Rowley View Nursery School

Freedom of Information Policy

November 2023

Chair of Governors _____ Date_____

Reviewed November 2023

Next Review October 2024

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School Freedom of Information Policy

1 The school will comply with:

1.1 The terms of the Freedom of Information Act 2000 and any other relevant legislation to ensure requests for access to information held by the school are treated in a manner that is fair and lawful.

1.2 Walsall Metropolitan Borough Council advice and guidance.

1.3 Information and guidance displayed on the Information Commissioner's website: https://ico.org.uk/

2 This policy should be used in conjunction with the school's ***Internet Use Policy*** and ***Data Protection Policy***.

3 Data Gathering and Storage

3.1 Information will only be gathered and stored for specified purposes.

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

3.3 The school's retention policies will be based on the guidance in the Information and Records Management Society's Records Management toolkit for schools and will be reviewed regularly in line with any updates to this toolkit.

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

4 Publication Scheme

4.1 The school has adopted and published the appropriate model publication scheme which, is available on the school website, this document is recommended by the DfE, Information Commissioner and Walsall Metropolitan Borough Council, and approved by school governors.

5 Dealing with Requests for Information

5.1 Theoretically any request for information is a request under the Freedom of Information Act, however this school has taken the decision that it will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests.

5.2 The school will assist applicants in making their request to have access to information held by the school.

5.3 Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, council, hospital).

5.4 The school will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

5.5 The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information will still be dealt with in compliance with the 20 working day deadline, whether they are recorded as Freedom of Information requests or not.

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5.6 If a response will take longer than 10 working days to respond an acknowledgement will be sent to the person making the request, informing them when the information will be supplied. We recognise this does to allow the school to exceed the overall 20 working day deadline.

5.7 The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by government statute. If the estimated cost of complying with the request does not exceed this amount the school is not entitled to make a charge for fulfilling the request.

5.8 A designated member of staff will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.

5.9 Persons requesting data will be supplied with a copy of our complaints procedure upon request. Any complaints regarding Freedom of Information requests must firstly be addressed by the school. If, once we have had opportunity to reconsider our decision, we believe the initial response was correct the applicant shall be entitled to take the matter to the Information Commissioner's Office and, ultimately, to an Information Tribunal.

5.10 Copies of data supplied will be retained for two years from the date it was put into the public domain.

6 Applying Exemptions

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

6.2 The decision to apply absolute exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: Chair of Governors, other governors, Head teacher, and Deputy Head teacher.

6.3 The decision to apply qualified exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: Chair of Governors, other governors, Head teacher, and Deputy Head teacher. Even if the group decides information should not be disclosed, a public interest test will 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.

6.4 Advice will be sought from Walsall Metropolitan Borough Council's Information Governance Team or Legal Services if there is any doubt as to whether information should be disclosed.

7 Logging Requests Received

7.1 The school will keep a record of all requests received for monitoring purposes, noting:

a) the date the request was received,
b) name and contact details of the person or organisation making the request,
c) the date the request was fulfilled or refused,
d) the reason for any exemption being applied,
e) the reason for any failure to meet the 20 day deadline.

8 This policy will be included in the ***Staff Handbook***.

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