



Freedom of Information and Environmental Information Regulations Policy

This policy was approved and ratified by the Finance & Resources Committee of
Cox Green School
on 14 October 2016

Version	Authorisation	Approval Date	Effective Date	Next Review
1	Full Governing Body	Jan 12	Jan 14	Sept 2012
1.2	Full Governing Body	Sept 12	Sept 12	Sept 13
1.3	Full Governing Body	Feb 13	Feb 13	Sept 14
1.4	Full Governing Body	Oct 14	Oct 14	Sept 15
1.5	Full Governing Body	Oct 15	Oct 15	Sept 16
1.6	Finance & Resources Committee	Oct 2016	Oct 2016	Oct 2019



Introduction

The Governing body are aware that the school has a legal duty to comply with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

The school's policy is that:

- A request for information must be submitted in writing unless it is an EIR request in which case an oral request is adequate.
- an enquirer must be informed whether the school holds requested information or not.
- the information must be supplied or a relevant FOI exemption or EIR Exception applied to withhold it within 20 working days of the request;
- any release of personal data will only be done in compliance with the Data Protection Act 1998.
- the Head will administer the school's process for providing information. Any complaints regarding FOI requests should in the first instance be directed to the Head.
- The Royal Borough of Windsor and Maidenhead employs specialists qualified in Freedom of Information Act, The Environmental Information Act and the Data Protection Act. These services are chargeable and listed in the Traded Services Brochure.

Responsibilities

The Head has overall responsibility to the governing body for ensuring that the policy is implemented and that the management process is maintained.

The school's Business Manager is responsible to the Head for the day-to-day management of the policy.

The School's Process:

On receipt of a request in writing (or oral for EIR) for information, the Head will:

- decide whether the request is a request under Data Protection Act 1998, Environmental Information Regulations 2004 or Freedom Of Information Act 2000;
- decide whether the school 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 FOI exemptions or EIR Exceptions apply and whether they are absolute or qualified;
- where applicable carry out a public interest test prior to applying a qualified exemption. The 'Qualified Person' will be the School Business Manager.
- decide whether the estimated cost of complying with the request will exceed the appropriate limit (£450 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
- consider whether the request is vexatious or repeated;

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



Reasons for not Complying with a Request

The school accepts that according to FOI legislation there are only four reasons for not complying with a valid request for information under FOI:

1. the information is not held;
2. the cost threshold is reached (£450);
3. the request is considered vexatious or repeated, or
4. one or more of the exemptions apply.

The school also recognises that there are 24 exemptions provided by the FOIA. The most applicable for schools are:

- a. S21. Information accessible to applicant by other means;
- b. S40. Personal information;
- c. S39. Environmental information; where information is covered by the Environmental Information Regulations 1992. EIR requests must be responded to within 20 working days. Withheld information must have a relevant 'exception' applied. All exceptions are public interest test applicable.

Details of EIR exceptions are available here:

<http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made>

Complaints

Expressions of dissatisfaction will be handled through the school's existing complaints procedure. Upon completion of the complaints process the requestor will be informed of their right to contact the Information Commissioners Office (ICO) should they still be unhappy.

Information to be provided

The governors have decided that:

1. all published information by the school will be made available;
2. all unpublished information (including any advice or memoranda) will be made available on request, except where a relevant exemption applies.

Advertising the Service

The school will advertise its policy on freedom of information on the school website.

Charging

The school will charge its communication costs, such as photocopying, printing and postage.

Training

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

Communication of policy



This policy will be published on the school website and the staff information drive.

Evidence of implementation

The Headteacher will provide information about enquiries in verbal reports to the Governors.

Review of Policy

This policy shall be reviewed every 3 years by the Finance & Resources Committee.