NON-STATUTORY

Freedom of Information Policy and Publication Scheme

Introduction

The Freedom of Information Act 2000 ('the Act') gives individuals the right to access official information from public bodies. The School is a public authority for the purposes of the Act.

Under the Act, any person has a legal right to ask for access to information held by the School. They are entitled to be told whether the School holds the information and to receive a copy, subject to certain exemptions. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

Public authorities should be clear and proactive about the information they will make public. For this reason, a publication scheme is available and can be found at section 2 of this policy.

This policy does not form part of any individual's terms and conditions of employment with the School and is not intended to have contractual effect. This policy should be used in conjunction with the School's Data Protection Policy.

Section 1 – Freedom of Information Requests

Requests under Freedom of Information should be made to the GDPR Lead at GDPR@oakgreen.bucks.sch.uk. However, the request can be addressed to anyone in the School. All staff need to be aware of the process for dealing with requests so it can be forwarded to the appropriate person as soon as possible.

Requests for information that are not data protection or environmental information requests will be covered by the Freedom of Information Act.

Data protection enquiries (or Subject Access Requests/SARs) are requests where the enquirer asks to see what personal information the School holds about the enquirer. If the enquiry is a data protection request, the School's Data Protection Policy should be followed.

Environmental Information Regulations enquiries are those which relate to air, water, land, natural sites, built environment, flora and fauna, health and any decisions and activities affecting any of these. These could, therefore, include enquiries about recycling, phone masts, playing fields, car parking etc. If the enquiry is about environmental information, the School will follow guidance from the ICO.

Freedom of Information requests *must* be made in writing (including email) and should include the enquirer's name, correspondence address (email addresses are allowed) and state what information they require. There must be enough information in the request to be able to identify and locate the

information. If this information is covered by one of the other pieces of legislation (as referred to above), they will be dealt with under the relevant policy/procedure related to that request.

If the request is ambiguous and/or the School requires further information in order to deal with your request, the School will request this further information directly from the individual making the request. Please note that the School do not have to deal with the request until the further information is received. Therefore, the time limit starts from the date that the School receives all information required in order to deal with the request.

The requester does not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held and supplying any information that is held, except where exemptions apply. There is a time limit of 20 school days (i.e., excluding school holidays) for responding to the request.

Information

Provided all requirements are met for a valid request to be made, the School will provide the information that it holds (unless an exemption applies).

Holding information means information relating to the business of the School:

- That the School has created; or
- That the School has received from another body or person; or
- Held by another body on the School's behalf.

Information means both hard copy and digital information, including email.

If the information is held by another public authority (for example, the Local Authority), check whether they hold the information and if so, transfer the request to them. If this applies, the School will notify the enquirer that they do not hold the information and to whom they have transferred the request. The School will continue to answer any parts of the enquiry in respect of information it does hold.

When the School does not hold the information, it has *no duty to create or acquire it* just to answer the enquiry; although a reasonable search will be made before confirming whether the School has the information requested.

If the information requested is already in the public domain, for instance, through the Publication Scheme or on the School's website, the School will direct the enquirer to the information and explain how to access it.

The requester has the right to be told if the information requested is held by the School (subject to any of the exemptions). This obligation is known as the School's *duty to confirm or deny* that it holds the information. However, the School may refuse to confirm or deny whether it holds the requested information where a relevant exemption under the Act applies and that exemption includes provision for neither confirming nor denying that the information is held.

Vexatious Requests

There is no obligation on the School to comply with vexatious requests. A vexatious request is one which is designed to cause inconvenience, harassment or expense rather than to obtain information and would require a substantial diversion of resources or would otherwise undermine the work of the School. However, this does not provide an excuse for bad records management.

In addition, the School does not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

Fees

The School may charge the requester a fee for providing the requested information. This will be dependent on whether the staffing costs in complying with the request exceeds the threshold. The threshold is currently £450 with staff costs calculated at a fixed rate of £25 per hour (therefore 18 hours' work is required before the threshold is reached).

If a request would cost less than the threshold, then the School can only charge for the cost of informing the applicant whether the information is held and communicating the information to the applicant (e.g., photocopying, printing and postage costs).

When calculating costs/threshold, the School can take account of the staff costs/time in determining whether the information is held by the School, locating and retrieving the information and extracting the information from other documents. The School will not take account of the costs involved with considering whether information is exempt under the Act.

If a request would cost more than the appropriate limit (£450), the School can turn the request down, answer and charge a fee or answer and waive the fee.

