



**KING EDWARD VI
ACADEMY TRUST
BIRMINGHAM**

FREEDOM OF INFORMATION POLICY

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| <i>Responsible Board</i> | Academy Trust Board |
| <i>Policy Officer</i> | Company Secretary |
| <i>Date Adopted</i> | June 2018 |
| <i>Review Date</i> | June 2022 |
| <i>Version</i> | 1 |

1 INTRODUCTION

- 1.1 King Edward VI Academy Trust Birmingham (the “Academy Trust”) and its Academies are subject to the Freedom of Information Act 2000 (“FOI”) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

2 WHAT IS A REQUEST UNDER FOI

- 2.1 Any request for any information from the Academy is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.
- 2.2 In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Company Secretary (cosec@ske.uk.net).
- 2.3 All other requests should be referred in the first instance to the Company Secretary, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.
- 2.4 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information “confidential” or “restricted”.

3 TIME LIMIT FOR COMPLIANCE

- 3.1 The Academy must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For an Academy, a “working day” is one in which pupils are in attendance, subject to an absolute maximum of 60 calendar days to respond.

4 PROCEDURE FOR DEALING WITH A REQUEST

- 4.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Company Secretary, who may re-allocate to an individual with responsibility for the type of information requested.
- 4.2 The first stage in responding is to determine whether or not the Academy “holds” the information requested. The Academy will hold the information if it exists in computer or paper format. Some requests will require the Academy to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Academy is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Academy to add up totals in a spread sheet and release the total figures, this would be information “held” by the Academy. If the Academy would have to go through a number of spread sheets and

identify individual figures and provide a total, this is likely not to be information “held” by the Academy, depending on the time involved in extracting the information.

4.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

4.3.1 Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the DPA, detailed in paragraph 9 of the DPA policy above;

4.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in paragraph 3.1 of the DPA policy above;

4.3.3 Section 41 – information that has been sent to the Academy (but not the Academy’s own information) which is confidential;

4.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;

4.3.5 *Section 22 – information that the Academy intends to publish at a future date;*

4.3.6 *Section 43 – information that would prejudice the commercial interests of the Academy and / or a third party;*

4.3.7 *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*

4.3.8 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*

4.3.9 *Section 36 – information which, in the opinion of the chair of governors of the Academy, would prejudice the effective conduct of the Academy. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.*

4.4 The sections 22, 43, 38, 31 and 36 mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

5 RESPONDING TO A REQUEST

5.1 When responding to a request where the Academy has withheld some or all of the information, the Academy must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2 The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by a Trustee, or by writing to the ICO.

6 CONTACT

6.1 Any questions about this policy should be directed in the first instance to the Company Secretary of the Academy Trust.