



## **URSULINE HIGH SCHOOL**

### **Wimbledon**

# **Freedom of Information**

## **Policy**

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## **Statement of objectives**

Ursuline High School supports the Freedom of Information Act 2000 and its objectives of openness and accountability in the public sector. The purpose of this policy is to assist employees in meeting the requirements of the Freedom of Information Act.

This policy will be reviewed by the Governing Body every three years.

## **The Freedom of Information Act – a summary**

The Freedom of Information Act 2000 gives the public a statutory right to access the majority of records held by public authorities. In doing so it aims to make public authorities more accountable and bring about a change in the provision of information to the public from need to know to right to know.

## **The Right of Access**

The Act gives any individual (or organisation) the right to request information held by the school. Provided the request is made in writing, the school must either confirm or deny whether or not information of the description sought is held. The school must also provide applicants with such advice and assistance as may reasonably be expected.

## **The Publication Scheme**

The school is required by the Act to operate a publication scheme. This is a guide to information that the school publishes or intends to publish routinely. It is intended that information will be made accessible unless there is a valid justification for not doing so. Effective implementation of the publication scheme will lead to fewer resources being required to fulfil access requests made under the Act. The publication scheme is available on the school website and will be reviewed annually.

## **Applicable Fees**

Where information is published in hard copy there may be a charge.

Information available on the school's website will generally be free, although a charge may be made for printing.

Charges may be levied for both the material costs (paper, printing etc) and staff time involved in responding to requests. The calculation of these fees will be based upon the published advice of the Department for Constitutional Affairs. The school undertakes to inform the applicant of the likely cost within a reasonable time. Requests will be deemed to have expired after three months of notification of the charges if no payment is forthcoming.

## **Timescale**

The school will endeavour to provide the information requested within the statutory time limit of 20 working days. Where a fee is required the information will be provided within 20 working days of the receipt of the request (excluding any time period between the notification to the applicant of any fees and the receipt by the school of those fees). In the event that operational reasons make compliance with the 20 working day time limit impossible, the applicant will be contacted, offering them as much information as possible and giving a timeframe for the provision of the outstanding information.

## **The Provision of Information**

The school will provide advice and assistance where appropriate. In complying with the legislation the school may provide the information contained in its records in a different format to the one it is held in. The school will provide information in different formats where this will increase access to the information provided that the costs of doing so are within reason.

## **Complaints and Appeals**

Should access to information be refused, the applicant may appeal in accordance with the school's complaints policy. Applicants have a further right of appeal to the Information Commissioner. The school will work together with the Office of the Information Commissioner to resolve such appeals.

## **Records Management**

Compliance with the Act requires effective records management. The school has adopted a records retention policy to ensure that this takes place.

**Responsibility for Locating and Accessing Information** All requests should be sent to [enquiries@ursulinehigh.merton.sch.uk](mailto:enquiries@ursulinehigh.merton.sch.uk) for the attention of Mrs Torch.

**It is a criminal offence to alter, deface, block, erase, destroy or conceal information to prevent disclosure**

## **Applying the Exemptions**

When responding to a request the intention will always be to provide as much information as possible. Where either an absolute exemption or a qualified exemption apply, the school will endeavour to still provide as much information as possible, either through editing out the exempt information or suggesting alternative sources of information.

## **Vexatious or Repeated Requests**

The school is not obliged to respond to vexatious or repeated requests. Requests that are judged to be vexatious or repetitive in nature will be answered by the Headteacher. Applicants have the right to appeal against such judgements through the school's complaints procedure.

## **Appendix A - Absolute exemptions:**

- It is reasonably accessible to the applicant by other means even if this involves payment; (Sect. 21)
- It is information supplied by, or relating to bodies dealing with security matters; (Sect. 23)
- It constitutes court records; (Sect. 32)
- It is required for the purpose of avoiding an infringement of the privileges of either House of Parliament; (Sect. 34)
- Disclosure would prejudice the effective conduct of public affairs; (Sect. 36)
- It is personal data the disclosure of which would contravene the Data Protection Act; (Sect. 40)
- It was provided in confidence; (Sect. 41)
- Its disclosure is prohibited by any enactment, is incompatible with a Community obligation, or would constitute contempt of court; (Sect 44)

**Information protected by absolute exemptions is not made available to applicants, and the school is not obliged to confirm or deny that such information is held.**

## **Appendix B - Qualified exemptions:**

- It is intended for publication at a later date and can reasonably be withheld until publication; (Sect. 22)
- It is required for the purpose of safeguarding national security; (Sect. 24)
- Its disclosure would prejudice the defence of the realm; (Sect. 26)
- Its disclosure would prejudice international relations; (Sect. 27)
- Its disclosure would prejudice relations between the administration of the UK and any other such administration; (Sect. 28)
- Its disclosure would prejudice the economic interests or financial interest of the UK, or any administration in the UK; (Sect. 29)
- It is information held for criminal investigations or proceedings; (Sect. 30)
- It is information which has been used or was obtained to investigate, detect or prevent crime or other areas of law enforcement; (Sect. 31)
- It is some form of information held by a public authority for audit functions; (Sect. 33)

- It is data which relates to the formulation of government policy, ministerial communications, provision of advice by any of the Law Officers, or the operation of any Ministerial private office; (Sect. 35)
- Disclosure would prejudice the effective conduct of public affairs (excluding matters covered under the absolute exemption for this area); (Sect. 36)
- It is data which relates to communications with members of the Royal Family or Household, or the conferring of Crown honours or dignities; (Sect. 37)
- Disclosure would endanger an individual's physical or mental health or safety; (Sect. 38)
- It is environmental information covered by the Environmental Information Regulations; (Sect. 39)
- It is personal data (concerning a third party) the disclosure of which would contravene the Data Protection Act; (Sect. 40).

