



**Avenue**  
CENTRE FOR EDUCATION

# **Freedom of Information (& Environmental Information Regulations) Policy 2022 – 2025**

<b>Author:</b>	Luton Borough Council
<b>Date Updated:</b>	May 2022
<b>Approval Level:</b>	Senior Leadership Team
<b>SLT Review Date:</b>	13 <sup>th</sup> July 2022
<b>Review Cycle:</b>	Three Years
<b>Next Review Date:</b>	July 2025

Table of Contents

<b>1</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2</b>	<b>POLICY STATEMENT.....</b>	<b>3</b>
<b>3</b>	<b>SCOPE.....</b>	<b>4</b>
<b>4</b>	<b>RELATIONSHIP WITH THE DATA PROTECTION ACT 1998.....</b>	<b>4</b>
<b>5</b>	<b>ROLES AND RESPONSIBILITIES.....</b>	<b>4</b>
<b>6</b>	<b>RIGHT TO REFUSE REQUESTS .....</b>	<b>5</b>
<b>7</b>	<b>COMPLAINTS.....</b>	<b>6</b>
<b>8</b>	<b>REFERENCES AND RELATED DOCUMENTS.....</b>	<b>6</b>

## **1 Introduction**

- 1.1 Schools are committed to complying with the provisions of the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2002 (EIR)
- 1.2 The FOI Act 2000 and EIR 2004 gives the public the right of access to all recorded information held by all public authorities, subject to exemptions.
- 1.3 Access to information can only and will only be denied if there is an absolute exemption which applies to its disclosure or if a conditional exemption applies and the public interest assessment dictates that the information should not be disclosed.
- 1.4 The FOI and EIR are regulated by the Information Commissioners Officer (ICO).
- 1.5 The Freedom of Information Act complements or supports the following legislation:
  - Data Protection Act 2018, which gives individuals access to personal information held about them by schools;
  - Environmental Information Regulations 2004 that gives access to information about the environment held by the government and public authorities.
- 1.6 In complying with its duty any public authority must take account of the Code of Practice in relation to Freedom of Information issued by the Ministry of Justice under Section 45 of the Act. The school will abide by the terms of Code of Practice whenever this is possible or appropriate.

## **2 Policy Statement**

- 2.1 Schools will comply with all the relevant provisions of the Freedom of Information Act 2000 and, where relevant, the requirements of the Environmental Information Regulations 2004 (EIR).
- 2.2 Schools will provide advice and assistance to help people make requests under the FOI. Schools will aim to respond to all requests promptly and within the statutory response period of 20 working days following receipt of a valid request.
- 2.3 In cases where information is covered by a conditional exemption or other legislation, consideration is given as to whether or not it is in the public interest to disclose the information, regardless of the exemption.
- 2.4 Schools are committed to conducting its affairs in a transparent manner and enabling public access to its information whenever this is appropriate. Generally schools will act in as open and transparent a manner as possible, whilst ensuring the integrity of its information and protecting the privacy of its customers

## **3 Scope**

- 3.1 This Policy informs recipients of school services, members of the public and external parties of the processes the school has established for complying with the FOIA.
- 3.2 This Policy operationally applies to all employees of the school, governors, contractors, agents, and temporary staff working for or on behalf of the school.
- 3.3 This Policy does not cover Subject Access Requests (requests for access to information

about a living individual which could identify them). These requests are exempt from the FOI under section 40, and should be processed in accordance with the Data Protection Act 2018 (DPA).

#### **4 Relationship with the Data Protection Act 2018**

- 4.1 Schools are under a legal duty to protect personal data as required by the Data Protection Act 2018. The schools will carefully consider its responsibilities under the DPA before disclosing personal data about living individuals, including current and former members of staff, governors and pupils.

#### **5 Roles and Responsibilities**

- 5.1 All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOI and in compliance with this policy and the prevailing procedures.

All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless one of the statutory exemption applies.

- 5.2 Senior Management / Head Teachers are required to ensure that the school have in place adequate guidance on freedom of information and effective measures to comply with this policy.

Third parties who are users of information supplied by the school will be required to confirm that they will abide by the requirements of the FOI; and

Indemnify the school against any prosecutions, claims, proceedings, actions or payment of compensation or damages, without limitation.

- 5.3 The school will ensure that:
- Everyone managing and handling information understands that they are responsible for following good information management practice;
  - Staff who handle information are appropriately supervised and trained;
  - Methods of handling information are regularly assessed and evaluated;
  - Any disclosure of data will be in compliance with approved procedures;
  - All necessary steps will be taken to ensure that data is kept secure at all times against unauthorised or unlawful loss or disclosure; and
  - All contractors who are users of information supplied by the school will be required to confirm that they will comply with the requirements of the Act with regard to information supplied by the school.
  - It will abide by any Code of Practice on the discharge of the functions of Public Authorities which is issued by the Ministry of Justice. In addition the school will take account of any guidance which is issued by the Information Commissioner to promote good practice.

#### **6 Right to refuse a request:**

- 6.1 The school reserves the right to refuse requests whose total administrative cost exceeds the appropriate limit of 18 hours based on an average flat rate of £25 per hour (£450), as stated in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004.
- 6.2 Refuse any vexatious or repetitious request;
- 6.3 Where the school already publishes the information requested, enquirers will be directed to the public resource where they may find the information they require;

- 6.4 Withhold information if it is subject to an exemption under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the Local Government Act 1972; and/or
- 6.5 Not provide copies of items subject to copyright restrictions, although these will still be open for inspection under the Act
- 6.6 A refusal of a request for information will only be made when it is necessary to do so. For example, if the estimated costs of extracting, preparing or analysing the requested information are excessive. The refusal of the request will be made in writing and will state the reason for refusal, specify the exemption which applies and state clearly why the exemption applies.

When applicable the school will identify why the public interest in maintaining an exemption outweighs the public interest in any disclosure. Whenever appropriate the factors taken into account will be identified and communicated.

## **7 Review and Complaints**

- 7.1 If you are not satisfied with the response to your request, you have the right to ask for a review. You should make this request in 20 working days of receipt of our response and set out what you are not satisfied with, sending it to the address below
- 7.2 The school has a Complaints Process and any complaints about the general handling of a request under Data Protection Act, the Environmental Information Regulations or the Freedom of Information Act may be dealt with by clearly marking your correspondence 'Complaint' and send to the Head.
- 7.3 If you are not content with the outcome of the review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
[www.ico.org.uk](http://www.ico.org.uk)  
Tel: 01625 545 745

- 7.4 The school will maintain a record of all complaints and their outcomes.

## **8 References and Related Documents**

### **8.1 References**

- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- Protection of Freedoms Act 2012,
- Data Protection Act 2018; Human Rights Act 1988;
- Data Protection Policy;
- Records Management Policy;
- Council Publication Scheme;
- School Complaints Process