



Griffin Schools Trust

Freedom of Information Policy

Date: October 2020
Next review: October 2021
Approved by: Board of Trustees



Contents

1. Introduction.....	3
2. Responsibilities.....	3
3. Requests for Information.....	3
4. Withholding Information	4
5. Payment for Requested Information	5
6. Complaints & Appeals.....	6

1. Introduction

This policy is intended to clarify the framework to be used by the Griffin Schools Trust (GST), and any school within the Trust, when managing requests for information under the Freedom of Information Act 2000 (FOIA)

To assist GST in meeting the required commitments under the FOIA model publication scheme, the Information Commissioner's Office (ICO) definition document for the governing bodies of maintained schools and other state funded schools in England has been adopted.

It is GST's intention to be as open and transparent as possible. Information included in the publication scheme is held whenever possible on the GST website. Information included in the publication scheme relating to each school within the Trust will be published on their websites whenever possible.

The FOIA does not give people access to their own personal data. If a member of the public wants to see information that a public authority holds about them, s/he should make a subject access request under the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

2. Responsibilities

The day-to-day responsibility for the provision of advice, guidance, publicity and interpretation of this policy is delegated to the Head of School.

All staff must ensure they have read this policy and understood what is expected of them when a request for information is received.

3. Requests for Information

Any person has a legal right to request information held by GST or its schools without stating why s/he want the information. S/he is entitled to be told whether GST or the school holds the information and to receive a copy, subject to certain exemptions. The Act recognises that certain information is sensitive and therefore there are exemptions in place to protect this information.

Requests for information must be made in writing, which can include email, and must include the name and address of the requester, and clearly state what specific information is being requested.

Requests made under the FOIA can be sent to any member of staff within GST headquarters or the school, however every response to a non-routine request for information will be approved by either the Executive Team or Head of School before being dispatched. The Head may wish to seek advice from GST Head Office before approving responses.

Where GST receives a request for information relating to an individual school or an individual within that school (past or present), this will be referred back to the school to investigate. The only exception to this is where the information relates to the Head or Governing Body.

Access to information can be in the form of extracts, summaries or access to an original document.

All requests for information under the FOIA should be recorded, including the outcome, any exemptions used and fees incurred, who dealt with the request, dates the request was received, information granted, reasons why any information was withheld and any other significant pieces of information.

Wilfully concealing, damaging or destroying information in order to avoid answering a request is an offence and any individual found doing this could be subject to criminal proceedings.

Requests for information should be dealt with promptly and no later than 20 school days or 60 working days (whichever is shorter) after the date of receiving the request, excluding school and bank holidays. If more time will be needed to deal with the request, this should be communicated to the person making the request.

When dealing with a request for information, the following should be considered:

- Is this a valid FOIA request for information?
- Does the school or Trust hold the information?
- Has the information requested already been made public?
- Is the request vexatious, manifestly unreasonable or repeated?
- Can the school transfer a request to another body?
- Could a third party's interest be affected by disclosure and does the information include third party information?
- Does an exemption apply?
- Does the documentation require redaction for confidentiality?
- Is a charge applicable?
- Does the estimated cost of complying exceed £450 limit?
- Can this be completed within the time limit?

Where information has previously been withheld or granted, it must not be assumed that any subsequent requests for the same information will have the same outcome. Sensitivity of information decreases with age and the impact of any disclosure will be different depending on when the request is received. Therefore, for each request, it will be necessary to consider the harm that could result at the time of the request and, while taking into account any previous exemption applications.

4. Withholding Information

Information cannot be withheld for a valid request unless one of the following applies:

- an exemption
- the information sought is not held
- the request is considered vexatious
- the request repeats a previous request for the same person
- the estimated cost of compliance exceeds the limit of £450.

Exemptions exist to protect information that should not be disclosed. Certain information is subject to either absolute or qualified exemptions. When a qualified exemption applies, the public interest test will be used to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. Details of the public interest test can be found via the following link:

https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf

Information can be automatically withheld if an exemption applies and only if the exemption is 'absolute'. Even where an absolute exemption applies, it does not mean the

information cannot be disclosed under any circumstances. It is important that a decision has been made taking into account all the facts of the case. Absolute exemptions are:

- Information accessible to the enquirer by other means
- Information dealing with security matters
- Court records
- Information subject to parliamentary privilege
- Communications with the monarch, heir to throne and second in line of succession
- Personal Data to be handled under the Data Protection Act 2018 & GDPR
- Information provided in confidence
- Where disclosure is prohibited by other legislation.

With qualified exemptions, even if it is decided that an exemption applies, there is a duty to consider the public interest in confirming or denying that the information exists and in disclosing the information. Qualified exemptions are listed here, although not all are anticipated to relate to FOI requests made to GST:

- Information intended for future publication
- Safeguarding national security
- Prejudice to defence
- Prejudice to international relations or relations within UK
- Prejudice to national economic and financial interests
- Information relating to investigations and proceedings conducted by public authorities
- Prejudice to law enforcement
- Prejudice to audit functions
- Formulation of government policy
- Prejudice to the conduct of public affairs
- Communications with certain members of the royal family
- Endangering health and safety
- Information within scope of the Environmental Information Regulations 2004
- Legal professional privilege
- Prejudice to commercial interests.

In some rare cases even confirming that information is or is not held may be sensitive. In these cases, you may be able to give a 'neither confirm nor deny' (NCND) response. For more detailed guidance refer to:

https://ico.org.uk/media/fororganisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf

When considering if an exemption to disclose the information should apply, bear in mind that the presence of confidential markings such as Restricted, Confidential and Private does not constitute an exemption and is not in itself sufficient grounds to withhold the information.

5. Payment for Requested Information

GST has the right to charge a fee for supplying any requested information. This fee will be calculated based on the guidelines provided within the FOIA.

When a decision has been made to charge for the requested information, written confirmation of the fees will be sent to the person making the request within 20 working days of receipt of their request. The time limit for complying with the request excludes the time spent waiting for the fee to be paid effectively "stopping the clock" on the period for

compliance. Once the fee is received, information must be sent out within the time remaining.

When working out the fee, the following will be taken into account:

- *The prescribed costs* (any costs reasonably incurred by the school in finding, sorting and editing material)
- *The disbursements* (any costs directly and reasonably incurred by the school e.g. printing, copying and postage) No fee will to be more than the total sum of the prescribed costs and the disbursements.

There is a maximum cost limit for complying with a request of £450. If the estimated cost of complying with the request for information exceeds this limit GST or the school are not required to comply with the request. Any cost estimate required will be prepared in accordance with the rules detailed in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

Where two or more requests are made by different people who appear to be acting together or as part of a campaign, the estimated cost of complying with any of the requests is to be the estimated total cost of complying with them all, provided that:

- the two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related
- the last of the requests is received before the sixtieth working day following the date of receipt of the first of the requests
- When it appears the requests have been made jointly in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the appropriate limit.

6. Complaints & Appeals

Any complaints will be dealt with in accordance with the GST Complaints procedure.

Following the GST Complaints procedure, subsequent appeals should be made in writing to the Information Commissioner's Office at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF