

Pike Fold Primary School

Freedom of Information Policy



Approved by:	Head Teacher	Date: February 2020
Last reviewed on:	May 2025	
Next review due by:	May 2028	

Introduction

Pike Fold Primary School is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 (FoIA) and the access provisions of the Data Protection Act 2018 (DPA) and the UK General Data Protection Legislation (UK-GDPR).

The School will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so. The underlying principle of this policy is that the public have a right to access recorded information held by the School and that the School should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

Background

The FoIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days.

The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved “publication scheme”.

In addition, individuals currently have a statutory right of access to their own “personal data” under the DPA and UK GDPR Regulations. Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA.

Please note that requests for personal information should be made under the UK-GDPR as a subject access request and not the FoIA.

The Environmental Information Regulations (EIR) provides a statutory right of access to “environmental information”, as defined in these regulations. The EIR came into force on 1st January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government’s Information Commissioners Office (ICO) enforces these three information regimes. Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the ICO, who can overturn any decision to withhold information.

For the purposes of this policy, the “public” is defined as any individual or organisation anywhere in the world and an “information request” refers to any request for recorded information made under the FoIA, EIR or DPA.

Timescales

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays. Requests for personal information are covered by Data Protection (subject access requests) should be dealt with within one calendar month. Requests for pupil education records should be dealt with within 15 school days. Please see the School’s Data Protection Policy for further information.

Delegated responsibilities

Overall responsibility for ensuring that the School meets the statutory requirements of the FoIA, EIR and DPA lies with the Governors and the Chair of Governors has overall responsibility for information management issues.

They have delegated the day-to-day responsibility of implementation to the Headteacher. The Headteacher is assisted by the School Business Manager who currently fulfils the role of 'FoI officer'.

All School staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the FoI officer where necessary.

Scope

This policy applies to all recorded information held by the School that relates to the business of the School. This includes:

- Information created and held by the School
- Information created by the School and held by another organisation on our behalf
- Information held by the School provided by third parties, where this relates to a function or business of the School (such as contractual information) and
- Information held by the School relating to Governors where the information relates to the functions or business of the School

This policy does not cover personal written communications (such as personal e-mails sent by staff).

The School's Data Protection Policy establishes the standards regarding the use of "personal data" (as defined in the DPA).

Requesting information

How to make an FOI request:

Contact Pike Fold Primary School in writing to make a Freedom of Information (FOI) request. This can be by:

- letter
- email
- fax

What to include

You should give:

- your name (not needed if requesting environmental information)
- a contact address

- a detailed description of the information you want - e.g., you might want all information held on a subject, or just a summary

You can ask for information in a particular format, e.g.:

- paper or electronic copies of information
- audio format
- large print

The School has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided.

Charges

The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Governing Body may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a charge is to be made, the School will give written notice to the applicant before supplying the information requested. The School will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.

Where the School estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. This threshold is based upon 18 x staff hours at a cost of £25 per hour. The School is not obliged to comply with such a request but may choose to do so.

Requests for access to personal data made under data protection legislation will be dealt with free of charge. However, where educational records are part of that request, a charge may be incurred. There is a sliding scale of up to £50 for copies of educational records.

Publication

Section 19 of the FoIA obliges the School to make information pro-actively available in the form of a “publication scheme”. This scheme will list categories, or “classes” of information that will routinely be made available without the need for a specific information request. The School will indicate in the scheme where it wishes to charge for providing particular categories of information. The scheme is published on the School’s website as part of this policy and can be found at Appendix 1. The School plans to review this scheme regularly. Whenever any information is provided in response to a recorded FoIA enquiry, the School will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the School’s website.

Withholding Information

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions. Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute, the information can only be withheld where the School decides that the public interest is best served by withholding the information.

Certain exemptions also contain a “prejudice test”, which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption. The School will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding.

When considering withholding information under a non-absolute exemption the School will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the School and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the School;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld.

The applicant will also be given details of the right to challenge the decision through the School’s Governing Body and the right of appeal to the Information Commissioner’s Office. Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant.

The School will also refuse to supply information under the FoIA, where the request is considered “vexatious” or “repeated” and under the EIR, where the request is considered ‘manifestly unreasonable’. Appendix 2 provides considerations for determining whether or not a request under the FoIA is vexatious.

Releasing a third party’s information

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer prior to the release of the information. The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA.

Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA. When the requested information relates to a living individual and amounts to “personal data” as defined in the DPA, its disclosure could breach the DPA. Therefore the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the “third party” provisions of the DPA.

Where appropriate, the School will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused.

The School will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party is able to give consent and
- any express refusal of consent

The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information.

