

RLT Freedom of Information (FOI) Policy

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Related Policies:	Data Protection Policy Information Security Policy Records Retention Policy Data Breach Policy Subject Access Request (SAR) Policy Safeguarding & Child Protection Policy Acceptable Use Policy (Staff and Pupils) Online Safety Policy CCTV Policy Complaints Policy
Minor Revisions:	
Major changes	
Full re-write	This policy is new. It is an overarching RLT policy that ensures that our schools are compliant with all relevant related policies and current legislation. All processes will sit at school level.

1. Purpose

The purpose of this policy is to define how the Rowan Learning Trust (RLT) fulfils its statutory duties under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). RLT is committed to operating as a transparent, accountable public authority that proactively enables access to information unless a lawful exemption applies.

This policy establishes the Trust's standards for:

- Lawful and consistent handling of FOIA/EIR requests, ensuring compliance with statutory timescales, duties, and exemptions
- Proactive publication of information through the adoption and implementation of the ICO's Model Publication Scheme, including a clear and accessible Guide to Information
- Robust internal governance, ensuring FOI compliance is embedded across all Trust schools and central functions
- High-quality decision-making, ensuring public interest considerations, exemptions and refusals are applied lawfully and consistently across the organisation
- Ensuring that FOI does not compromise data protection, safeguarding, commercial interests, or statutory confidentiality obligations

RLT's approach goes beyond minimum compliance. As a multi-academy trust operating within a complex information environment, RLT sets expectations that exceed sector norms in order to uphold public confidence and ensure the highest standards of information governance.

2. Scope

This policy applies to all requests for recorded information held by RLT, whether created, received or maintained by:

- The Trust Board
- Central Trust staff and functions
- All RLT academies and local governance layers
- Staff, contractors or volunteers acting on behalf of the Trust

It applies to information held in any format, including digital records, emails, paper files, audio, CCTV recordings, and archived or stored materials.

This policy does not apply to:

- Requests for personal data (handled under the UK GDPR/Data Protection Act 2018 as Subject Access Requests)
- Requests for the education record under the Education (Pupil Information) Regulations (a separate statutory regime)
- Routine operational correspondence that does not constitute a request for recorded information

All RLT personnel must recognise that any written request for information may constitute a valid FOIA/EIR request and must be handled in accordance with this policy.

3. Legal and Regulatory Framework

RLT's FOI compliance framework is grounded in primary legislation, statutory instruments, and mandatory guidance issued by the Information Commissioner's Office (ICO). The Trust requires all FOI decisions to be compliant with the following: Freedom of Information Act 2000

Key sections include:

- Section 1 – General right of access
- Section 8 – Requirements for a valid request
- Section 10 – Time for compliance
- Section 11 – Means of communication
- Section 12 – Cost limit (appropriate limit)
- Section 14 – Vexatious and repeated requests
- Section 16 – Duty to advise and assist
- Section 17 – Refusal notices
- Part II – Exemptions, including:
 - Section 21 – Information accessible by other means
 - Section 22 – Intended for future publication
 - Section 22A – Research information
 - Section 36 – Prejudice to effective conduct of public affairs
 - Section 38 – Health and safety
 - Section 40 – Personal information
 - Section 41 – Information provided in confidence
 - Section 43 – Commercial interest
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The Trust will consider DUAA statutory disclosure gateways and recognised legitimate interests where applicable in determining lawful disclosure or withholding of information.

Time for Compliance Regulations (Education Sector)

- Maintained schools: 20 school days or 60 working days, whichever is sooner
- Academies and MATs: identical timescales under the 2010 Regulations

Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

- £450 cost limit for schools/MATs
- Costs calculated at £25/hour
- Only four tasks count toward the limit:
 - Determining whether information is held
 - Locating information
 - Retrieving information

➤ Extracting information

- Aggregation rules apply for requests from the same requester (or those acting in concert) within 60 working days

Environmental Information Regulations 2004 (EIR)

- 20 working days standard response time
- 40 working days permitted for complex or voluminous environmental requests
- A separate, narrower set of lawful exceptions
- A presumption in favour of disclosure

