

Freedom of Information Policy

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1. Policy Statement

City Academy Norwich is subject to the provisions of the Freedom of Information Act 2000. This Act provides the public with a right of access to information held by the applicable institutions. City Academy Norwich is committed to ensuring it complies fully with the requirements of the legislation.

2. Policy Aims & Objectives

This policy aims to provide a summary of the duties and obligations under the Freedom of Information Act (FOI Act) that City Academy Norwich is subject to.

3. Definitions

Public Authority

The FOI Act applies only to organisations defined as public authorities at section 3 of the FOI Act, as follows:

3(1)(a) – listed at Schedule 1 (as amended) of the FOI Act, or

3(1)(b) – a publically-owned company [meaning any company wholly owned by a public authority listed at Schedule 1].

Public Authority with ‘limited application’

A public authority listed in Schedule 1 only in relation to information of a specified description, meaning that the FOI Act do not apply to any other information held by the authority.

Information ‘held’ by the public authority

For the purposes of the FOI Act, information is held by a public authority if—

(a) it is held by the authority, except for information held on behalf of another person, or
(b) it is held by another person on behalf of the authority.

(b) above means that information held by CAN that relates to an institution subject to the FOI Act may be covered by the legislation, depending on the type and purpose of the information.

The FOI Act is fully retrospective and any past record which the institution holds is included.

Information Commissioner’s Office

The government appointed regulator for the legislation.

4. Legal requirements

Any person has a legal right to ask for information held by City Academy Norwich, and are entitled to be told whether the institution holds this information and to receive a copy, subject to certain exemptions.

It is an offence under the FOI Act to willfully conceal, damage or destroy information in order to avoid responding to an enquiry.

Obligations and Duties

The relevant institutions recognise the statutory duty to:

- provide advice and assistance to anyone requesting information;
- tell the enquirer whether or not the institution holds the information requested (known as the duty to confirm or deny);
- provide access to the information held via its Publication Scheme or in accordance with the Freedom of Information;
- respond fully to the request within 20 working days (excluding school holidays for the Academies).

Characteristics of a valid request under the FOI Act

- Requests for information can be made to any member of staff.
- Requests must be in writing (this includes email and fax requests, and requests made via an institution's social media sites, e.g. Facebook or Twitter).
- The request should include the enquirer's name and an address (an email address is sufficient) and state the information they require.
- A request does not have to specifically mention the FOI Act or why the information is required.

Staff within each institution will receive awareness training to recognise a request, provide general advice and assistance to persons seeking access to information, and the procedure for notifying internal nominated staff and the Information Compliance Team when a request has been received.

Dealing with Requests

All requests will be handled by the Information Compliance Team and staff receiving a request must notify the Information Compliance Team as soon as practicable to ensure there is no delay in actioning the request.

A request will be refused if it is reasonably estimated that the time it will take to locate and extract the information will exceed 18 hours.

The requestor can express a preference for how and in what format the information is to be provided, but the institution will comply only where the preference is reasonable, and if the information is held in that format already or it can be readily converted.

A request will be refused if it is vexatious or repeated. The Information Commissioner's Office guidance and related case law will be referred to when deciding whether a request should be considered as vexatious, repeated or manifestly unreasonable.

Publication Scheme

It is a statutory requirement to have in place a publication scheme which is accessible to the public. Each applicable institution will publish on its public-facing website, the publication scheme and related information.

The publication scheme lists the information the relevant institutions either publishes proactively, e.g. on the public website, or will make available without a person having to make a formal

request, e.g. in response to a verbal request, or automatically provided on a regular basis. The publication scheme sets out the following:

- the classes of information under which the institution publishes or intends to publish information;
- the manner in which the information will be published;
- whether the information is available free of charge or on payment.

The classes of information are predetermined by the Information Commissioner's Office, which is the government regulator for the FOI Act. This is known as the 'model publication scheme' and is produced per sector. The institution then lists the specific documents it produces under each class, or states that no information in that class is produced or held. The scheme covers information already published and information which is to be published in the future.