(The duty to confirm or deny does not apply to this information.)

- It is subject to legal professional privilege; (Sect. 42)
- Disclosure would be prejudicial to commercial interests; (Sect. 43)

**For qualified exemptions the school must confirm or deny that such information exists, even if a public interest test exempts such information, unless the statement of confirmation/denial would itself disclose exempt information.**

## Appendix 1



### **Ursuline High School FREEDOM OF INFORMATION Guidance for Staff**

#### ***The Freedom of Information Act***

There is a legal right for any person to make a request to a school for access to information held by that school. Schools are under a duty to provide advice and assistance to anyone requesting information.

Requests for information can be directed to the school through anyone who works there. All support and teaching staff therefore have statutory responsibilities.

Enquirers do not have to say why they want the information and the request does not have to mention the Freedom of Information Act.

The request must:

- be **in writing** (which includes fax or email)
- **state the enquirer's name and correspondence address** (email addresses are allowed)
- **describe the information requested** – there must be enough information to be able to identify and locate the information

Verbal enquiries do not have to be met. They should, however, be responded to where the enquiry is straightforward and can be dealt with satisfactorily. For more complex enquiries, and to avoid disputes over what was asked for, you ask the enquirer to put the request in writing or email.

The enquirer is entitled to be told whether or not the school holds the information (this is known as the duty to confirm or deny) and, if it does, to have access to it. Access can include providing extracts of a document or a summary of the information sought, or access to the original document. However, the Act recognises the need to preserve confidentiality of sensitive information in some circumstances and sets out a number of exemptions.

'Holding' information means information relating to the business of the school:

- the school has **created**, or
- the school has **received from another** body or person, or
- **held by another** body on the school's behalf.

Information means both hard copy and digital information, including email.

If the school does not hold the information, we do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before denying that we have got information the school might be expected to hold.

If the information requested is already in the public domain, for instance through the Ursuline High School Publication Scheme (required by law) or on our website. The school will direct the enquirer to the information and explain how to access it.

There are only four reasons for not complying with a valid request for information:

- the information is not held
- the £450 cost threshold is reached (i.e. 2½ days of administrative work to meet the request)
- the request is considered vexatious or repeated
- one or more of the exemptions apply

The presumption of the legislation is that we will disclose information unless the Act provides a specific reason to withhold it.

Only where you have real concerns about disclosing the information should you look to see whether an exemption might apply.

Personal information requested by third parties is exempt under the FOI Act where release of that information would breach the *Data Protection Act*. If a request is made for a document (e.g. Governing Body minutes) which contains personal information the release of which to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure. The law specifically forbids the editing of electronic copy in any way that removes data from sight (i.e. what is blanked out must be seen to be blanked out).

Consultation of third parties may be required if their interests could be affected by release of the information requested.

Compliance with a request must be prompt and certainly within the legal prescribed limit of 20 working days, excluding school holidays. The response time starts from the time the request is received. Where you have asked the enquirer for more information to enable you to answer, the 20 days start time begins when this further information has been received.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is a criminal offence. Therefore it is important that you take no action to delete or amend records once they are subject to a request for information.

### ***Guidance for Ursuline staff***

If you receive a request for information, you must deal promptly with that request in accordance with the procedures set out here. You have responsibilities imposed by statute.

If the request is straightforward and falls within the normal competence of your job you should respond on the school's behalf.

If the request is beyond your competence or if you are unsure about any aspect or implication of the request, you should refer it, within one school day, to the designated Information Officer (Mrs Lydia Torch). The Information Officer will then assume responsibility for dealing with the request.

All teaching and support staff **must** refer to the Information Officer if a request:

- involves invoking an Exemption
- involves applying the Public Interest Test
- requires the Redaction Procedure
- asks for personal data or environmental data

If you are asked by the Information Officer or another member of staff to provide information in order to enable the school to respond under the Act, you must do so promptly or alert the Information Officer or other staff member asking for assistance to any difficulty you have in providing the information immediately.

Whenever, in the course of your job, you record information, you must ensure that what you write meets the three data protection standards of accuracy, fairness and relevance. You should keep in mind that what you write should be professional and judicious in its choice of language – it may be read by anyone in the future and should not be a potential source of embarrassment for you, the people about whom you write, or the school.

You must make sure that documents and information in your possession are kept appropriately securely (particularly if they contain personal or sensitive information) and that you do not keep information for longer than it is necessary to do your job. This includes memos and circulars to staff.

Any personal information about students you consider it important to retain should be passed to the Head of Year for inclusion in a student's file and not kept by individual staff for longer than you need to deal with a current situation.

Further explanation of freedom of information and data protection principles and requirements are available from the school's Information Officer.