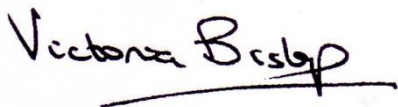




Title	Freedom of Information Policy
Reviewed	September 2018
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Associated Policies	Data Protection Policy
Originator	C. Hinds
Approved	

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1. Introduction and Policy Statement

The Board of Directors of Hatton Academies Trust takes its statutory responsibilities under the Freedom of Information Act 2000 seriously. All academies within the trust are committed to the principles of public accountability and the general right of access to information, subject to the appropriate legal exemptions. This policy outlines the trust's designated framework for managing requests.

Under the Freedom of Information Act 2000 (herein referred to as 'FOIA'), every person has a legal right to request information held by the academies, which is deemed to be information held by a public authority. Those making requests are entitled to be informed whether the Trust holds the information requested, and subject to certain exemptions, to be furnished with a copy within prescribed deadlines.

The information which the trust routinely makes available to the public includes information available on the academies' website and Virtual Learning Environments. Requests for other information are dealt with in accordance with statutory guidance. Whilst the FOIA assumes openness and transparency with public requests for information, it recognises that certain information is by its very nature sensitive. There are exemptions to protect this information, which may result in a request for information being denied.

The Act is fully retrospective, so that any past records which the academy holds is covered by the Act. All academies within the trust hold a Records Retention Schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the academy as to how long it should keep records. The Trust recognises that it is an offense under FOIA 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 the Act can be addressed to anyone employed by the academy. However, all responses are to be cleared by the Trust's Data Protection and Freedom of Information lead, the Director of Finance and Operations, or the Executive Principal prior to information being released.

The Trust will ensure that staff in every Academy are fully aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require.

They do not have to mention the FOIA, nor do they have to say why they want the information. The Trust recognises its duty to respond to all requests, advising the person or organisation requesting the information swiftly whether or not the information is held, and supplying any information that is held, except where exemptions apply.

There is a statutory time limit of 20 days (excluding school holiday periods) for responding to the request.

2. Scope

The Director of Finance and Operations is responsible for ensuring compliance with Academy Policies and Procedures. This procedure applies to all staff employed by Hatton Academies Trust.

Requests for personal data are still covered by the Data Protection Act. 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 in accordance with the Trust's Data Protection Policy.

3. Procedure

3.1 The Trust's Statutory Duty

The Trust Board of Directors recognises its statutory duty to advise and assist anyone requesting information from an academy within the trust. In this respect, the trust 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.

The Board of Directors recognises the duty to:

- a) confirm to those making requests whether or not the Trust holds the information requested (known as 'the duty to confirm or deny'), and
- b) provide access to the information we hold in accordance with the procedures laid down in **Appendix A**

3.2 Publication Scheme

The trust will create a Publication Scheme derived from the Model Publication Scheme for Schools approved by the Information Commissioner. The Publication Scheme is readily available from each academy within the trust.

3.3 Responding to FOIA Requests

The trust will respond to all requests in accordance with the Freedom of Information Act provisions. Responses will be in writing only.

3.4 Exemptions

Certain information is subject to certain exemptions. Persons requesting information under FOIA will be advised if an exemption applies.

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 from the date of the request.

3.5 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.

3.6 Charging

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

The Board of Directors reserves the right to charge a fee for complying with requests for information under FoIA. The fees are calculated according to FoIA regulations, (see **Appendix 4**) and the person notified of the charge before the information is supplied.

4. Responsibilities

The Board of Directors has delegated to the day-to-day responsibility for compliance with the FoIA to the Director of Finance and Operations. A member of staff will be nominated to co-ordinate enquiries and to be a point of reference for advice and training.

5. Complaints

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

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 at:

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