If the School is going to charge, a 'fees notice' will be sent to the enquirer. The School does not have to comply with the request until the fee has been paid. More details on fees can be found on the Information Commissioner's Office (ICO) website.

If planning to turn down a request for cost reasons or charge a high fee, the School will contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.

Where two or more requests are made to the School 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 may be taken to be the estimated total cost of complying with them all.

Time Limits

Compliance with a request must be prompt and within the time limit of 20 "school days" (this does not include the school holidays or weekends) or no longer than 60 working days (if shorter).

'School' days is defined by the ICO as any day on which there is a session, and the pupils are in attendance. Failure to comply could result in a complaint by the requester to the ICO. The response time starts counting as the first day from the next working day after the request is received (so if a request was received on Monday 6th October the time limit would start from the next working day, the 7th October).

Where the School (or an Academy acting on its behalf) has asked the enquirer for more information to enable it to answer, the time limit begins when this further information has been received.

If some information is exempt, this will be detailed in the School's response.

If a qualified exemption applies and the School needs more time to consider the public interest test, a response will be provided before the statutory deadline stating that an exemption applies, including an estimate of the date by which a decision on the public interest test will be made; this should be within a "reasonable" time.

Where the School has notified the enquirer that a charge is to be made, the time period stops until payment is received.

Third Party Data

Consultation of third parties may be required if their interests could be affected by release of the information requested and any such consultation may influence the decision.

Consultation will be necessary where:

- Disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- The views of the third party may assist the School to determine if information is exempt from disclosure; or
- The views of the third party may assist the School to determine the public interest test.

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act. If a request is made for a document (e.g., School Board minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure.

Exemptions

The presumption of the Act is that the School will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

The School may not provide all requested information if one of the following applies: -

1) There is an exemption to disclosure within the Act;
2) The information sought is not held;
3) The request is considered vexatious or repeated; or
4) The cost of compliance exceeds the threshold.

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are specialised in their application (such as national security) and would not usually be relevant to requests received by the School.

There are two general categories of exemptions:-

1) *Absolute*: where an exemption applies and there is no requirement to consider the public interest in maintaining the exemption. Some absolute exemptions also remove the duty to confirm or deny whether information is held.

2) *Qualified*: where an exemption applies but the School must carry out a public interest test to decide whether the information should nevertheless be disclosed.

Absolute Exemptions

The Act contains a number of absolute exemptions. Where an absolute exemption applies, there is no requirement to carry out a public interest test. Some absolute exemptions also remove the duty to confirm or deny whether the information is held.

The absolute exemptions most likely to be relevant to the School include:

- Information accessible to the applicant by other means (for example, information available bia the School's publication scheme or website);
- Court records;
- Personal information, where disclosure would contravene data protection legislation;
- Information provided in confidence, where disclosure would constitute an actionable breach of confidence.

Where an absolute exemption applies, the School is not required to disclose the information under the Act. However, the School may decide to disclose information voluntarily where it is lawful and appropriate to do so, taking into account all the circumstances of the case.

Qualified Exemptions

Where a qualified exemption applies, the School must carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure. In some cases, the public interest test will also apply to the decision whether to confirm or deny that the information is held.

The qualified exemptions most likely to be relevant to the School include:

- Information intended for future publication, where it is reasonable for the applicant to wait until publication;
- National security;

- Legal proceedings, where disclosure would prejudice actual or contemplated legal proceedings or investigations;
- Law enforcement, where disclosure would prejudice the prevention or detection of crime, the prosecution of offenders, or the administration of justice;
- Audit functions, where disclosure would prejudice the effective conduct of an audit;
- Health and safety , where disclosure would endanger the physical or mental health or safety of any individual;
- Legal professional privilege;
- Commercial interests, where disclosure would prejudice the School's commercial interests or those of another party.

Where a qualified exemption is relied upon, the School will document its consideration of the public interest test and ensure that any refusal clearly explains the reasons for the decision.

Refusal

If it is decided to refuse a request, the School will send a refusals notice, which must contain:

- The fact that the responsible person cannot provide the information asked for;
- Which exemption(s) apply;
- Why the exemption(s) apply to this enquiry (if it is not self-evident);
- Reasons for refusal; and
- The School's complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the ICO, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld, and exemptions are claimed. The record must include the reasons for the decision to withhold the information.

Decisions to refuse requests must be approved by the School FOI Lead. The School will get advice from their Data Protection Officer (DPO) prior to withholding data under an exemption or refusing the request in its entirety.

