



CreativeHappySuccessful

# Freedom of Information Policy

Ref: A005

## Contents:

1. Introduction
  2. Responsibilities
  3. The Trust's Process
  4. Reasons for not Complying with a Request
  5. Complaints
  6. Information to be Provided
  7. Advertising the Service
  8. Charging
  9. Training
  10. Other Relevant Policies
  11. Monitoring and Review
- Appendix 1: Access to Personal Data Request

<b>Document Control</b>	
Title	A005 Freedom of Information Policy
Date	July 2017
Supersedes	A005 Freedom of Information Policy May 2015
Amendments	No material changes. Changes noted from 'school' to 'trust' Reference to school's VLE removed
Related Policies/Guidance	A002 Data Protection Policy
Review	2 year
Author	HR & People One Education / K. Moulder
Date consultation completed	20/06/2017 to 04/07/2017
Date adopted by Trust Board	11 <sup>th</sup> July 2017

CHS Learning Trust (*previously: Chorlton High School*) is a Cooperative Multi Academy Trust Registered in England and Wales number 08321679  
Registered Office: Nell Lane, Chorlton, Manchester, M21 7SL

The CHS Learning Trust has a number of Trust-wide policies which are adopted by all schools/academies in the Trust to ensure an equitable and consistent delivery of provision.

The Trust Board has responsibility for the operational of all schools/academies and the outcomes of all students however responsibility is delegated to the Local Governing Body of each school via the Scheme of Delegation.

Within our policies reference to:

- Governing Body / Governors relates to the members of the Local Governing Body representing the Trust Board.
- School includes a reference to school, academy or free school unless otherwise stated
- Headteacher includes a reference to Headteacher, Principal or Head of School of a school, academy or free school.

## **1. Introduction:**

The Governing Body are aware that the Trust has a legal duty to supply certain information to enquirers. The Trust will comply with any Freedom of Information guidance issued by the DfE.

The Trust's policy is that:

- an enquirer must be informed whether the Trust holds that information or not, and if it does it must supply the information;
- the information must be supplied within 20 days of the request;
- the information can include personal or non-personal information, but no information relating to other named individuals will be released;
- other information that the Head considers to be of a sensitive nature may also be withheld. In so deciding the Head will consider whether it should be released in the public interest if in withholding the information is greater than the public interest in releasing it;
- the Head will administer the Trust's process for providing information. In so doing the Head will take into account the Code of Practice, and any guidance from the local authority;

## **2. Responsibilities:**

The Head has overall responsibility to the Trust Board for ensuring that the policy is implemented and that the management process is maintained across the school.

The school's nominated Data Controller is responsible to the Head for the day-to-day management of the policy, with the school's Data Manager (SIMs) responsible for the operational aspects of the policy.

Under the Data Protection Act, all students are entitled to request a copy of their educational records, free of charge, within 20 school days of making a written request to the Headteacher. If a student seeks access to his or her records, the school should establish whether the student understands the nature of the request. If the school thinks the student does not understand owing to youth or immaturity, the request can be denied. The Trust's policy is then that it would contact the student's parents/carer to discuss the request. If in doubt, the school will seek guidance from the Office of the Information Commissioner. If the school feels that the students will understand the information, they will be asked to complete the 'Access to personal data request', Appendix 1, and return it to the Data Controller.

Parents can request a copy of their child's educational record. The request should be made in writing to the Headteacher. When this has been received the parent will be asked to complete the 'Access to personal data request', Appendix 1, and return it to the school. When received, the release of data should be authorised by the Data Controller. The documentation will then be sent in a sealed envelope, within 20 school days, free of charge or at no greater cost than that of supplying it.

## **3. The Trust's Process:**

On receipt of a request in writing for information the Head will:

- ensure that the person requesting the data is asked to complete a request form (see Appendix 1), if it involves access to personal data.
- decide whether the request is a request under Data Protection Act, Environmental Information Regulations or Freedom Of Information Act;
- decide whether the Trust holds the information or whether the request should be transferred to another body if the information is held by them;
- provide the information if it has already been made public;
- inform the enquirer if the information is not held;
- consider whether a third party's interests might be affected by disclosure and if so consult them;
- consider whether any exemptions apply and whether they are absolute or qualified;
- carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information;
- decide whether the estimated cost of complying with the request will exceed the appropriate limit (£500 with a maximum of £50 per individual educational record);
- if a request is made for a document that contains exempt personal information ensure that the personal information is removed by applying the redaction procedure; and
- consider whether the request is vexatious or repeated;

The Trust recognises its duty to provide advice and assistance to anyone requesting information.

#### **4. Reasons for not Complying with a Request:**

The Data Protection Act allows personal data to be transferred to another educational establishment. The Data Protection Act also allows, in some cases, for a record about a student from a third party, such as a letter from a parent, another student or a member of the local community, to be disclosed if it does not identify the third party. If it does identify the third party, it may still be disclosed if consent is given or if, in the circumstances, it is reasonable to allow disclosure without seeking that consent.

If the Trust deems it necessary to refuse a request for the reasons of;

- an exemption applies as above (and where the exemption is qualified the public interest in withholding the information outweighs the public interest in disclosure)
- the information sought is not held
- the request is considered vexatious or repeated

It is important that a letter is sent outlining the reasons behind this to the individual who has requested the information.

#### **5. Complaints:**

Expressions of dissatisfaction will be handled through the Trust's existing complaints procedure.

#### **6. Information to be provided:**

The Trust Board have decided that:

- all published information by the Trust will be made available;
- all unpublished information (including any advice or memoranda) will be made available on request, except where:
  - a) the names of individual people can be identified in the documents;
  - b) the Head considers that the document(s) contain sensitive material in the meaning of the Act and as explained in the Code of Practice; and where the Trust intends to publish it in due course.

### **7. Advertising the Service:**

The Trust will advertise its policy on freedom of information on the school website and it will be made available to staff on the central staff server.

### **8. Charging:**

The Trust Board have resolved not to charge for the service for information which is readily available and of a reasonable quantity.

If the request will require additional resource to collate / produce the information the Headteacher will levy a charge in accordance with with FOIA regulations / Local Authority guidance. If a charge is made, the Trust must give written notice to the person, before supplying the information requested.

### **9. Training:**

Staff involved in the storage and management of the service will receive appropriate training.

### **10. Other relevant policies:**

- Data Protection Policy

### **11. Monitoring and Review:**

The Head will monitor the policy in liaison with the Data Controller and will report annually to the governing body on the progress of the policy.

The Head will provide information about enquiries in regular reports to the governors.

**Appendix A: Access to Personal Data request**

**Data Protection Act 1998 Section 7**

We would encourage you to use this form to provide us with key information to help us process your request. Alternatively you can simply make your request in writing direct to the school.

Enquirer's Surname \_\_\_\_\_

Enquirer's Forenames \_\_\_\_\_

Enquirer's Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Enquirer's Postcode \_\_\_\_\_

Telephone Number \_\_\_\_\_

Are you the person who is the subject of the records you are enquiring about?

YES / NO (i.e. the "Data Subject")?

If NO:

Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about?

YES / NO

If YES:

Name of child or children about whose personal data records you are enquiring

\_\_\_\_\_

Description of Concern / Area of Concern:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Information or Topic(s) Requested (In your own words):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address for responses: *(if different from address's details stated above)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

**Data subject declaration**

- I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.
- I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.
- I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent) \_\_\_\_\_

Name of "Data Subject" (or Subject's Parent) (PRINTED) \_\_\_\_\_

Dated \_\_\_\_\_