



**Freedom of Information Act 2000.
Worden school policy**

Approved BRC 12.02.15

1. Introduction

Worden 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 Worden. They are entitled to be told whether Worden holds the information, and to receive a copy, subject to certain exemptions.

The information which Worden 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 Worden holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school 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 Fol can be addressed to anyone in Worden; 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 Fol enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

3. Scope

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

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information Worden 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 Worden or on school 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 Worden 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

Worden recognises its duty to

- provide advice and assistance to anyone requesting information. *We will respond to straightforward verbal requests for information, and will direct 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

Worden has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available from either Worden office or on our website www.wordensportscollege.co.uk

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.

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

The fees will be calculated according to Fol regulations, (see Appendix 4) and the person will be notified of the charge before information is supplied.

10. Responsibilities

School has a responsibility to make information available in accordance with the Freedom of Information Act. Responsibility for compliance with this and related policies will rest with the Governing Body who will delegate those responsibilities to the Head Teacher.

All Worden staff have a responsibility to ensure that any request for information they receive is dealt with under the Act and in compliance with this policy. They are also responsible for good information handling practice and for implementing records management policies and procedures as appropriate to their post.

Contact Details

For advice and assistance please contact ***Mrs Jean Lenton (Head's PA) 01772 421021***

11. Complaints

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

Complaints regarding the use of this policy should be directed to the Governing Body.

We will aim to determine all complaints within 14 days of receipt.

Worden will maintain records of all complaints and their outcome.

If on investigation Worden's original decision is upheld, then Worden 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

Further advice and information about the Freedom of Information Act, including full details of exemptions and advice on the public interest test, is available from the Information Commissioner's website at www.informationcommissioner.gov.uk