Section 2 – Freedom of Information Publication Scheme

This publication scheme follows the model approved by the Information Commissioner's Office (ICO).

This scheme is not a list of individual publications but rather a description of the classes of information that the School is committed to publishing. This is not an exhaustive list of all the types of information that we publish. We try to proactively publish as much information as we can where the information would have a wider public interest.

This scheme applies to the School and all Academies within the School. Where information is Academy-specific, it may be published by the relevant Academy in accordance with this scheme.

This scheme does not include information that we consider to be sensitive, such as personal information, information prevented from disclosure by law or information about security matters.

Making Information Available

Information will generally be made available on the School's website and/or Academy websites. Where it is not possible to include this information on a website, the School or relevant Academy will indicate how information can be obtained by other means and provide it accordingly.

In some exceptional circumstances, some information may be available only by reviewing in person. Where this manner is specified, contact details will be provided and 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.

Charges for Information Published Under This Scheme

The School may charge individuals for information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at the 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 the 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:

- Photocopying;
- Postage and packaging; and
- The costs directly incurred as a result of viewing information.

Any charges will be communicated in advance.

How to Request Information

If you require a paper version of any of the documents within the scheme, please contact the School using the contact details below.

Telephone: 01296 423895

Email: gdpr@oakgreen.bucks.sch.uk

Address: Oak Green School, Oak Green, Aylesbury, HP21 8LJ

Please mark all correspondence *Publication Scheme Request* in order to help us process your request quickly. If the information you are looking for isn't available via the scheme, you can still contact the School to ask if we have this information.

Classes of Information

Who We Are and What We Do	**Description**	**How Published**
School governance structure	An overview of how the School is structured, including Members, Committees and executive leadership.	School website
Details of Members	Names of Members and their roles (excluding personal contact details)	School website
Executive leadership information	Names and job titles of the Head Teachers and senior leaders	School website

School contact details	Registered office address and general contact details (email/telephone)	School website
School charitable status	Confirmation that the School is regulated by the Department for Education.	School website]

What Our Priorities Are and How We Are Doing	**Description**	**How Published**
School vision and values	Statement setting out the School's mission and values and ethos	School website
Ofsted inspection reports	Most recent Ofsted reports	Link to Ofsted website
Performance information	High-level performance data or links to published performance tables	School Website or DfE link

How We Make Decisions	**Description**	**How Published**
Governance framework	Overview of governance arrangements and committee structures	School website
Committee terms of reference	Terms of reference for School Board committees	School website

Our policies and procedures	**Description**	**How Published**

Safeguarding and child protection policy	School safeguarding policy(ies)	School website
Complaints policy	School-wide complaints procedure	School website
Freedom of Information Policy	Policy explaining how FOI requests are handled	School website
Data Protection Policy	Policy setting out how personal data is handled	School website
Privacy notices	Privacy notices explaining to relevant stakeholders in clear terms how their personal data is handled	School website
Behaviour and exclusion policies	Behaviour-related polices (these may be Academy-level policies)	School website
SEND policies	Policy explaining SEND provisions and SEN Information Report	School website
Whistleblowing policy	Policy explaining how concerns can be raised	School website

Lists and Registers	**Description**	**How Published**
Register of interests	Register of Governors' business and pecuniary interests	School website
Curriculum information	Curriculum details for the school	School website

The services we offer	**Description**	**How Published**
Curriculum provision	Subjects and curriculum offered by Academies	School
Admissions arrangements	Admissions policies and arrangements	School
SEND provision	Information about SENS support and services	School website
Pastoral support	Overview of pupil wellbeing and pastoral support	School website

Extra-curricular activities	Information about clubs, trips and enrichment	School website
Charging and remissions	Policy explaining charges for activities	School/Academy website

Section 3 - Internal Review

The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request. Wherever practicable the review should be handled by someone not involved in the original decision.

Internal review requests should be made within 40 working days of the initial response. This deadline should be communicated to the requester in that response. We are not obliged to provide a review if it is requested after more than 40 working days.

Requests for internal review must make clear why they are dissatisfied with the original decision, detailing why they believe that the School has not complied with the Act

The School will aim to complete internal reviews within 20 working days, and in exceptional circumstances within 40 working days, in line with ICO guidance.

If the requester remains dissatisfied following the outcome of the internal review, they have the right to complaint to the ICO. Complaints to the ICO can be made via the ICO's website or in writing to:

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