

**TRINITY ACADEMY NEWCASTLE**

**Freedom of Information Policy**

**Approved by the Resources  
Committee –October 2016  
On behalf of the Governing Body -  
Next Review Date –October 2018**

## Introduction

1. Background
2. Scope
3. Obligations and Duties
4. Publication Scheme
5. Dealing with Requests
6. Exemptions
7. Public Interest Test
8. Charging
9. Responsibilities
10. Complaints

Appendix 1. Procedure for Dealing with Requests

Appendix 2. Exemptions

Appendix 3. Applying the Public Interest Test

Appendix 4. Charging

Appendix 5. Standard Letters

## **1. Introduction**

Trinity academy is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

## **2. Background**

The Freedom of Information Act 2000 (Fol) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the academy. They are entitled to be told whether the academy holds the information, and to receive a copy, subject to certain exemptions.

The information which the academy routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the academy holds are covered by the Act. The DfES has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide academies on how long they should keep academy records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under FoI can be addressed to anyone in the academy; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an FoI enquiry. There is a time limit of 20 days excluding academy holidays for responding to the request.

For further information and guidance, see the DfES “Freedom of Information Act 2000 – A Guide for Maintained Academies on Full Implementation from January 2005.” This can be found on [Teachernet](#), under Freedom of Information in the A-Z of Academy Leadership.

### **3. Scope**

The FoI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the academy.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the academy holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the academy or on academy land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoIA, but unlike FoIA requests, they do not need to be written and can be verbal.

If any element of a request to the academy includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FoIA, and must be dealt with accordingly.

### **4. Obligations and Duties**

The academy recognises its duty to

- provide advice and assistance to anyone requesting information. *We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.*
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down in Appendix 1.

## **5. Publication Scheme**

Trinity Academy has adopted the Model Publication Scheme for Academics approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available [from Central Admin.]

## **6. Dealing with Requests**

We will respond to all requests in accordance with the procedures laid down in Appendix 1.

We will ensure that all staff are aware of the procedures. (Note: A Powerpoint presentation is available on [Teachernet](#) to help in raising awareness. It can be found under Freedom of Information on the A-Z of Academy Leadership)

## **7. Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 2.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

## **8. Public Interest Test**

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see Appendix 3.

## **9. Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450

## **10. Responsibilities**

Responsibility for compliance with the FoIA has been delegated to the Executive Head Teacher by the Governing Body.  
All requests should be directed to Trinity's Academy Business Manager in the first instance.

## **11. Complaints**

Any comments or complaints will be dealt with through the academy's normal complaints procedure.

We will aim to determine all complaints within [...10 working.....] days of receipt. We will publish information on our success rate in meeting this target. The academy will maintain records of all complaints and their outcome.

If on investigation the academy's original decision is upheld, then the academy has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

FOI/EIR Complaints Resolution  
**Information Commissioner's Office**  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF