



**A C A D E M I E S**

# Freedom of Information Policy (FOI)

Policy Owner:	Sharlene Attwood
Ratified by:	QAT Board
Date:	April 2019
Reviewed:	June 2020
Next review date:	September 2021

## Contents

1. INTRODUCTION.....	3
2. BACKGROUND.....	3
3. SCOPE.....	3
4. DATA GATHERING AND STORAGE.....	3
5. PUBLICATION SCHEME.....	4
6. TIMESCALES.....	4
7. REQUESTING INFORMATION.....	4
8. APPLYING EXEMPTIONS.....	4
APPENDIX 1 – FOI PROCESS FLOWCHART.....	6

## 1. Introduction

Q3 Academies Trust (QAT) is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2020 and the access provisions of the Data Protection Act 1998. The Academy will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right to access to recorded information held by the Trust and its Academies and that the Trust should seek to promote an open regime regarding access to information subject to the exemptions contained within the relevant legislation.

This policy should be used in conjunction with the Trust's ICT Policy and Data Protection Policy.

## 2. Background

The Freedom of Information Act (FoIA) applies to all public authorities and came fully into force on 1<sup>st</sup> January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1<sup>st</sup> January 2005. Section 19 of the Act also obliges the Trust to make information pro-actively available in the form of an approved "publication scheme".

In addition, individuals currently have a statutory right to access to their own "personal data" under the DPA and GDPR. Individual access rights to personal data and extended by the FoIA through amendments to the access provisions of the DPA and GDPR.

The EIR provides a statutory right of access to "environmental information", as defined in these regulations. The EIR came into force on 1<sup>st</sup> January 2005 and replaces the existing 1992 Regulations. The EIR also fully retrospective.

The Government's Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. For the purposes of this policy, the "public" is defined as any individual or organisation anywhere in the world and an "information request" refers to any request for recorded information made under the FoIA, EIR or DPA.

## 3. Scope

This policy applies to all recorded information held by the Trust that relates to the business of the Trust and its Academies. This includes:

- Information created and held by the Trust and its Academies;
- Information created by the Trust or its Academies and held by another organisation on our behalf;
- Information held by the Trust or its Academies provided by third parties, where this relates to a function or business of the Trust (such as contractual information) and;
- Information held by the Trust relating to Governors where the information relates to the functions or business of the Trust.

This policy does not cover personal written communications (such as personal e-mails sent by staff). The Trust's **Data Protection Policy** establishes the standards regarding the use of "personal data".

## 4. Data Gathering and Storage

Information will only be gathered and stored for specified purposes.

In order to be able to respond to requests for information, QAT will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

Information held by QAT will be regularly reviewed with a view to archiving or destruction, where appropriate.

These provisions are set out within the Trust's **Data Protection Policy**.

## 5. Publication Scheme

Scheme 19 of the FoIA obliges the Trust to make information pro-actively available in the form of a "publication scheme". The ICO has provided a model scheme that schools and Academies are required to adopt. This can be found at the [ICO Model Publication Scheme](#) section on the ICO's website.

## 6. Timescales

Freedom of information requests should be dealt with within 20 working days, excluding Academy holidays.

Subject Access Requests are handled as per the provision within the Trust's **Data Protection Policy**, though are generally handled within 28 working days, excluding Academy holidays.

Access to student education records is also provisioned within the Trust's **Data Protection Policy**. As Academies, we are not legally obliged to provide this information, but may do so where a request is reasonable to do so.

## 7. Requesting Information

### 7.1. Procedures

Practical procedures for handling information enquiries in line with the relevant legislation will be produced. There will be a clear process and timescales marked as per the **FOI Process** flowchart (Appendix 1). Template responses have been created for use for FOI responses via Reprographics departments. All FOI requests are logged within the **FOI Log** document on the Trust's ICT network.

The Trust has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided as when required.

### 7.2. Charges

The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Governing Body may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a charge is to be made, the Trust will give written notice to the applicant before supplying the information requested.

The Trust will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.

Where the Trust estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. This Trust is not obliged to comply with such a request but may choose to do so.

The DPA and GDPR regulations set out that requests for personal data cannot incur charges. The Trust's **Data Protection Policy** describes this process in full.

