



## **Kington St Michael CE Primary School Freedom of Information Policy**

### **Statement of objectives**

Kington St Michael CE Primary School supports the Freedom of Information Act 2000 and its objectives of openness and accountability in the public sector. The purpose of this policy is to assist employees in meeting the requirements of the Freedom of Information Act. This policy will be reviewed by the Governing Body every two years.

### **The Freedom of Information Act – a summary**

The Freedom of Information Act 2000 gives the public a statutory right to access the majority of records held by public authorities. In doing so it aims to make public authorities more accountable and bring about a change in the provision of information to the public from need to know to right to know.

### **The Right of Access**

The Act gives any individual (or organisation) the right to request information held by the school. Provided the request is made in writing, the school must either confirm or deny whether or not information of the description sought is held. The school must also provide applicants with such advice and assistance as may reasonably be expected.

### **The Publication Scheme**

The school is required by the Act to operate a publication scheme. This is a guide to information that the school publishes or intends to publish routinely. It is intended that information will be made accessible unless there is a valid justification for not doing so. Effective implementation of the publication scheme will lead to fewer resources being required to fulfil access requests made under the Act. The publication scheme is available from the school office and will be reviewed annually.

### **Applicable Fees**

Where information is published in hard copy there may be a charge. Information available on the school's website will generally be free, although a charge may be made for printing. Charges may be levied for both the material costs (paper, printing, etc.) and staff time involved in responding to requests. The calculation of these fees will be based upon the published advice of the Department for Constitutional Affairs. The school undertakes to inform the applicant of the likely cost within a reasonable time. Requests will be deemed to have expired after three months of notification of the charges if no payment is forthcoming.

### **Timescale**

The school will endeavour to provide the information requested within the statutory time limit of 20 working days. Where a fee is required, the information will be provided within 20 working days of the receipt of the request (excluding any time period between the notification to the applicant of any fees and the receipt by the school of those fees). In the event that operational reasons make compliance with the 20 working day time limit impossible, the applicant will be contacted, offering them as much information as possible and giving a timeframe for the provision of the outstanding information.

## **The Provision of Information**

The school will provide advice and assistance where appropriate. In complying with the legislation, the school may provide the information contained in its records in a different format to the one in which it is held. The school will provide information in different formats where this will increase access to the information provided that the costs of doing so are within reason.

## **Complaints and Appeals**

Should access to information be refused, the applicant may appeal in accordance with the school's complaints policy. Applicants have a further right of appeal to the Information Commissioner. The school will work together with the Office of the Information Commissioner to resolve such appeals.

## **Records Management**

Compliance with the Act requires effective records management. The school has adopted a records retention policy to ensure that this takes place.

## **Responsibility for Locating and Accessing Information**

The school's Administration Officer will be responsible for dealing with all requests under this policy. **It is a criminal offence to alter, deface, block, erase, destroy or conceal information to prevent disclosure.**

## **Applying the Exemptions**

When responding to a request, the intention will always be to provide as much information as possible. Where either an absolute exemption (See Appendix A) or a qualified exemption (See Appendix B) apply, the school will endeavour to still provide as much information as possible, either through editing out the exempt information or suggesting alternative sources of information.

## **Vexatious or Repeated Requests**

The school is not obliged to respond to vexatious or repeated requests. Requests that are judged to be vexatious or repetitive in nature will be answered by the Headteacher or Chair of Governors as deemed appropriate. Applicants have the right to appeal against such judgements through the school's complaints procedure.

### **Appendix A - Absolute exemptions:**

- It is reasonably accessible to the applicant by other means even if this involves payment; (Sect. 21)
- It is information supplied by, or relating to bodies dealing with security matters; (Sect. 23)
- It constitutes court records; (Sect. 32)
- It is required for the purpose of avoiding an infringement of the privileges of either House of Parliament; (Sect. 34)
- Disclosure would prejudice the effective conduct of public affairs; (Sect. 36)
- It is personal data the disclosure of which would contravene the Data Protection Act; (Sect. 40)
- It was provided in confidence; (Sect. 41)
- Its disclosure is prohibited by any enactment, is incompatible with a Community obligation, or would constitute contempt of court; (Sect 44)

**Information protected by absolute exemptions is not made available to applicants, and the school is not obliged to confirm or deny that such information is held.**

### **Appendix B - Qualified exemptions:**

- It is intended for publication at a later date and can reasonably be withheld until publication; (Sect. 22)
- It is required for the purpose of safeguarding national security; (Sect. 24)
- Its disclosure would prejudice the defence of the realm; (Sect. 26)

- Its disclosure would prejudice international relations; (Sect. 27)
- Its disclosure would prejudice relations between the administration of the UK and any other such administration; (Sect. 28)
- Its disclosure would prejudice the economic interests or financial interest of the UK, or any administration in the UK; (Sect. 29)
- It is information held for criminal investigations or proceedings; (Sect. 30)
- It is information which has been used or was obtained to investigate, detect or prevent crime or other areas of law enforcement; (Sect. 31)
- It is some form of information held by a public authority for audit functions; (Sect. 33)
- It is data which relates to the formulation of government policy, ministerial communications, provision of advice by any of the Law Officers, or the operation of any Ministerial private office; (Sect. 35)
- Disclosure would prejudice the effective conduct of public affairs (excluding matters covered under the absolute exemption for this area); (Sect. 36)
- It is data which relates to communications with members of the Royal Family or Household, or the conferring of Crown honours or dignities; (Sect. 37)
- Disclosure would endanger an individual's physical or mental health or safety; (Sect. 38)
- It is environmental information covered by the Environmental Information Regulations; (Sect. 39)
- It is personal data (concerning a third party) the disclosure of which would contravene the Data Protection Act; (Sect. 40) (The duty to confirm or deny does not apply to this information.)
- It is subject to legal professional privilege; (Sect. 42)
- Disclosure would be prejudicial to commercial interests; (Sect. 43)

**For qualified exemptions the school must confirm or deny that such information exists, even if a public interest test exempts such information, unless the statement of confirmation/denial would itself disclose exempt information.**

Policy Approved by: \_\_\_\_\_FGB\_\_\_\_\_

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