

# Primrose Hill Primary School



## Freedom of Information Policy

December 2018 July

Review date: December 2020

## **Freedom of Information / Environmental Information Regulations**

### **1. Terms of reference**

1.1 The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 and, where appropriate, the Environmental Information Regulations 2004 are adhered to within Primrose Hill Primary School.

1.2 We will ensure that:

- We take a proactive and positive approach towards information rights
  - We publish a significant amount of routinely published information about the school on our website, which is our Publication Scheme.
  - Formal requests under FOIA or EIRs are dealt with within the statutory timescales, and exemptions or exception are applied properly considering the public interest test where relevant, with a presumption in favour of disclosure.
    - a significant amount of routinely published information about the school is made available to the public as a matter of course. This is known as a Publication Scheme.
    - requests for other information are dealt with within the statutory timescales of the appropriate legislation and, in cases where an exemption or exception is engaged, give appropriate consideration as to whether or not the information should be released.

### **2. Publication Scheme**

2.1 Section 19 of the Freedom of Information Act 2000 required that schools adopt and maintain an Information Commissioner approved publication scheme and to proactively publish information in accordance with that scheme.

2.2 This is a document which specifies:

- the classes of information which we already publish or intend to publish
- the manner in which the information will be published; and
- whether or not there is any charge for the information

2.3 The Information Commissioner has produced both a model publication scheme and guidance for schools which makes provision for, but is not limited to the classes of information listed below.

***Who we are and what we do*** *Organisational information, structures, locations and contacts.*

***What we spend and how we spend it*** *Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.*

***What our priorities are and how we are doing*** *Strategies and plans, performance indicators, audits, inspections and reviews.*

***How we make decisions*** *Decision making processes and records of decisions.*

***Our policies and procedures*** *Current written protocols, policies and procedures for delivering our services and responsibilities.*

***Lists and Registers*** *Currently maintained lists and registers only.*

***The Services We Offer*** *Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses.* 2.4 There is therefore an expectation on Primrose Hill Primary School to make the above information available unless:

- we do not hold it;
  - it is to be withheld under a Freedom of Information exemption or Environmental Information Regulations exception; or its release is prohibited under another statute
  - the information is archived, out of date or otherwise inaccessible;
- or
- it would be impractical or resource-intensive to prepare the material for routine release

2.5 Our publication scheme can be found on our school website ([www.primrosehill.camden.sch.uk](http://www.primrosehill.camden.sch.uk)) and hard copies of documents can be obtained from the School as directed.

2.6 The Governing Body has overall responsibility for the maintenance of this scheme which will be reviewed annually every two years and following guidance from the Information

Commissioner's Office. Updated information will be placed on the publication scheme as soon as it is amended / approved.

2.7 We will not charge for information listed on the Publication Scheme except where specifically indicated.

2.8 In exceptional circumstances some information may be available only by viewing in person. Where this is the case, contact details will be provided and an appointment to view the information will be arranged within a reasonable timescale.

2.9 Information will be provided in the language in which it is held. Where we are legally required to translate any information, we will do so.

2.10 Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **3. Overview of requests for information not covered by our Publication Scheme**

3.1 The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 came into force for all public bodies on 1 January 2005 and their purpose is to promote both transparency and access to recorded information.

3.2 Anyone can make a request for recorded information.

3.3 Whilst a request can be in the form of a question, rather than a request for specific documents, the school does not have to answer your question if this would mean creating new information or giving an opinion or judgment that is not already recorded.

3.4 We will acknowledge receipt of requests however we may need to seek clarification to establish or in some cases help you refine your request before it is deemed valid. The timescales for response commence after receipt of a valid request.

3.5 Upon receipt of a valid request the information sought will be communicated to the applicant within statutory timescales subject to paragraphs 3.6 – 3.9 inclusive.

3.6 There will be occasions where we will not supply the requested information (e.g. the

school may neither hold nor be the owner of the requested information; or we may consider that an appropriate exemption or exception applies). Applicants will be informed if this is the case.

3.7 If any information is to be withheld both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 require a school, in their final response, to either confirm or deny whether the information sought is held (unless the act of doing so is itself exempt) and to provide details of the exemption / exception applied.

3.8 The application of some exemptions / exceptions allows for an extension in the response timescale. Applicants will be informed if this is the case.

3.9 Charges may be applied to the communication costs of some requests (e.g. reprographics, postage and packaging, copying) and if this is the case requesters will be informed in advance. On these occasions the information will be collated upon confirmation of the requester's agreement to pay and released upon receipt of those fees.

3.10 Primrose Hill School will not charge for information listed on its publication scheme except where specifically indicated on the scheme.

3.11 As part of the final response we will include details of how an applicant can request a review of their response if they remain unhappy with it. The school can be contacted within 2 MONTHS from the date of our response to request a review. Requests for review received after this timescale will not be considered.

3.12 Upon receipt of a request for review, both the original request and our initial response will be independently reviewed by the Chair of Governors or a nominated Governor. They will uphold or not uphold the original response in full or in part. Further clarification may be sought if the complaint is not clear.

3.13 Complaints which are not relevant to the response under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 will not be considered under the review process.

3.14 The reviewed response will be communicated to the applicant within 25 school days from the receipt date of that request.

3.15 Should an applicant remain dissatisfied following our reviewed response they may contact the Information Commissioner directly at: Wycliffe House, Water Lane, Wilmslow,

Cheshire SK9 5AF Telephone: 01625 545 700 [www.ico.gov.uk](http://www.ico.gov.uk)

3.16 The Information Commissioner is the independent regulatory authority for both the Freedom of Information Act 2000 and Environmental Information Regulations 2004. The school will abide by the decisions of the Information Commissioners Office, unless it considers itself to have grounds for an appeal to the Information Tribunal.

3.17 Requests for personal data and some third party information are covered solely by the Data Protection Act 1998. Further details are available in our DATA PROTECTION POLICY

#### **4. Roles and Responsibilities**

4.1 The headteacher has overall responsibility for both Freedom of Information and Environmental Information Regulations in the school however day to day responsibility may be delegated to other staff members.

4.2 The Qualified Person for determining whether disclosure would be likely to prejudice the effective conduct of public affairs should the Section 36 Exemption be engaged, is the Chair of Governors.

4.3 A nominated member of the Governing body with no prior involvement will be responsible for reviewing any complaints about the schools application of the relevant legislation should they be received. Dependent on prior involvement this is usually the Chair of Governors.

#### **5. Handling and tracking of requests**

5.1 Requests for information under the Freedom of Information Act should be in writing and whilst all members of staff will assist any requester where possible, we have a designated email address to assist with prompt processing.

email: [admin@primrosehill.camden.sch.uk](mailto:admin@primrosehill.camden.sch.uk)

5.2 All requests for information will be logged by the Bursar and tracked thereafter. This will assist us in ensuring that timescales are met and assist identification of repeat, similar or vexatious requests.

5.3 We will annually review multiple or similar requests for information on subjects not already included in our Publication Scheme and this will lead to consideration for inclusion within it.