## 8. Applying Exemptions

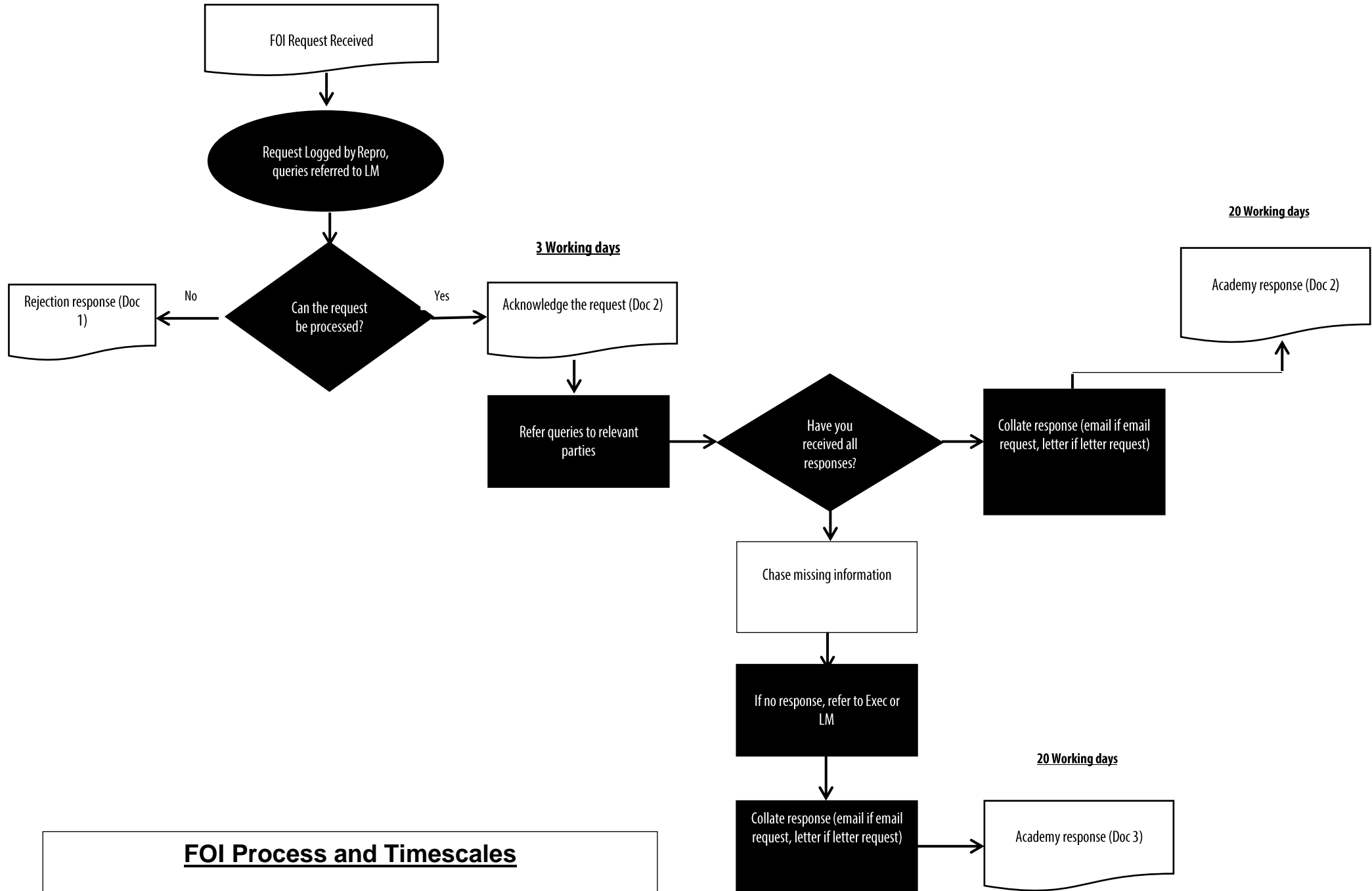
A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemptions – absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

He decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Trustees, Governors, CEO, Finance and Operations Director, Group IT Manager, Head of School.

Even if the group decides information should not be disclosed, a public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

Advice will be sought from the Trust's external legal advisors if there is any doubt as to whether information should be disclosed.

# Appendix 1 – FOI Process Flowchart



## FOI Process and Timescales