



NEWQUAY TRETHERRAS

**FREEDOM OF INFORMATION POLICY AND
PROCEDURE**

Approved by Governing Body _____

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PART A

1. INTRODUCTION

Newquay Tretherras (the **Academy**) is committed to the Freedom of Information Act 2000 (**FOIA/the Act**) and to the principles of accountability and the general rights of access to information, subject to legal exemptions. This policy outlines our response to the FOIA and the framework for managing requests made in accordance with the FOIA.

2. BACKGROUND

The Act came into force on 1st January 2005 for all schools. From 1st January 2011 all Academies were also be included. Under the Act, any person has a legal right to ask for information held by the Academy. They are entitled to be told whether the Academy holds the information, and to receive a copy subject to certain exceptions. Whilst the FOIA presumes openness, it also recognises the need to protect sensitive information in certain circumstances and therefore provides exemptions in relation to whether a person can be told what information is held or receive a copy of this information. Even where certain exemptions apply, information must still be released if it is in the public interest to do so.

The Act is fully retrospective; any past records which the Academy holds are included. The Academy complies with the Retention Schedule produced by the Records Management Society of Great Britain. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry.

All information that the Academy routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance and this policy.

3. PROCEDURE

Obligations and Duties

The Academy recognises its duty to provide advice and assistance to anyone requesting information, to tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and to provide access to the information we hold in accordance with the FOIA procedure below, subject to the exemptions contained in the Act.

Making a request

All requests under the Act should be made to the Director of Finance & Estate. A request should be:

- In writing (including e-mail and fax);
- State the enquirers name and correspondence address;
- Describe the information requested so that it is clearly identifiable; and
- Not covered by other legislation (eg. data protection or environmental information)

If the information you are looking for is not available via the Publication Scheme or on our website please contact us with the details above to ask if we hold the information. A sample FOIA form is contained in Part B of this policy.

Verbal requests are not covered by the FOIA.

Dealing with Requests

Unless the Academy requires further time in order to apply the public benefit test (see below), we will endeavour to respond to enquiries within 20 working days, excluding non-school days, or 60 working days if the request is received during school holidays. If this deadline cannot be met the Academy will inform the enquirer.

Charging

We reserve the right under the FOIA to refuse to supply information where the cost of doing so exceeds the current statutory maximum of £450.00.

If we consider that there is likely to be a cost for complying with your response you may be sent a fees notice. The 20 working day time limit will then in effect freeze and we do not have to respond to your request until you have paid.

When estimating the cost of complying with a written request for information the Academy will take into account the staff time, charged at a standard rate of £25 per hour, involved in the following activities:

- Determining whether the information is held,
- Locating the information or a document which may contain the information,
- Retrieving the information, or a document that may contain the information, and
- Extracting the information from a document containing it

If the information you require is not readily available, and will require some research to provide it, a charge will be made to reflect the time spent by staff in acquiring that information. You will however be told in advance of what the charge will be.

If you require copies of documents a copying charge will apply in line with our Publication Scheme together with any postage costs. We will however provide a fees notice prior to incurring any fees or charges.

4. NON-DISCLOSURE

Information will not be disclosed if one or more of the following applies:

- An exemption applies;
- The information sought is not held;
- Requests are considered vexatious or repeated; and/or
- The cost of compliance exceeds the threshold (£450)

5. EXEMPTIONS

There are two types of exemptions absolute and qualified.

Absolute – where there is no obligation to confirm or deny the information is held. Disclosure the information or consider the public interest test.

Qualified – where, even if an exemption applies, there is a duty to consider the public interest test.

Further details of the absolute and qualified exemptions can be found at www.justice.gov.uk.

When we apply a qualified exemption to a request we will invoke the public interest test procedures to determine if the public interest in applying the exemption outweighs the public interest in disclosing the information. The Academy will maintain a register of requests where we have refused to supply information and the reasons for the refusal. Information will be retained for 5 years.

6. PUBLIC INTEREST TEST

Once it has been established that a qualified exemption applies to a request, the Academy will apply the public interest test to establish whether the public interest in applying the exemption outweighs the public interest in doing so.

What is in the public interest may not be the same as that which may be of interest to the public. Factors taken into account when weighing up public interest include, but are not limited to:

For Disclosure	Against Disclosure
Is disclosure likely to increase access to information held by the Academy?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the Academy in the use of public funds and help to show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise the Academy's legal or contractual position?
Is disclosure likely to increase public participation in decision-making?	Is disclosure likely to infringe other legislation e.g. Data Protection Act?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair your ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the Academy's proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?

If the Academy has to consider the balance of the public interest, the time limit for complying with the request will be extended until such time as is *reasonable* in all the circumstances. The Information Commissioner suggests that the time taken to reply should not exceed 40 working days, excluding non-school days.

7. PUBLICATION SCHEME

All requests received by the Director of Finance & Estate will be dealt with in accordance with this policy and the Publication Scheme.

This Publication Scheme conforms to the model scheme approved by the Information Commissioner.

8. MONITORING AND REVIEW

Monitoring will be undertaken by the Finance, Staffing and Resources Committee. The policy will be reviewed every three years or as legislation dictates.

9. COMMENTS AND COMPLAINTS

If you want to make a comment about this policy or our Publication Scheme, or if you require further assistance or wish to make a complaint this should be addressed to:

Director of Finance & Estate, Newquay Tretherras, Trevenson Road, Newquay, TR7 3BH.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioners Office. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or, visit www.informationcommissioner.gov.uk.

PART B



FREEDOM OF INFORMATION REQUEST FORM

Details of Applicant

First Name..... Surname.....

Address

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Post Code..... Telephone Number.....

E-mail address.....

Details of request (please continue on a separate page if necessary)

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Fees

There may be a charge in respect of this request, however, you will be notified of any charges prior to our response.

Applicants Signature

Date.....

Please return your application to:
Director of Finance & Estate, Newquay Tretherras, Trevenson Road, Newquay, TR7 3BH