our policy is outlined below.

General:

The School and Governing Body are aware that the school has a legal duty to supply certain information to enquirers.

The School will comply with any Freedom of Information guidance issued by the LA. Our policy is that:

- An enquirer will be informed whether the school holds the information or not, and if it does it will supply the information.
- The information will be supplied within 20 working days of the request.
- The information may include personal or non-personal information, but no information relating to named individuals will be released- see **Annex A**.
- Other information that the Headteacher considers to be of a sensitive nature may also be withheld. The Headteacher will consider whether information should be released in the public interest, or if withholding it is greater than the public interest in releasing it.
- The Headteacher will administer the school's process for providing information.
- In so doing the Headteacher will take into account the Code of Practice, and any guidance from the local authority.

Responsibilities:

The Headteacher has overall responsibility to the Governing Body for ensuring that the policy is implemented, and that the management process is maintained.

The School's Business Manager is responsible to the Head teacher for the day-to-day management of the policy.

The school's process:

On receipt of a request in writing for information the Headteacher will:

- Decide whether the request is a request under the Data Protection Act, Environmental Information Regulations or Freedom of Information Act.

- Determine whether the School holds the information or whether the request should be transferred to another body if the information is held by them.
- Provide the information if it has already been made public.
- Inform the enquirer if the information is not held.
- Consider whether a third party's interests might be affected by disclosure and if so consult them.
- Consider whether any exemptions apply and whether they are absolute or qualified.
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information.
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit (*£450 with a maximum of £50 per individual educational record*).
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed by applying the redaction procedure; (*redaction: completely blanking out and photocopying to ensure personal information cannot be read*).
- Consider whether the request is vexatious or repeated.
- The school recognises its duty to provide advice and assistance to anyone requesting information.

Reasons for not complying with a request:

The school accepts that according to the legislation there are only four reasons for not complying with a valid request for information under Fol:

1. The information is not held.
2. The cost threshold is reached (*the threshold has yet to be decided but is likely to be in the region of £500*).
3. The request is considered vexatious or repeated.
4. One or more of the following exemptions apply.

The school also recognises that the exemptions provided by the FOIA are:

- a) Information accessible by other means.
- b) Personal information; a request for personal information is covered by the Data Protection Act (DPA) 1998 & General Data Protection Regulation (GDPR) 2018. Individuals may continue to make a "subject access request" under the DPA – these are where the enquirer asks to see what personal information the school holds about themselves.
- c) Environmental information; where information is covered by the Environmental Information Regulations 2004.

Complaints:

Expressions of dissatisfaction will be handled through the Complaints Procedure.

Information to be provided:

The Governors have decided that:

1. All published information by the school will be made available.
2. All unpublished information (including any advice or memoranda) will be made available on request, except where:
 - a. The names of individual people can be identified in the documents.
 - b. The Headteacher considers that the document(s) contain sensitive material in the meaning of the Act and as explained in the Code of Practice.
 - c. Where the school intends to publish it in due course.

Advertising the service:

The school will mention its policy on Freedom of Information in the Staff Handbook, School Prospectus and Website.

Charging:

The Governors have resolved that generally a charge will not be levied for our Freedom of Information service. *However, they reserve the right where it is considered necessary to levy a charge in accordance with Fol Act regulations. If a charge is to be made, they will give written notice to the person, before supplying the information requested. The charge has been fixed for Education Records at a maximum of £50. A maximum hourly rate is chargeable at £25 per hour).*

Training:

Staff involved in complying with Fol requests will be made fully aware of this policy.

Monitoring and review:

The Headteacher will monitor the policy in liaison with the Business Manager and will report any required changes to the Governing Body Policy and Curriculum Committee for their approval. The policy will also be reviewed within the reviewing cycle for school policies. The Headteacher will provide information about enquiries to the Governing Body should this be deemed appropriate.

Annex A:

Section 40 (2) applies to third party personal data. This would not be released under the Freedom of Information Act unless there is strong public interest to do so. This is because any release would breach the Data Protection Principles as contained within the General Data Protection Regulations.

Information released under the Freedom of Information is considered to be released into the public domain, without caveat, not just to the individual requesting the information. We believe that information relating to identifiable individuals constitutes their personal data and if released would contravene the first data protection principle.

The first principle of the General Data Protection Regulations states in part that: "Personal data shall be processed "lawfully, fairly and in a transparent manner in relation to data subjects" and, in particular, shall not be processed unless at least one of the conditions in Article 6 is met, and in the case of sensitive personal data, at least one of the conditions in Article 9 is also met". We have to assess whether the information relates to living individuals, whether an individual can be identified from the information requested and whether it is biographically significant.

We are obliged to comply with the first principle where we are required to 'handle people's personal data only in ways they would reasonably expect'. It is reasonable in these circumstances that the identity of the individuals and the information relating to them would not be disclosed in response to a Freedom of Information request.

Therefore, based on the considerations above the exemption afforded under Section 40 (2) of the Freedom of Information Act 2000 is engaged and in accordance with Section 17 of the Freedom of Information Act 2000, this would result in a Refusal Notice for this element of the request.