ICO Statutory and Regulatory Guidance - RLT adheres to the ICO's detailed guidance on:

- Time limits and permitted variations
- Charging and cost limits
- Section 14 vexatious and repeated requests
- Section 16 duty to advise and assist
- Section 11 means of communication
- The FOI exemptions framework
- The Model Publication Scheme and Guide to Information
- The Trust will manage, retain and dispose of information in line with the Section 46 Code of Practice, which sets mandatory standards for record creation, retention, retrieval, classification and disposal for public authorities

RLT requires all decision-makers to work within this framework to ensure legally sound, defensible FOI outcomes.

4. Valid FOI Requests (Section 8 FOIA)

RLT will recognise and process a request as valid under FOIA where it:

- Is made in writing, including email, social media messages, or any legible electronic format
- States the name of the requester (pseudonyms are not acceptable)
- Provides a correspondence address (including email)
- Describes the information requested in a reasonably clear way

If a request is unclear, ambiguous, or excessively broad, RLT will:

- Request clarification under section 1 (3)
- Provide reasonable assistance under section 16 to enable the requester to refine the scope
- Pause the statutory clock until sufficient clarification is received

The Trust applies a generous and transparent interpretation of what constitutes a request for recorded information to ensure the public's right of access is upheld.

5. Time for Compliance

RLT will always aim to respond promptly, and in any event:

- Within 20 school days or 60 working days (whichever is sooner) for requests under FOIA to academies and maintained schools
- Within 20 working days for requests under EIR
- With the option to extend to 40 working days for complex or voluminous EIR requests

Additional requirements:

- If RLT issues a fees notice, the response time is suspended until the requester pays the required fee
- Where a qualified exemption is being considered, RLT may take a reasonable additional period to conduct the public interest test, but must still issue a section 17 refusal notice within standard timescales
- "Date of receipt" is when the request first arrives at any RLT school or central inbox—not when it is opened
- School closure periods do not stop the FOIA clock (except where the Regulations specifically allow)

RLT's internal monitoring systems ensure that statutory deadlines are always met or exceeded.

6. Publication Scheme (ICO Model)

RLT formally adopts the ICO's Model Publication Scheme, which requires proactive publication of key classes of information. The Trust:

- Maintains an up-to-date Guide to Information, setting out what we publish, where it can be accessed, and any associated charges
- Ensures all academies present this information consistently and accessibly on their websites
- Reviews published information at least annually to ensure continued compliance
- Ensures that publication does not breach copyright, confidentiality, or data protection legislation

Failure to adopt or maintain the model publication scheme constitutes a breach of FOIA; therefore, RLT maintains central oversight of compliance across all its schools.

7. Means of Communicating Information (Section 11 FOIA)

Where reasonably practicable, RLT will comply with a requester's expressed preference regarding how information is communicated, including:

- Providing a copy (paper or electronic)
- Allowing inspection of materials
- Providing a digest or summary (either existing or, where appropriate, newly created)

Where it is not reasonably practicable to comply with the preferred means, the Trust will:

- Explain clearly why the preference cannot be met
- Provide the information through another reasonable and accessible method
- Ensure alternative formats are considered in line with Equality Act duties

8. Duty to Advise and Assist (Section 16 FOIA)

RLT is committed to providing high-quality, reasonable advice and assistance to requesters. This includes:

- Helping requesters to refine or narrow overly broad requests
- Advising where information may already exist in the public domain
- Providing guidance on how to structure a request to fall within the cost limit
- Ensuring applicants are informed promptly and clearly where clarification is required

All staff must adopt a constructive and supportive approach to requests, ensuring the public is helped—not hindered—in exercising their right of access.

9. Charging and Cost Limits

Standard Charges

RLT may recover reasonable communication costs such as:

- Printing and photocopying
- Postage
- Reasonable disbursements

The Trust does not charge for staff time for requests below the statutory cost limit.

