



Yes we can

FREEDOM OF INFORMATION ACT POLICY FEBRUARY 2017

Freedom of Information Policy

Henry Fawcett Primary School sees the introduction of the Freedom of Information Act as a welcome opportunity both to improve the ways in which it informs the public it serves and to improve the ways in which it manages the enormous amount of information it holds. Information is one of the most, if not the most, important assets the School has, and Freedom of Information provides a catalyst to make it more widely available and manage it more efficiently.

The School wishes to conduct its business in an open and honest fashion. When the School makes a decision, it is important that the Public is informed how these decisions have been made. The provisions of the Freedom of Information Act will enable the Public to understand the School and its work through improved access to information.

1. **Availability.** The School will make information publicly available unless there are sound operational or public interest reasons for not doing so or there are legal reasons preventing it - in particular reasons relating to the Data Protection Act and the privacy of individuals.
2. **Confidentiality.** Similarly the School will not classify documents as CONFIDENTIAL without clear justification for doing so.
3. **Exemptions.** The School recognises that the exemptions to access in the Freedom of Information Act may allow the School not to release a document but do not prevent it from releasing that document.
4. **Equality.** The School will develop an environment in which access to information is not dependent on a person's physical, social or educational circumstances, or first language.
5. **Charges.** The School will charge any fee allowed by the Freedom of Information or Data Protection Acts and Regulations to help cover the cost of finding and making available the requested information. Where an applicant requests information which would cost more than the maximum allowed by Regulations, the School will endeavour to agree with the applicant either a reduced requirement or that he/she will pay the full cost. The School will not seek to profit from the operation of Freedom of Information legislation – instead seeking only to cover its costs.



Yes we can

6. **Records management.** The School will commit itself to a written Records Management Policy by the time of the full implementation of the Freedom of Information Act (January 2005). This will specify adequate filing, retention, security, tracking, destruction and recycling standards.

Fees and charging policy

Scope of policy

This policy applies to the levying of fees and charges in relation to information access requests received by the School falling under The Freedom of Information Act 2000 (FOIA)

Legal background for charges

Under Section 12 of the Freedom of Information Act a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the “appropriate limit” prescribed in the regulations. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, identify the “appropriate limit” of fees and charges the school is permitted to levy in response to requests made under Freedom of Information. This also applies to requests for “unstructured” personal information under Section 9A of the Data Protection Act 1998 (inserted by section 69 of FOIA).

The ‘appropriate limit’

Under Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the “appropriate limit” is set at £450 for Local Authorities which the school agrees to.

This is calculated on a standard rate of £25 per hour based on estimating the staff time taken to:

- Determine if the information is held
- Locate the information or a document which may contain the information
- Retrieve the information, or a document, which may contain the information
- Edit or extract the releasable information contained within a document

This calculation does not take into account the time spent/costs of:

- Checking that a request for information meets the requirements of FOIA
- Considering the application of exemptions; prejudice and/or public interest tests



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- Obtaining internal or external legal advice
- Consulting with third parties and obtaining authorization to send out information

Based on the standard hourly rate of £25 specified in the FOIA Fees Regulations, the maximum amount of staff time spent finding, retrieving, collating and editing before exceeding the £450 cost limit is 18 hours.

Under the FOIA, the actual costs of communicating information released to the applicant are recoverable. This includes the cost of printing, photocopying, postage and/or supplying the information in a particular form.

Estimating the cost of an information request

FOIA information requests

The Freedom of Information Act is intended to build on existing access channels rather than replace existing access regimes. Therefore if information is reasonably accessible to applicants through other means, such as through other legislation the DfE or the council's publication scheme, it is exempt from FOIA. Where information is otherwise available, this means the rules for costing and charging for compliance with the act do not apply.

For information that is not otherwise accessible, if it is estimated that a request will take less than 18 hours to complete and there is no reason to withhold the information, the request will be dealt with free of charge except for disbursement costs (see section 7).

If it is estimated that such a request will take more than 18 hours to complete, the school is not obliged to comply with the request and will normally turn down requests exceeding this limit. Applicants will be assisted to make the request smaller and more precisely focussed.

Time limits and charging

If disbursement costs apply for responding to an FOI request under the 'appropriate limit' an estimated Fees Notice will be issued. Once the Fees Notice has been issued, the clock stops and the applicant has three months to pay the charge. The request lapses after 3 months if the charge remains unpaid. Only when payment has been received and has cleared does the clock restart and work begin on collating the information.

The Fees Notice will usually be issued, if possible, before any costs are incurred in preparing to answer the request. If a charge applies, the estimated fees and/or costs of supplying the information, will be payable in advance.

Aggregating requests



Yes we can

The FOIA Fees Regulations provide for the costs of answering more than one request to be added together or aggregated for the purposes of estimating whether the 'appropriate limit' would be exceeded in relation to any one of the requests. Requests can only be aggregated in the following circumstances:

- two or more requests for information must have been made to the same public authority;
- they must be either from the same person, or from different persons who appear to the authority to be acting together or in pursuance of a campaign (section 12(4)(b) of FOIA);
- the requests must relate to the same or similar information; and
- they must have been received within a space of 60 consecutive working days. This provision is designed to prevent individuals or organisations undermining the 'appropriate limit' by splitting a request into smaller parts. Before applying these provisions, the Council will carefully consider the reasons for believing that requests have been framed to frustrate the cost limit.

Repetitious/vexatious requests

In considering whether to refuse to answer multiple questions altogether on the grounds that they are repetitious or vexatious requests, the school will take account advice from appropriate professionals.

Communicating information – disbursement costs

Irrespective of whether the request is below or above the 'appropriate limit', disbursements will normally be charged where the estimated photocopying cost exceeds the cost of five A4 black & white photocopies, or one A4 colour photocopy.

Under Section 11(1) of the FOIA, authorities have a duty to take account of the applicants' preferred format for receiving information. This may include:

- summarising the information and providing the applicant with a copy (i.e. photocopying or printing)
- allowing the applicant to inspect a record containing the information
- producing material in an applicant's preferred format (for example by putting it onto a CD-ROM, video or audio cassette) or
- translating information into a language other than English, or preparing information in another format (e.g. Braille, large type) at the request of the applicant



Yes we can

Charges will not be applied by the school for costs incurred arising from meeting our obligations under disability or other equality legislation.

Postage and printing costs

Applicants may be expected to meet the postage costs. The cost of an A4 photocopy or printed sheet will be charged at 10p for black & white and 50p colour per A4 sheet and postal costs will be based on current Royal Mail charges.

Other costs

The school is committed to the use of electronic means to provide information that has been requested, and will encourage and advocate the use of these means in all appropriate cases, subject always to the stated preference of the applicant. Normally information supplied electronically will not involve a cost unless hard copy information has been specifically converted for this purpose.

Other or additional costs (to postage and printing charges) incurred as a result of communicating information in a way requested by the applicant where the overall amount exceeds £1.00, may be payable. This includes but is not limited to requests to supply information on memory stick, CD ROM; another medium, or in a language other than English.

Date agreed by governing body on	Signature of Chair or Vice Chair
Date agreed for review March 2018	Frequency of Review Annual / Bi-annual / Three year cycle
Responsibility for Review Committee /Headteacher	