

# Freedom of Information Policy

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## **Freedom of Information Policy**

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## 1. Introduction

- 1.1 The Federation 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.

## 2. Document purpose

- 2.1 The purpose of the policy is to ensure:

- The Federation complies with its duties under the FOI Act and handles requests in the appropriate manner.
- The Federation has a system in place, which will result in proactive publication of the information it has available.
- Federation staff will be able to recognise and respond appropriately to a valid request for information.
- Any person knows they can make a request and who to contact.

## 3. What is a request under FOI

- 3.1 Any request for information from the Federation is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the Information Commissioner's Officer (ICO) has stated that day-to-day routine requests for information, which is classified as public, can be dealt with outside of the provisions of the Act.

- 3.2 In all other cases, requests for information should be referred in the first instance to the Federation's Compliance and Information Manager, who will coordinate the response depending on the nature of the request. This must be done promptly, and in any event within 3 working days of receiving the request.

**Compliance and Information Manager**  
**Harris Federation**  
**[FOI@harrisfederation.org.uk](mailto:FOI@harrisfederation.org.uk)**

- 3.3 When considering a request under FOI, Federation staff must bear in mind that a release under FOI is treated as release to the general public. Therefore, once it has been released to an individual, anyone can then access it, and future release cannot be restricted by marking the information 'Confidential' or 'Internal'.

## 4. Time limit for compliance

- 4.1 The Federation must respond as soon as possible, and in any event, within **20 school days**<sup>1</sup> of the date of receipt of the request or within **60 working days** of the date of receipt of the request, **whichever occurs first**. A 'school day' will be any day on which there is a session and pupils are in attendance. A 'working day' is any day other than a Saturday, Sunday or a day which is a bank holiday<sup>2</sup>.

## 5. Procedure for dealing with a request

- 5.1 When a request is received that cannot be dealt with by simply providing publically available information, it should be referred to the Compliance and Information Manager, who may re-allocate it to an individual with responsibility for the type of information requested.

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<sup>1</sup> Section 2 of the The Freedom of Information (Time for Compliance with Request) Regulations 2010 which varies subsections (1) and (2) of section 10 of the Freedom of Information Act 2000 in relation to time for compliance with a Freedom of Information request.

<sup>2</sup> As set out in under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

### First stage

- 5.2 The first stage in responding is to determine whether or not the Federation ‘holds’ the information requested. The Federation will hold the information if it exists in computer or paper format. Some requests will require the Federation to take information from different sources and manipulate it in some way.
- 5.3 Where this would take minimal effort, the Federation is considered to ‘hold’ that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offer the opportunity to refine their request. For example, if a request required the Federation to add up totals in a spreadsheet and release the total figures, this would be information ‘held’ by the Federation. If the Federation is required to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information ‘held’ by the Federation, depending on the time involved in extracting the information.

### Second stage

- 5.4 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:
- Section 40 (1) - the request is for the applicant’s personal data. This must be dealt with under the Subject Access Request regime in the Data Protection Act, detailed in Federation’s Data Protection Policy.
  - Section 40 (2) - compliance with the request would involve releasing third party personal data, and this would be in breach of the Data Protection Act principles as set out in the Federation’s Data Protection Policy.
  - Section 41 - information that has been sent to the Federation (but not the Federation’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 Federation intends to publish at a future date.*
  - *Section 43 - information that would prejudice the commercial interests of the Federation 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, and*
  - *Section 36 - information which, in the opinion of the Data Protection Officer (DPO), would prejudice the effective conduct of the Federation.*
- 5.5 The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, the Federation has to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

## 6. Responding to a request

- 6.1 When responding to a request where the Federation has withheld some or all of the information, the Federation must 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 also needs to be explained.

- 6.2 The letter responding to a request should end by explaining to the requestor how they can complain - either by reference to an internal review by the DPO, or by writing to the ICO detailed below:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.