



# Freedom of Information Policy

**Full Governing Body agree to adopt this policy September 2017 and agree next review date of July 2018.**

## **1. Introduction**

ESPRIT Multi Academy Trust 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. The wording “Academy” refers to any academy within the Esprit Multi Academy Trust.

## **2. Background**

The Freedom of Information Act 2000 (FoI) 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 DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide Academy’s on how long they should keep 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 a 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 DfE Academies and Freedom of Information Departmental Advice for Academies January 2014

## **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 FoI, but unlike FoI 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 FoI, 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**

ESPRIT Multi Academy Trust has adopted the Model Publication Scheme for Academy's approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available from the Academy offices.

#### **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

A small charge may be made for printing and postage costs.

#### **10. Responsibilities**

The Executive Principal, will have the day-to-day responsibility for compliance with the FoI Act.

#### **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 7 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

Appendix 1

***[Your address]***

***[Town/city]***

***[Postcode]***

***[Email]***

***[Telephone number]***

***Esprit Multi Academy Trust***

***Academy Name:*** \_\_\_\_\_

Dear ***[enter name]***,

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Please send me:

***[Information request - 1]***

***[Information request - 2]***

***[Information request – 3, and so on]***

I would like the above information to be provided to me as ***[paper or electronic copies, audio-tape version or an opportunity to view]***.

If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request.

I look forward to hearing from you.

Yours faithfully

***[Your name]***

## Appendix 2

### Exemptions from the Freedom of Information Act

This information has been extracted from the FOI Directory at the time of the creation of this policy. It will be updated whenever the policy is reviewed or changed, or when there is a change to the Freedom of Information Act.

#### FOI ABSOLUTE EXEMPTIONS

**Section 21** – Information accessible by other means (this often means it is already in the public domain, in which case the authority is obliged to direct you to where it is held).

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 23** – National Security – Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 32** – Court Records

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 34** – Parliamentary Privilege – a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 36** – Effective Conduct of Public Affairs – so far as relating to information held by the House of Commons or the House of Lords.

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 40** – Personal Information – where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the data protection principles.

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 41** – Information provided 'In Confidence'

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 44** – Prohibitions on disclosure – where a disclosure is prohibited by an enactment or would constitute contempt of court.

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

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#### FOI – QUALIFIED EXEMPTIONS

Exemptions where the public interest test applies.

**Section 22:** Information Intended for Future Publication Exemption

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 24:** National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not apply)

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 26:** Defence

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 27:** International relations

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 28:** Relations within the United Kingdom

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 29:** UK Economic Interests

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 30:** Investigations And Proceedings Conducted By Public Authorities

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 31:** Law Enforcement

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 33:** Audit Functions

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 35:** Formulation of government policy and Ministerial Communications

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 36:** Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 37:** Communications with Her Majesty, the Royal Family or concerning honours

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 38:** Health And Safety

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 39:** Environmental Information – as this can be accessed through the Environmental Information Regulations

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 40:** Personal information relating to a third party access request

The Information Commissioner's guidance on the exemption can be found here.

The Ministry of Justice's Guidance on the exemption can be found here.

**Section 42:** Legal Professional Privilege

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).

**Section 43:** Commercial Interests

The Information Commissioner's guidance on the exemption can be found [here](#).

The Ministry of Justice's Guidance on the exemption can be found [here](#).