Appropriate Limit (Section 12 FOIA)

RLT may refuse a request where the estimated cost of compliance exceeds £450, calculated at £25 per hour for:

- Determining whether the information is held
- Locating information
- Retrieving information
- Extracting information from documents

Aggregation

RLT may aggregate requests from the same requester (or those acting together) within 60 working days where they request the same or similar information. Where a request exceeds the cost limit, RLT may:

- Refuse the request; or
- Offer to supply the information and recover the full reasonable costs, issuing a lawful fees notice

10. Exemptions and the Public Interest Test

RLT will only withhold information where a lawful exemption applies. Common exemptions within education settings include:

- Section 21 – Information accessible by other means
- Section 22 – Intended for future publication
- Section 22A – Research information
- Section 36 – Prejudice to effective conduct of public affairs
- Section 38 – Health and safety
- Section 40 – Personal data (UK GDPR applies)
- Section 41 – Information provided in confidence
- Section 43 – Commercial interests

Environmental information falling under Section 39 is processed under EIR instead of FOIA. For qualified exemptions, RLT will undertake a documented public interest test, balancing:

- The public interest in disclosure against
- The public interest in maintaining the exemption

The presumption is always in favour of disclosure unless harm outweighs benefit.

Requests involving safeguarding information will be considered with reference to KCSiE latest version, the Education Act 2002 s.175 and UK GDPR. Exemptions under sections 40, 38 and 41 FOIA will be applied where disclosure would compromise child protection, confidentiality or safety.

11. Vexatious and Repeated Requests (Section 14 FOIA)

RLT may refuse requests that are:

- Vexatious, meaning they would cause a disproportionate, unjustified level of burden, disruption or distress
- Repeated, where the same requester submits substantially similar requests without reasonable interval

In assessing vexatiousness, RLT will consider:

- The context and history of previous interactions
- The burden on staff and resources
- Evidence of unreasonable persistence
- Intent to disrupt, harass or cause harm

RLT applies the ICO's detailed guidance and relevant case law to ensure decisions are lawful, fair, and proportionate.

12. Refusal Notices (Section 17 FOIA)

Where RLT refuses a request in whole or in part, the Trust will issue a written section 17 refusal notice, which includes:

- The exemption(s) relied upon
- The reason the exemption applies, including the public interest test outcome for qualified exemptions
- Details of the requester's right to seek an internal review
- Guidance on escalating complaints to the Information Commissioner's Office

All refusal notices must be clear, reasoned, and defensible.

13. Environmental Information Regulations (EIR): Key Differences

For environmental information, RLT applies the EIR framework, which includes:

- A duty to respond as soon as possible, and within 20 working days
- The option to extend to 40 working days for complex or voluminous requests
- A presumption in favour of disclosure
- A distinct set of exceptions (similar to FOI exemptions but generally narrower)
- A mandatory requirement to apply the public interest test to *all* exceptions

EIR decisions must be clear, consistent, and supported by evidence.

14. Governance and Accountability

To ensure best-in-sector compliance, RLT operates a rigorous governance model:

Trust Board

- Holds ultimate accountability for FOI/EIR compliance across all academies

Accounting Officer / CEO

- Ensures that the organisation is properly resourced and that compliance culture is embedded throughout

Senior Responsible Owner (SRO) / SIRO

- Oversees information risk and compliance with FOI legislation

Policy Owner (Director of Risk & Compliance or equivalent)

- Maintains this policy, monitors adherence, and ensures harmonised implementation across schools

Local School Leaders and Governance Leads

- Ensure prompt identification, logging, and escalation of requests

All Staff

- Must recognise and forward any FOI/EIR request immediately

Operational workflows, mailbox management, escalation procedures, triage, and decision-making steps are detailed separately in the RLT FOI Standard Operating Procedure (SOP).

15. Review Cycle

This policy is reviewed:

- Annually, as part of RLT's policy assurance cycle;
- Immediately, where prompted by:
 - Changes in legislation
 - Updated ICO guidance
 - Case law developments
 - Organisational or operational changes affecting compliance

RLT is committed to continuous improvement and will strengthen FOI processes proactively, not reactively.