



BRYN CELYNNOG

Comprehensive School

Nurturing Success

FREEDOM OF INFORMATION POLICY

**LAST APPROVED BY GOVERNORS: OCTOBER
2020**

DATE FOR REVIEW: OCTOBER 2021

BRYN CELYNNOG COMPREHENSIVE SCHOOL

FREEDOM OF INFORMATION POLICY

PHILOSOPHY

The governing body is 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.

PRINCIPLES

The school's policy is that:

- an enquirer must be informed whether the school holds that information or not, and if it does it must supply the information;
- the information must be supplied within 20 days of the request;
- the information can include personal or non-personal information, but no information relating to named individuals will be released;
- other information that the Headteacher considers to be of a sensitive nature may also be withheld. In so deciding, the Headteacher will consider whether it should be released in the public interest if in withholding the information 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.

PROCEDURES

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

- decide whether the request is a request under GDPR, Environmental Information Regulations or Freedom of Information Act;
- decide 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; and
- 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 FOI:

1. the information is not held;
2. the cost threshold of £500 is reached;
3. the request is considered vexatious or repeated, or
4. one or more of the 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 GDPR. 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 1992.

Complaints

Expressions of dissatisfaction will be handled through the school’s existing 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 as explained in the Code of Practice; and
- c. where the school intends to publish it in due course.

Advertising the Service

The school will advertise its policy on freedom of information in the Staff Handbook.

Training

Staff involved in the storage and management of the service will receive appropriate training.

PERFORMANCE

The Headteacher will monitor the policy in liaison with the Senior Management Team and will report annually to the governing body on the progress of the policy.

The Headteacher will provide information about enquiries in regular reports to the governors.