

# Canonium Learning Trust



## Freedom of Information Policy

Adopted: 2019/2020

Next review: 2021/2022

### INTRODUCTION

The Canonium Learning Trust is committed to the Freedom of Information Act 2000, which came into force on 1 January 2005 and which comes to include the Academies Act 2010, with effect from 1 January 2011. Each Academy is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by an 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 includes information available on the Academy web site. Requests for other information are dealt with in accordance with 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 is covered by the Act. The Academy has a 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. It is an offense to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, and so it is important that no records that are the subject of an enquiry are amended or destroyed within the timescale set out by the Records Management Society of Great Britain.

Requests under the Act can be addressed to anyone employed by the Academy. However, all responses are to be cleared with a member of the Board or the Headteacher prior to dispatch. Staff need to be aware of the process for dealing with requests. Requests must:

- Be made in writing (which can include email)
- include the requestor's real name or the name of the person or organization they are acting on behalf of
- Include correspondence address (can include an email address)
- Describe the information requested.

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 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 enquiry. There is a time limit of 20 school days, or 60 working days if that is sooner, for responding to the request.

### SCOPE

The Headteacher/Head of School is responsible for ensuring compliance with Academy Policies and Procedures. This procedure applies to all Academy staff.

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 accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment (including the new build) and any factor or measure affecting these – are covered by the Environmental Information Regulations. Requests under Environmental Information Regulations are dealt with in the same way as those under Freedom of Information Act 2000, but they do not need to be written and can be verbal.

## **OBLIGATIONS AND DUTIES**

The Board of Directors recognises the 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.

The Board of Directors also recognises the duty to 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 internal procedures.

## **EXEMPTIONS**

Certain information is subject to either absolute or qualified exemptions. 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.

## **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.

## **CHARGING FOR INFORMATION**

Unless the 'cost of compliance' would exceed the £450 limit (see below), we only recover our communication costs from the requester, such as the money spent on:

- Photocopying
- Printing
- Postage

No other charge will be given for any other costs, such as staff time spent searching for information, unless the cost of compliance exceeds £450.

When calculating the cost of compliance take into account the cost of:

- Determining whether you hold the information
- Finding the requested information, or records containing the information
- Retrieving the information or records
- Extracting the requested information from records.

When estimating the cost of staff time for this, the rate for staff time is at £25 per person per hour regardless of who does the work.

If the cost of compliance exceeds £450, we can recover our full costs.

### **Send out a fees notice**

If we want to charge, then we will send a fees notice to the requester as soon as possible after we have received the request. The template letter that can be obtained from the Operational Director.

The time limit to respond is effectively 'paused' until we have received the fee, but once we have been paid, we will send out the information within the time remaining.

If we do not receive payment within 3 months of issuing the notice, we are no longer obligated to respond to the request.

## **MONITORING**

The CEO monitors the effectiveness of this policy on a regular basis reporting to the governing body on the effectiveness of the policy and, if necessary, makes recommendations for further improvements.

## **REVIEW**

The Board of Directors reviews this policy every two years. The Directors may review the policy earlier than this, if the government introduces new regulations, or if the board receives recommendations on how the policy might be improved.