



Learn-AT
Learning ~ Fellowship

Freedom of Information Policy

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Please note that this policy supersedes and replaces any equivalent policies or sections of policies. This policy is non contractual and can therefore be amended without consultation. Before you use this policy, please check you have the latest version using the footer reference and Learn-AT Policy Index.

This policy applies to all Learn Academies Trust schools and should be read in conjunction with the latest associated guidance issued by Learn-AT.

1. Introduction

- 1.1. The Trust is 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. Also refer to the [Learn Academies Trust Data Protection Policy](#)

2. What Is A Request Under FOI

- 2.1. Any written request for any recorded information from the Trust can technically be 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 Head Teacher.
- 2.3. All other requests should be referred in the first instance to the Data Protection Officer, 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. However, an FOI request cannot be ignored simply because it is addressed to a different member of staff.
- 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 Trust must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For a Trust when calculating the 20 working day deadline, a "working day" is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school 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 Data Protection Officer,

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 Trust “holds” the information requested. The Trust will hold the information if it exists in electronic or hard copy. Some requests will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to “hold” that information. Where it would take more than 18 person-hours of work to determine whether you hold the information; find the requested information, or records containing the information; retrieving the information or records; and extracting the requested information from records you can refuse the request, giving the requestor reasonable advice and assistance to refine (change or narrow) their request. If it takes longer than 18 hours to decide whether you hold the information, you can refuse the request on that basis. Otherwise, you should say whether you hold the information, even if you cannot provide the information itself within 18 hours.
- 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 applicants 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 Trust intends to publish at a future date;
 - 4.3.6. Section 43 – information that would prejudice the commercial interests of the Trust 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 Trustees of the Trust, would prejudice the effective conduct of the Trust. 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 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. There are two separate duties when responding:
 - i) to tell the requestor whether you hold the information falling within the scope of their request; and
 - ii) to provide that information.
- 5.2. When refusing a request for some or all of the information, the Trust must issue a Refusal Notice which explains why the information has been withheld, quoting the appropriate exemption relied on and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.
- 5.3. The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by Data Protection Officer at Learn Academies Trust or by writing to the ICO.

6. Contact

- 6.1. Any questions about this policy should be directed in the first instance to Data Protection Officer at the School DPO Service, Warwickshire Legal Service, Shire Hall, Warwick – Email schooldpo@warwickshire.gov.uk (when contacting our DPO, please state which school your query relates to).