



# Marriott Primary

Achieving Together

## FREEDOM OF INFORMATION POLICY

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| Approved                                   | 15 <sup>th</sup> June 2021 |
| Signed<br>(Chair of Governors)             | <i>Steve Wilson</i>        |
| Reviewed (Due: 15 <sup>th</sup> June 2022) |                            |
| Signed<br>(Chair of Governors)             |                            |

## Contents

|   |   |
|---|---|
| 1. Introduction.....                            | 3 |
| 2. Purpose and Scope.....                       | 3 |
| 3. Our Model Publication Scheme .....           | 3 |
| 4. Making a request for information.....        | 3 |
| 5. Responding to a request.....                 | 4 |
| 6. Responsibilities.....                        | 4 |
| 7. Exemptions .....                             | 5 |
| 8. Review Procedure.....                        | 5 |
| 9. Records Management .....                     | 5 |
| 10. Policy Review .....                         | 5 |
| 11. Environmental Information Regulations ..... | 5 |

## **1. Introduction**

1.1 The Freedom of Information Act 2000 (FOIA) gives the public a right of access to information held by public authorities including primary schools.

1.2 Marriott Primary School (MPS), as a public authority as defined by the FOIA, recognises its responsibility and is committed to promoting a culture of openness and transparency with all the information it holds to meet the requirements of the FOIA.

1.3 However not all information held by MPS can be released under a FOIA request. MPS has discretion to withhold information for a number of reasons; such as data protection exemptions, confidentiality, health and safety or to protect its commercial interests.

## **2. Purpose and Scope**

2.1 This MPS Freedom of Information Policy has been produced to ensure compliance with the provisions of the FOIA.

2.2 The policy provides a framework for compliance and is supported by appropriate procedures and guidance, advice and good practice.

2.3 This policy applies to all members of staff including temporary or casual or agency staff, and contractors and suppliers working for, or on behalf of, MPS.

## **3. Our Model Publication Scheme**

3.1 Section 19 of the FOIA places a duty on every public authority to:

- a) Adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the ICO;
- b) Publish information in accordance with its publication scheme;
- c) Review its publication scheme from time to time.

3.2 MPS has adopted the model publication scheme approved by the ICO. MPS's FOIA Publication Scheme is available publicly through its website or can be provided in hard copy format by request from the school Data Protection Officer. Our publication scheme is reviewed on an annual basis and we encourage any feedback to assist with our review process.

3.3 The FOIA scheme sets out the types of information MPS publishes in accordance with the guidelines set out by the ICO, and these are:

- a) Who we are and what we do;
- b) What are our priorities and how we are doing;
- c) Our policies and procedures;
- d) Lists and registers;
- e) The services we offer.

## **4. Making a request for information**

4.1 Requests for information not included in the Publication Scheme can be accessed on receipt of a specific written request. For a request to be considered valid under the FOIA, it must:

- i. Be in writing; this could be a letter or email. Requests can also be made via our website, or even on social networking sites such as Facebook or Twitter though we would respond directly to the applicant.
- ii. Include the requester's real name. We may decide to check the applicant's identity if it is clear they are using a pseudonym or if there are legitimate grounds for refusing their request and we suspect they are trying to avoid this happening, for example because the request is vexatious or repeated.
- iii. Include an address for correspondence. This need not be the person's residential or work address – it can be any address at which we can contact the applicant, including a postal address or email address.
- iv. Describe the information requested.

4.2 Requests should be addressed via email to [jmarshall@marriott.leicester.sch.uk](mailto:jmarshall@marriott.leicester.sch.uk) or by post to: Freedom of Information Request, c/o Marriott Primary School, Broughton Road, LE2 6NE.

## **5. Responding to a request**

5.1 MPS will respond to a FOIA request promptly, and by the twentieth working day following receipt of the request. If we are unable to respond to the request within the 20 working days we will contact the requestor with an explanation and request an extension of time.

5.2 The response will confirm whether or not MPS holds the information; if it does hold the information, MPS will release it. However, some information may be exempt from disclosure under one of the exemptions in the FOIA.

5.3 In certain cases MPS has the right to charge applicants for supplying the requested information, but is under no obligation to provide information if the cost of doing so would be in excess of an 'appropriate limit'. We may recover some communication costs, such as for photocopying, printing and postage. Any fee for handling a request will be calculated in accordance with the provisions of the current fees regulations available from the Information Commissioner (ICO) website - <https://ico.org.uk>.

## **6. Responsibilities**

6.1 MPS has a responsibility to ensure the implementation of the provisions of the FOIA and we will process and respond to all non-routine requests for information received and provide members of MPS with guidance and advice on FOIA.

6.3 All staff are responsible for ensuring the records they manage are accurate and complete, and that all requests are handled efficiently and promptly in accordance with the FOIA guidelines.

6.4 Every member of staff must recognise that all recorded information may be disclosed to the public and that in most cases the FOIA requires there to be full and unconditional disclosure unless one of the statutory exemptions / exceptions applies.

6.5 All MPS staff should be aware that any breach of the FOIA may result in MPS's internal disciplinary procedures being instigated.

## **7. Exemptions**

7.1 There are a number of exemptions under the FOIA where MPS is not required to disclose the information requested, though there are limits to the circumstances in which information can be withheld.

7.2 In cases where MPS considers a request is subject to an exemption, consideration will be given as to whether or not the information can be disclosed. This would take into account the public interest, the rights of data subjects, legal and contractual obligations, our duty of care to our pupils, parents, staff and contractors and any issues concerning access and security.

7.3 Information will only be withheld in accordance with the exemptions specified by legislation, and the reasons for applying the exemption will be provided to the requester unless the reason involves extremely sensitive information for example national security or safeguarding issues.

## **8. Review Procedure**

8.1 If the applicant feels MPS have not dealt with their request for information properly, they should start by contacting us through the contact information above and request us to conduct an internal review (note: there is a legal requirement under the EIR for public authorities to have an internal review procedure in place. The FOI Code of Practice recommends that public authorities also have a procedure in place for dealing with disputes about FOIA requests and consequently MPS has adopted the same procedure for dealing with reviews or complaints about requests dealt with under both the EIR and FOIA. This procedure also applies to complaints concerning the Publication Scheme).

8.2 Complaints should be made within 2 months of receiving our response to their FOIA request. We will carry out an internal review within 20 working days and will reconsider our decisions and where appropriate amend any disclosure of information. If the review will take longer to conduct, the requestor will be informed why and when to expect a response.

8.3 If after going through our complaints procedure and internal review process the requester is still dissatisfied then they may complain to the ICO, The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 Website: [www.ico.org.uk](http://www.ico.org.uk)

## **9. Records Management**

9.1 MPS will manage its records effectively and systematically to ensure information retrieval is simple, timely and meets legislative, regulatory, funding and ethical requirements.

## **10. Policy Review**

10.1 This policy will be updated as necessary to reflect best practice and to ensure compliance with any changes or amendments to Data Protection legislation.

## **11. Environmental Information Regulations**

11.1 Any requests for environmental information held by public authorities must be responded to in accordance with the Environmental Information Regulations 2004 (EIR), rather than the FOIA.

1.2 EIR requests do not need to be made in writing; however, a written record will be made of any verbal requests that are received.

11.3 MPS will respond to a request within 20 working days and will treat these requests in line with the guidance provided by the ICO.