Where the third party has been acting in an official, rather than private capacity, the School will be minded to disclose the information, although decisions will be made on a case by case basis.

Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the School's decision whether to release the information.

Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released.

The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the School.

As the DPA only relates to living individuals, the exemption relating to Data Protection under both the EIR and FoIA will not apply to information held about the deceased. Where the request might be controversial, the staff member will seek input from the FoI officer who will take advice from the Data Protection Officer where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 2018 will not apply.

The School will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the School to decide whether an exemption under the Act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the School to make a decision relating to where the public interest lies

Consultation will not be undertaken where:

- the School will not be disclosing the information due to some valid reason under the Act
- the School is satisfied that no exemption applies to the information and therefore cannot be withheld and
- the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure

Where input from a third party is required, the response time for the request remains the same. Therefore it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the School to comply with the statutory time limits dictated by the legislation.

The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

Information held within contracts with the School

Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation.

A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts. The School can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence.

Where the School intends to include nondisclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a “public interest” test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.

The School can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the School’s policy on the use of exemptions.

All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to an FoIA or EIR request.

Use of Information Provided

The FoIA allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the school's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.

The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.

This permission to reproduce copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept by the Business/Office Manager of the School. A summary and details of the request will be recorded along with information on what information was disclosed.

Complaints procedure

Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the school's complaints procedure and of the right of appeal to the Information Commissioner.

Any complaint received will be dealt with in accordance with the School's complaints procedure as detailed in its Complaints Policy. If the result of the complaints is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

Requests made under the UK- GDPR & Data Protection Act

Data protection law entitles an individual to his or her 'personal data', by making a subject access request under the UK-GDPR, where the information is held on an automated system, such as a computer and also manual files, where they amount to what the DPA describes as an "accessible record" or in a structured filing system, defined in the DPA as a "relevant filing system". The parental right to receive information pertaining to the "educational record" of their child should continue to be administered under the Education (Pupil Information) (England) Regulations 2005.

Whenever a request for personal data is received and is not covered by these regulations, the request will be administered in accordance with the School's Data Protection Policy.

Whenever a request is made under data protection law for personal data, the School will provide the applicant with the relevant information contained within files relating to that individual that is accessible under both data protection law and FoIA, subject to any exemptions.

Where it is not possible to remove third party information without rendering the response useless to the individual, the provision of third party information will be considered in line with this policy regarding the disclosure of third party information.

Data Protection law contains the provision for numerous types of exemption. Therefore, whenever a member of staff is considering applying an exemption, he/she will seek the opinion of the FoI officer and Data Protection officer (DPO).

Illegal actions

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.

Linked Policies

- Data Protection Policy
- Records Management Policy

Monitoring

This policy will be reviewed every 3 years or sooner should a significant change in information based legislation occur.

Appendix 1: Freedom of Information Publication Scheme

What is a Publication Scheme?

The Freedom of Information Act (2000) (FOI) requires all Public Authorities (including schools) to produce a register of the types of information it will routinely make available to the public. This publication scheme follows a template approved by the Information Commissioner.

The scheme commits our school to:

- Proactively/ routinely publish information which is held by us falling within the “Classes” below (see section 2) in line with this scheme.

- Specify the information
- Explain how it will be made available
- Review and update information on a regular basis
- Explain any fees to be charged for the information
- Make this scheme publicly available
- Publish information held by the school that has been requested (unless not appropriate to do so)
- Publish information in a digital form that is capable of being re-used (under FOI Section 19 and the Re-use of Public Sector Information Regulations (2015))
- Make clear if any information is a relevant copyright work (under FOI Section 19(8)) and the school is the only owner

2. Classes of information

There are 7 classes of information we hold (see section 6 for details):

1. Who we are and what we do.
2. What we spend and how we spend it.
3. What our priorities are and how we are doing.
4. How we make decisions.
5. Our policies and procedures.
6. Lists and registers.
7. The services we offer.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

3. Making Information Available:

Information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the school will indicate how information can be obtained by other means and provide it by those means (see Section 6).

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

4. Charging

Charges may be made for information published under this scheme. The purpose of this scheme is to make the greatest amount of information readily available at minimum inconvenience and cost to the public. Charges made by the school for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by law.

Charges may be made to cover our costs such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all circumstances (including the general principles of the right of access to information held) justified and are in accordance with a published schedule or schedules of fees which is readily available to you.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations (2015), where they apply, or with regulations made under FOI Section 11B, or with other statutory powers of the school. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

5. Written requests

Information held by the school that is not published under this scheme can be requested

6. The Scheme

Class 1 – Who we are and what we do

For example: Organisational information, staffing structures, locations and contacts. This will be current information only. This information may be available on our website or in hard copy or both.

