

Freedom of Information Policy

MARINE ACADEMY PRIMARY POLICIES

VERSION CONTROL SHEET

POLICY NAME: Freedom of Information Policy

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Document date	Filename	Meeting submitted	Summary of changes required
01-06-13	Freedom of Information Policy	TBC	New policy

Freedom of Information Policy

Purpose

Marine Academy Primary (MAP2) is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005 and which came to include Academies by the Academies Act 2010, with effect from 1 January 2011. MAP2 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 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 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, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under the Act can be addressed to anyone employed by the Academy. However, all responses are to be coordinated by the Corporate Director of Business and Finance and approved by the Principal. Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include 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 enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

Scope

The Corporate Director of Business and Finance 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 and any factor or measure affecting these – are covered by the Environmental Information Regulations. Requests under EIR are dealt with in the same way as those under FoIA, but they do not need to be written and can be verbal.

Associated documents

- Retention Schedule
- Complaints Procedure

Abbreviations and Definitions:

FoIA – Freedom of Information Act 2000

EIR – Environmental Information Regulations

Procedure:

Obligations and Duties

The Governing Body recognises the duty to provide advice and assistance to anyone requesting information. MAP2 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 Governing Body recognises the duty to tell enquirers whether or not MAP2 holds the information they are requesting (the duty to confirm or deny), and

provide access to the information MAP2 holds in accordance with the procedures laid down in this policy.

Publication Scheme

MAP2 has issued a Publication Scheme derived from the Model Publication Scheme for Schools approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available on the MAP2 website, unless otherwise stated.

Responsibilities

The Governing Body has delegated to the day-to-day responsibility for compliance with the FoIA to the Corporate Director of Business & Finance, reporting to the Principal.

Dealing with Requests

MAP2 will respond to all requests in accordance with the time-scales set out in the FoIA wherever reasonably possible, ensuring that all staff are aware of the procedures.

Exemptions

Certain information is subject to either absolute or qualified exemption under the FoIA. When MAP2 believes it should apply a qualified exemption to a request, it will invoke the public interest procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. The Academy will apply the Public Interest Test before any qualified exemptions are applied in accordance with guidelines set out in the FoIA.

Charging

The Academy reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

The Academy also reserves the right to charge a fee for complying with requests for information under FoIA. The fees will be calculated according to FoIA regulations, and the person notified of the charge before the information is supplied.

Complaints

Any comments or complaints will be dealt with through the Academy's normal complaints procedure. An independent investigation will be conducted by a Governor.

If, on investigation, the Academy's original decision is upheld, then the Academy will 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 at:
FOI/EIR Complaints Resolution,
Information Commissioner's Officer
Wycliffe House,
Water Lane
Wilmslow,
Cheshire
SK9 5AF

Disclosure Log

A Disclosure Log shall be maintained detailing all information requests received and what responses were made and when.

The Academy will enter details in the log of requests where it has refused to supply information, and the reasons for the refusal.

The Academy will also register details of requests where a complaint has been made and the outcome of the resultant investigation.

The Disclosure Log will be retained for 5 years from the date of the request.

This document will be reviewed annually.

Electronic copies of this procedure shall be available via the computer network.

The requirements of this procedure are mandatory and apply from receipt of this document.