Exemptions

Certain information is subject to either absolute or qualified exemptions. When the institution wishes to apply a qualified exemption to a request, the institution will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. Unless it is in the public interest to withhold information, it has to be released.

A request for personal information (either the requestor's own personal information or that of a third party) can be made under the FOI Act/EIRs. Requests for the requestor's own personal information are immediately exempt, but the requestor must be advised of their rights under the Data Protection Act to access their personal information. Third party personal information is often exempt but there are circumstances in which such information can be provided.

If complying with the duty to confirm or deny whether the information is held would result in the disclosure of exempt information, that duty can also be exempted.

Charging

The circumstances in which a fee can be charged for the provision of information are dealt with in the Policy for Charging of Fees for the Provision of Information (Statutory Requests)

Internal Review and Appeals

In the event that a complaint about the response is received from a requestor, the institution is required to conduct an internal review of its handling of and response to the request. The Headteacher will conduct the review and write to the requestor with their decision.

The requestor has a right of appeal to the Information Commissioner's Office, and subsequently to the Information Tribunal.

Enforcement

The institution could be subject to a range of enforcement options issued by the Information Commissioner's Office, including:

- a decision notice upholding an appeal against the refusal of information;
- an information notice obliging the institution to provide information to the Commissioner when considering an appeal;
- an enforcement notice ordering the institution to comply – these usually relate to procedural matters and not decisions on the release/refusal of information. Failure to comply with a notice can lead to contempt of court proceedings against the institution.

5. Procedure

Advice and assistance will be provided in response to general enquiries about accessing information (verbal or written), including how to make a formal request.

A written request for information which clearly states that the request is made under the FOI Act will be forwarded to the **Information Compliance Team** immediately.

The **Information Compliance Team** will manage the handling of the request, including producing all correspondence with the requestor, to ensure that all legal obligations are correctly and appropriately applied.

The organisation holding the information requested will ensure that ALL information relevant to the request is provided to the **Information Compliance Team** as soon as possible. Institutions will not withhold information from the **Information Compliance Team** on the basis that it should not be released. Such decisions will be made via full cooperation between the **Information Compliance Team** and the relevant staff and senior leadership team of City Academy Norwich to ensure that all legal obligations are correctly and appropriately applied.

6. Organisational Responsibilities

The **Information Compliance Team** will:

- provide awareness training for all staff to enable them to identify a request for information and respond to general enquiries about accessing information;
- provide advice and assistance to staff and to the public on access to information;
- log, track and report on all formal requests;
- ensure all legal requirements for the handling, administration of and response to requests are adhered to;
- provide advice and guidance on the legal requirements for administration, assessment of information, correct application of exemptions including conducting the public interest test, and the internal review/appeals process;

The Principal and/or the Chair of the Board of Directors/Governors will:

- oversee and approve the handling and response to FOI Act requests
- ensure that all information relevant to the request is provided to the **Information Compliance Team** for assessment;
- provide opinion on the release or withholding of information, including engagement with the public interest consideration process;
- ensure that staff understand the implications for the organisation and employees of failing to properly consider all relevant information in response to a request, and specifically the offence at section 77 of the FOI Act, as follows:
 - 'any person...is guilty of an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the information to the communication of which the applicant would have been entitled.'
- nominate a member of staff to act as a liaison with the Information Compliance Team for specific requests, and to provide support to organisation staff and members of the public regarding access to information;
- conduct internal reviews with the **Head of Professional Services.**

7. References to related policies

Data Protection Policy – for the handling of requests for personal information. Charging of Fees for the Provision of Information (Statutory Requests) Policy – for the circumstances in which a fee can be charged when responding to a request for information.

8. Contact

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9. Equal Opportunities Statement

This policy and procedure has been assessed against the nine protected characteristics outlined in the Equality Act 2010 and no issues have been identified.

If you have any comments or suggestions in relation to equal opportunities of this policy or procedure please contact the policy holder.

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