



Freedom of Information Policy

What is the Freedom of Information Act?

The Freedom of Information Act (2000) is a piece of legislation that gives anyone, anywhere in the world, the right to request access to information held by a public authority in this country. "Public Authority" is defined within the Act and each Local Authority maintained school is considered an individual public authority for the purposes of this piece of legislation and the obligation it creates.

The right under the Act is two-fold:

1. The right to know whether a public authority holds the information requested (the duty to confirm or deny), and
2. The right to have access to the information requested.

Both rights are subject to exemptions contained within the Act - see below:

Background

Sudbourne Primary School is committed to complying with and implementing the provisions of the Freedom of Information Act (2000) and related legislation. This provides a general entitlement to any person to be able to access information held by school, subject to exemptions and conditions laid down by law.

Scope

This policy applies to all information held by school regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically. The Act's powers are fully retrospective and thus information is accessible no matter how old it may be. Similarly, information in draft form will also be accessible under the Act.

Relationship with the Data Protection Act (1998)

Sudbourne School is under a legal duty to protect personal data under the Data Protection Act (1998). Requests for access to personal information will be handled in line with access rights under the Data Protection Act and not the Freedom of Information. We will carefully consider our responsibilities under this Act before releasing personal information about living individuals, including current and former employees and pupils. For further information please refer to the Sudbourne School Data Protection Guide.

How to make a Freedom of Information Act Request

- A Freedom of Information request must be made in permanent form (e.g. in writing, by fax or email).
- It must describe the information requested.
- It must include the name and address (or email address) of the applicant.
- There is no need for requests to indicate that they are made under the Act and all requests will be dealt with under this policy

Dealing with Requests

Sudbourne School will offer advice and assistance to anybody wishing to make a request for information. We are committed to dealing with requests within statutory guidelines, which means that a response will be made no more than 20 working days from the date of request and more speedily if possible. This will be extended in specific circumstances on legal advice in connection with the public interest test. However, Sudbourne School is committed to providing a prompt service and every attempt will be made to provide the information earlier than the expiry of the 20 working day period.

Exemptions

Sudbourne School will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny and the public interest. Should the decision be taken to withhold information in reliance of one or more of the Act's exemptions (see below), Sudbourne School will notify the applicant of this fact within 20 working days from receipt of the request. Such notification will include:

- Which exemption(s) apply
- Why the exemption(s) apply

What are the exemptions that enable the school to withhold information legitimately?

There are a number of exemptions contained within the Act, some of these exemptions are "absolute" and some are "qualified."

If a qualified exemption applies to the request, Sudbourne School will apply a "public interest test" before relying on the exemption. The "public interest test" means that Sudbourne School is required to consider the public interest in the disclosure of the information, against the public interest in maintaining the exemption in the particular circumstances of the case.

Listed below are the exemptions that may apply to information held by your school.

Absolute exemptions

- Section 21 Information accessible to the applicant by another means (e.g. information already in the public domain).
- Section 40(2) Personal Data (where disclosure to the applicant would breach the Data Protection Act 1998).
- Section 41 Information provided in confidence (where disclosure would result in an actionable breach of confidence).
- Section 44 prohibitions on disclosure (where disclosure is prohibited under another enactment or would be punishable as a contempt of court).

Qualified exemptions

- Section 22 Information intended for future publication.
- Section 38 Health and Safety (where disclosure would endanger the physical or mental health or safety of any individual).
- Section 42 - Legally professionally privileged information (communications to or from lawyers for the purposes of asking for or receiving legal advice).
- Section 43 Commercial interest (where disclosure of the information in question would prejudice the commercial interests of any party).

Other exemptions

- Section 12 where the cost of compliance exceeds the appropriate limit (i.e. it costs more than £450 or takes more than 2 and a half days to collate the information requested).
- Section 14 where the request is consider Vexatious or is a repeated request

Sudbourne School recognises that requests for environmental information may be made over the telephone and that different exemptions apply.

Responsibilities

Sudbourne School has a responsibility to make information available in accordance with the Freedom of Information Act. Responsibility for compliance with this and related policies will rest with the Governing Body who will delegate those responsibilities to the Head Teacher. Complaints regarding the use of this policy should be directed to the Governing Body in accordance with the school's Complaints Procedure.

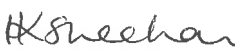
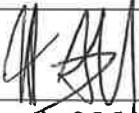
All school staff have a responsibility to ensure that any request for information they receive is dealt with under the Act and in compliance with this policy. They are also responsible for good information handling practice and for implementing records management policies and procedures as appropriate to their post.

Contact Details

For advice and assistance please contact Milan Stevanovic, Head Teacher, c/o Sudbourne Primary School, Hayter Road, London SW2 5AP.

Further advice and information about the Freedom of Information Act, including full details of exemptions and advice on the public interest test, is available from the Information Commissioner's website at www.informationcommissioner.gov.uk

Reviewed March 2016

Date Ratified by Full Governing Body:	16 th March 2016
Approved by Chair of Governing Body	
Approved by Headteacher:	
Review Date:	March 2021