

Policy for

# GDPR Policy: Freedom of Information Policy 23/24



## Document Control

<b>A. Confidentiality Notice</b>	This policy document has been approved by the Governing Body of St Modwen's Catholic Primary School and is intended for internal and/or external publication. Where the document is identified for internal use the policy information may not be shared with external agencies or parents without the prior agreement of the Headteacher or authorizing committee.				
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# Freedom of Information Policy

## 1. Freedom of Information Policy

St Modwen's Catholic Primary School is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

This means that the school must hold and publish a FOI Publication Scheme, to communicate what information we hold is readily available to the public, and where it can be found.

All public authorities must also have processes in place to manage and FOI requests that are made.

## 2. Freedom of Information Publication Scheme

St Modwen's Catholic Primary School's publication scheme has been developed from the Information Commissioner's Office template documents. It is the School's aim to ensure that the publication of information is accessible for individuals. Much of the information listed is routinely published on individual school websites and in their individual prospectuses.

The publication scheme and the material it covers will be readily available in hard copy from School, depending on the source of the information.

Schedule of charges under Freedom of Information Publication Scheme

Type of Charge	Description	Basis of charge
Disbursement cost	Photocopying/Printing @ 10p per sheet	Actual cost 10p
	Photocopying/Printing @ 50p per sheet	Actual cost 50p
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>See our Charging and Remissions Policy for more details</b>		

Where the cost of postage, printing or photocopying is below £10.00, we will not make a charge.

Where it is over £10.00, the first £10.00 will be free of charge, after that we will charge the full estimated cost of postage and copying.

Before we produce the information, we shall inform you of the total cost. You may wish to refine the request in order to reduce the cost and we would be happy to discuss this with you.

## 3. Freedom of Information requests

Any request for any information from school will be considered to see if it meets the criteria of FOI. This is irrespective of whether or not the individual making the request mentions the FOI.

If the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below.

A copy of the request and response should then be sent to the Data Protection Officer (DPO)

All other requests should be referred in the first instance to school who may co-ordinate the process with other staff.

All requests under FOI are treated as if made by any member of the general public. Any information released will be within the public domain and may not be marked restricted or confidential.

#### **4. Time limits for FOI requests**

The school must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. When calculating the 20 working day deadline, a “working day” is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school days) to respond.

#### **5. Procedure for dealing with a request**

All FOI requests should be forwarded on receipt to the specified co-ordinator in each school. Initially it will be necessary to determine whether or not the organisation holds the information requested. This might be in hard copy or digital media.

There may be occasions where information is held, but the process of extracting the relevant information would take considerable time. In those instances the requester may be given the opportunity to refine the request based on the information given.

#### **PART 1 – IDENTIFYING THE TYPES OF INFORMATION**

As an organisation we hold different types of information – reference GDPR Publication Schedule.

- Organisational information, prospectus, locations and contacts, constitutional and legal governance, schemes of delegation, School and individual school arrangements.
- Financial information about income and expenditure, financial audit, funding agreements, procurement, tendering and contracts.
- Plans, strategies, aims and objectives, performance indicators, audits, inspections and reviews.
- Decision making processes and records of decisions, internal criteria and procedures
- Policies and procedures –protocols, policies and procedures for delivering services and compliance with our statutory and regulatory obligations.
- Lists and registers required by law and other key information.
- Details of our curriculum and wider educational offering

#### **PART 2 - CONSIDERING THE NATURE OF THE REQUEST**

FOI requests will be fully complied with unless an exemption applies.

Common exemptions in the Freedom of Information Act 2000 include:

- Section 40 (1) – the request is for the applicants personal data. This must be dealt with under the subject access regime in the GDPR, see the Data Protection Policy and Privacy Notices;
- Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the GDPR principles as set out in Data Protection Policy
- Section 41 – information that has been sent to the School (but not the School’s own information) which is confidential;
- Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;
- Section 22 – information that the School intends to publish at a future date;

- Section 43 – information that would prejudice the commercial interests of the School and / or a third party;
- Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);
- Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;
- Section 36 – information which, in the opinion of the chair of School Governing Body, would prejudice the effective conduct of the School. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.

Information within these exemptions must be considered and weighed up about the general principal that information should be disclosed wherever applicable.

### **PART 3 - RESPONDING TO A REQUEST**

When responding to a request where it is necessary to withhold some or all of the information, we will explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this will be set out.

In these circumstances the requester can seek a review form with the school, and correspondence should be addressed in the first instance to the Headteacher.

If anyone has any concerns, questions or complaints in relation to this policy or the publication scheme contained within it they should contact school at [office@st-modwens.staffs.sch.uk](mailto:office@st-modwens.staffs.sch.uk)

If you require a paper version of any information set out under the FOI Publication Scheme, or want to ask whether information is available, contact the School using the details set out below.

## **6. Contact**

As outlined above, please contact [office@st-modwens.staffs.sch.uk](mailto:office@st-modwens.staffs.sch.uk) for any FOI requests.

You can also visit our website [www.st-modwens.staffs.sch.uk](http://www.st-modwens.staffs.sch.uk) . To help us process requests quickly, any correspondence should be clearly marked ‘FOI Request’.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A, telephone: 0303 123 1113, website: [www.ico.org.uk](http://www.ico.org.uk)

## **7. GDPR related Policies and Procedures**

	<b>Review Date</b>
01 Data Protection Policy	September 2024
02 Breach and Non-Compliance Policy	September 2024
03 Confidentiality Policy and Confidential Agreements	September 2024
04 CCTV Policy	September 2024
05 Workforce Acceptable use Policy	September 2024
06 Freedom of Information Policy	September 2024
07 Document and Data Retention Policy	September 2024

08 Privacy Notices: <ul style="list-style-type: none"> <li>• Pupils Data</li> <li>• School Trips</li> <li>• Staff Workforce</li> <li>• Governors</li> <li>• Job Applicants</li> <li>• PTA</li> <li>• External School Photographer</li> </ul>	September 2024
09 GDPR Workforce and Governor Training/CPD <ul style="list-style-type: none"> <li>• GDPR Guidelines for staff</li> </ul>	September 2024
10 GDPR Checks, Compliance and Audit Toolkit (GoGDPR)	September 2024
11 GDPR Subject Access Request Management and Procedures	September 2024
12 GDPR My rights a guide for data subjects	September 2024
13 GDPR Home School Communication Charter	September 2024
14 GDPR Information Security Protocol	September 2024
15 Cyber Response Plan	September 2024