



## **JFS School**

The Mall Kenton Harrow Middlesex HA3 9TE

*Reviewed in the Summer Term 2017*

*Next due for review in the Spring Term 2019, subject to intervening legislative changes*

# **FREEDOM OF INFORMATION POLICY**

## **1 INTRODUCTION**

1.1 The School is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

## **2 WHAT IS A REQUEST UNDER FOI**

2.1 Any request for any information from the School is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

2.2 All FOI requests should be referred in the first instance to the Headteacher, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.

2.3 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information “confidential” or “restricted”.

## **3 TIME LIMIT FOR COMPLIANCE**

3.1 The School must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For a School, a “working day” is one in which pupils are in attendance, subject to an absolute maximum of 60 calendar days to respond.

## **4 PROCEDURE FOR DEALING WITH A REQUEST**

4.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Headteacher who may re-allocate to an individual with responsibility for the type of information requested.

- 4.2 The first stage in responding is to determine whether or not the School “holds” the information requested. The School will hold the information if it exists in computer or paper format. Some requests will require the School to take information from different sources and manipulate it in some way. Where this would take minimal effort, the School is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the School to add up totals in a spread sheet and release the total figures, this would be information “held” by the School. If the School would have to go through a number of spread sheets and identify individual figures and provide a total, this is likely not to be information “held” by the School, depending on the time involved in extracting the information.
- 4.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:
- 4.3.1 Section 40 (1) – the request is for the applicants personal data. This must be dealt with in accordance with the Data Protection Policy.
  - 4.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, This must be dealt with in accordance with the Data Protection Policy.
  - 4.3.3 Section 41 – information that has been sent to the School (but not the School’s own information) which is confidential;
  - 4.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;
  - 4.3.5 *Section 22 – information that the School intends to publish at a future date;*
  - 4.3.6 *Section 43 – information that would prejudice the commercial interests of the School and/or a third party;*
  - 4.3.7 *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*
  - 4.3.8 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*
  - 4.3.9 *Section 36 – information which, in the opinion of the chair of governors of the School, would prejudice the effective conduct of the School.*
- 4.4 The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.
- 4.5 We are committed to making as much information as possible available but some necessary exemptions from disclosure are allowed under Freedom of Information law. These include information you can get easily by other means, court records, most of the more sensitive personal information, information that has been provided to us in confidence and where there are legal

prohibitions on disclosure. There are other exemptions including where vexatious or repeated requests are received, where the information is intended for future publication, where it relates to legal proceedings or law enforcement, where someone's health or safety could be harmed, where information is subject to legal privilege, where commercial interests or the conduct of public affairs might be prejudiced and for communications with royalty. We may withhold this information if there is a clear public interest in doing so. In some cases, we may not be able to release the information until a specific date.

## **5 RESPONDING TO A REQUEST**

5.1 When responding to a request where the School has withheld some or all of the information, the School must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2 The letter should end by explaining to the requestor how they can complain – either by reference to an internal review or by writing to the ICO.

## **6 COMMUNICATION**

6.1 Any FOI requests should be addressed to the Headteacher.

6.2 To access general information about the school please use our website which is regularly updated. Hard copies of information held on it are available from the school.

6.3 Any comments or complaints about our approach to Freedom of Information should be made initially to the School.

6.4 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 Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Enquiry/Information Line: 01625 545 700  
E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk)  
Website : [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **7 FEES**

7.1 All information on our website can be viewed and used free of charge, subject to any stated copyright conditions that may apply.

7.2 Where there are significant direct costs involved in providing the information requested, such as photocopies, photographs, recordings and postage costs, these costs will be passed on. The current schedule of charges is provided below.

<b>Category</b>	<b>Charges (inclusive of VAT &amp; subject to £25 Waiver for individuals, £10 for businesses)</b>
Postal Charge – normally first class	Actual cost
Printing or copying Charges	

A4 copy (or smaller) Monochrome	15p per sheet of paper
A4 copy (or smaller) Colour	25p per sheet of paper
A3 copy Monochrome	30p per sheet of paper
A3 copy Colour	50p per sheet of paper
Costs for electronic data transfer	
Transfer of data CD	£25 per hour ; £1 each

## **APPENDICES**

### **Appendix 1 – Model Publication Scheme (ICO)**

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

**Appendix 2 - Definition document for the governing bodies of maintained and other state-funded schools in England (ICO)**

<https://ico.org.uk/media/for-organisations/documents/1235/definition-document-schools-in-england.pdf>