

**CENTRAL
ACADEMY TRUST**

**FREEDOM OF INFORMATION POLICY
MARCH 2013**

For Review in July 2015

Key Purpose and Objectives

This policy outlines the responsibilities of employees who may receive requests for information from members of the public.

For the purposes of this policy the term employee should be taken to mean both those engaged under a contract of employment and a more broader definition which includes any representative of the Central Academy Trust (the Trust), whether paid or unpaid who is performing an activity on behalf of the Trust and who has access to Trust systems

The aim of this policy is to manage organisational risks when FoI (Freedom of Information) requests are made and to avoid bringing the Trust into disrepute. It forms part of the Trust policy on communication and use of IT.

Key Responsibilities

Although this policy refers to employees throughout, the Trust is aware of its wider responsibilities to provide a positive working environment for all who work on the Academy premises.

The Trust will take all reasonable steps to comply with the principles of the Freedom of Information Act 2000 and subsequent guidance issued by the Office of the Information Commissioner. The Trust aims to ensure information is appropriately shared to demonstrate its commitment to FoI legislation.

Where the Trust collaborates with external partners and agencies it has a responsibility to ensure that they are also legislatively compliant.

Individuals are personally accountable for their behaviour and may be held liable for any breaches of this policy. All individuals who work on Trust premises, including agency, contract workers and volunteers are expected to adhere to the Trust's policy on the freedom of information.

Policy and Legislative Connections

1. Links to other Corporation policies:

- Data Protection Policy

2. Links to Legal requirements:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Subsequent directives from the Office of the Information Commissioner.

Review Cycle	Every two years
Next Review	July 2015
Distribution	All Staff
Academy Success areas	All

Purpose and Scope

The Trust is legally required to respond to requests for information and supply the information unless covered by Data Protection Acts (DPA) or otherwise exempt as defined by the Freedom of Information Act 2000 (Fol). Associated with the Fol Act are the Environmental Information Regulations 2004 (EIR).

Executive Summary

The Trust must ensure it has procedures in place that will protect sensitive data (DPA) and yet facilitate the publication of information (Fol). All employees and agents of the Trust must work in such ways as to protect and secure data, whilst facilitating the effective and efficient publication of information.

To ensure this happens there is requirement to have excellent Records Management systems in place – designed not only to be legislatively compliant – but to ensure that use of data and information, is controlled, auditable, secure, appropriately and efficiently used.

The following details the policy and procedures adopted by the Trust with regard to the appropriate processing of information to ensure legislative compliance with the Freedom of Information Acts. There is a separate policy re the Data Protection Act.

Principles

1.1 General principles

The Trust complies fully with the Information Commissioner's Codes of Practice (FOI 2000 & DPA 1998) regarding the correct handling, use, storage, retention and disposal of Personal and Sensitive Information (as defined by the DPA), and of Public Information (as defined by the FOI Act).

1.2 Processing Information that is deemed exempt from the terms of the FOI Act 2000

Personal and Sensitive Information will be processed within the terms of the eight Data Protection Principles and will protect the rights of the Data Subject as guided by the Trust's Policy on the Management of Academy Information: Data Protection, and Academy Information Handling Procedures.

In addition to that information covered by the DPA the publication of Information is also exempt on the following grounds (this is a non-exhaustive list) of:

- Commercial Interest and confidentiality e.g. tendering and contract negotiation.
- Effective Conduct of Public Affairs
- Health and Safety
- Information contained in Court Records
- Information intended for Future Publication
- Information provided in Confidence
- Information reasonably accessible to the Applicant by other Means
- Investigations
- Law Enforcement
- Legal Professional Privilege

In such cases where documents are totally exempt then appropriate security etc will be maintained. When the activities of the Trust produce documentation or data that contains both Fol exempt and non-exempt information, e.g. minutes of Governor/Trust Meetings, then the documentation should be arranged in such a way as to facilitate both the publication of open information, and, to clearly identify that which is confidential and is thus exempt.

Dealing with requests

2.1 Legislative Compliance

The Trust will ensure compliance with the right under the Freedom of Information Act and the Environmental Information Regulations to request information.

However, it looks to enquirers to:

- Make the information as specific as possible: if the request is too broad the Trust reserves the right to ask for clarification.
- To provide as full a description as possible of the information required.
- To be clear about the format preferred to receive the information in, for example, by e-mail or as a paper copy.
- Ensure that e-mails or letters are clearly marked as Freedom of Information or Environmental Information Regulations requests to avoid any confusion.

2.2 Our Response

- The Trust undertakes to treat any request for information as a formal request for information recognising that, though it can insist on a written request in terms of the FOI Act or the EIR Act, verbal requests will be treated as formal requests for information.
- The Trust will respond promptly to requests or, in any event, within 20 working days although under Freedom of Information legislation it has longer to consider whether the disclosure of normally exempt information would be in the public interest.
- If the information is refused the Trust will explain how the exemption or exception applies and explain the arguments under the public interest test. In line with the Environmental Information Regulations the Trust will reconsider its decision and reconsideration will also be applied for refusals under freedom of information. The Trust will also inform the requester of their right to complain to the ICO.

2.3 Charging for Information

The Trust's Publication Scheme lists the information that it automatically provides and the appropriate charges. Where a request comes in for information that is not covered by the Publication Scheme, the Trust will assess whether the request covers exempt information in terms of the Act. If exempt it will then be considered as to whether it is in the Public Interest to publish. Charges will be based on photocopying, postage etc. If the sourcing and collating of information is estimated to be in excess of 18 hours, or, costing labour at £25.00 an hour plus other costs exceed £450 then the Trust can choose not to proceed or to charge the enquirer in full.

Records Management

To facilitate efficient dealing with FOI requests the Trust will pursue Records Management best practice.

3.1 Retention of Information

The Trust will not keep information for any longer than is necessary. Time will vary e.g. pupil data used to access government funding must be kept for a period of seven years. There are requirements to keep Employee Health & Safety Records for much longer periods. As a general rule the Trust will keep information for either the specific time as required by legislation, or, as published in its Retention Schedule.

3.2 Register of Requests

The Personal Assistant to the Principal will maintain a register of requests that may be audited to check legislative compliance in a timely fashion.

3.3 Register of Disclosures

The Personal Assistant to the Principal will maintain a register of disclosures. Disclosures made will be kept on record to ensure searches are not repeated unnecessarily.