Information to be published

Who's who in the school

Who's who on the governing body and the basis of their appointment

Instrument of Government

Contact details for the Head teacher and for the governing body (named contacts where possible with telephone number and email address (if used))

School prospectus

Annual Report
Staffing structure
School session times and term dates

Class 2 – What we spend and how we spend it

For example: Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit. Current and previous financial year as a minimum. This information may be available on our website or in hard copy or both.

Information to be published

Annual budget plan and financial statements
Capitalised funding
Additional funding
Procurement and projects
Pay policy
Staffing and grading structure
Governors' allowances

Class 3 – What our priorities are and how we are doing

For example: Strategies and plans, performance indicators, audits, inspections and reviews). Current information as a minimum. This information may be available on our website or in hard copy or both.

Information to be published

School profile:

- Government supplied performance data
- The latest Ofsted report:
 - Summary
 - Full report

Performance management policy and procedures adopted by the governing body.

Schools future plans

Class 4 – How we make decisions

For example: Decision making processes and records of decisions. Current and previous three years as a minimum. This information may be available on our website or in hard copy or both.

Information to be published

Admissions policy/decisions (not individual admission decisions)

Agendas of meetings of the governing body and (if held) its sub-committees

Minutes of meetings (as above) – this will exclude information that is properly regarded as private to the meetings.

Class 5 – Our policies and procedures

For example: Current written protocols, policies and procedures for delivering our services and responsibilities. Current information only. This information may be available on our website or in hard copy or both.

Information to be published

School policies including:

- Charging and remissions policy
- Health and Safety
- Complaints procedure
- Staff conduct policy
- Discipline and grievance policies
- Staffing structure implementation plan
- Information request handling policy
- Equality and diversity (including equal opportunities) policies
- Staff recruitment policies

Pupil and curriculum policies, including:

- Home-school agreement
- Curriculum
- Sex education
- Special educational needs
- Accessibility
- Race equality
- Collective worship
- Careers education
- Behaviour Policy

Records management and personal data policies, including:

- Information security policies
- Records management policies
- Data protection (including information sharing policies)

Charging regimes and policies:

This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.

Class 6 – Lists and Registers

For example: Currently maintained lists and registers only. This information may be available on our website or in hard copy or both. Please note some information may only be available by inspection.

Information to be published

Curriculum circulars and statutory instruments

Disclosure logs

Asset register

Any information the school is currently legally required to hold in publicly available registers
(This does not include the attendance register)

Class 7 – The services we offer

For example: Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses. Current information only. This information may be available on our website or in hard copy or both. Please note some information may only be available by inspection.

Information to be published

Extra-curricular activities

Out of school clubs

School publications

Services for which the school is entitled to recover a fee, together with those fees

Leaflets books and newsletters

How to get a copy & Costs

Where information is available on our website it is free of charge.
Where information is not available on our website but forms part of our Publication Scheme it is free of charge
Where information is available on our website, but you have requested a hard copy a charge can be made to cover costs, please see Charging Schedule below.

7. Schedule of Charges

This describes how the charges have been arrived at and should be published as part of the guide.

DESCRIPTION
Photocopying/printing @ 10p per sheet (black & white)
Photocopying/printing @ 15p per sheet (colour)
Postage – applied at cost of Royal Mail standard 2 nd class post.

Appendix 2: Identifying Vexatious Requests

The school follow guidance from the Information Commissioners Office (ICO) if there are any concerns that a request for information under the FOIA is vexatious in nature. This guidance provides a number of features that may help to determine if a request is vexatious or not:

This list is not definitive and provides some common elements that may help to identify a vexatious request; it is important to consider the circumstances surrounding the request before making any judgements.

1. The tone or content of the request contains threatening or abusive language towards the school or its staff members.
2. The request is intended to cause a burden on the school.
3. The requester has questionable motives; there is a personal grudge against the school or staff member.
4. The request is repetitive in nature; the requester sends frequent requests about similar things over and over again in a short space of time.
5. The request contains accusations against the school or employees.
6. There is no clear intent to obtain the information; the requester is submitting the request to cause annoyance to the school.
7. The requester persistently continues to submit correspondence to the school about issues that have been closed.
8. The requester is abusing their FOI rights to express anger at a particular decision the school has made.

9. The request is disproportionate in nature; the school would have to exhaust a incomprehensible amount of resources to fulfil the request.
10. The requester refuses to engage with the school on reasonable attempts to make complex requests more specific and workable.

Any concerns that a request is vexatious should be documented along with the reasoning and decision-making process for accountability purposes; any evidence and correspondence with the requester must be logged.