



# Freedom of Information Policy

This Policy was approved by

The Shire Multi-Academy Trust Board on

January 2016 Review Date: January 2018

Signed:

Chair

## **Introduction**

The Shire Multi-Academy Trust is committed to comply with the provision of the Freedom of Information Act 2000 (FOIA), which came into force on 1<sup>st</sup> January 2005. The FOI Act 2000 gives the public the right of access to all recorded information held by all public authorities.

Access to information can only and will only be denied if there is an absolute exemption upon its disclosure or the public interest assessment indicates that the information should not be disclosed. The FOIA is regulated by the Information Commissioner.

The Freedom of Information Act complements or supports the following legislation:

- Data Protection Act 1998, that gives individuals access to personal information held about them by the Trust;
- Environmental Information regulation 2004 that gives access to information about the environment held by the Government and Public Authorities.
- Protection of Freedoms Acts 2012 that require public authorities to provide information and if available datasets in a re-useable format so far as reasonably practicable; and
- Local Government Act 1972 that contains the main access to information rules in relation to all meetings of the Trust and the formally established committees and sub-committees of the Trust.

In complying with its duty any local authority must take account of the Code of Practice in relation to Freedom of Information issues by the Minister of Justice under Section 45 of the Act. Similarly, The Trust will abide by the terms of the Code of Practice whenever this is possible or appropriate.

## **Policy Statement**

The Sandhill Academy Trust will comply with all relevant provision of the Freedom of Information Act 2000 and, where relevant, the requirements of Environmental Information Regulation 2004 (EIR).

The Trust will provide advice and assistance to help people make requests under the FOIA. The Trust aims to respond to all requests promptly and within the statutory response period of 20 working days following the receipt of a valid request.

In cases where information is covered by an exemption or other legislation, consideration is given as to whether or not it is in the public interest to disclose regardless of the exemption.

The Trust has adopted and will maintain a publication Scheme that has been approved by the Information Commissioner. The Publication Scheme contains details of all the information that the Trust makes available to the public. The Publication Scheme will be subject to regular review.

The Trust is committed to conducting its affairs in a transparent manner and enabling public access to its information whenever this is appropriate. The Trust will act in as open and

transparent a manner as possible whilst ensuring the integrity of its information and protecting the privacy of its customers.

### **Scope**

This policy informs recipients of Trust services, members of the public and external parties of the processes the Trust has established for complying with the FOIA.

This policy applies to all employees of the Trust, elected members, contractors, agents, partners and temporary staff working for or on behalf of the Trust.

This policy does not cover Subject Access Requests (requests for access to information about a living individual which could identify them) These requests are exempt from the FOIA under section 40, and should be processed in accordance with the Data Protection Act 1998(DPA)

This policy does not relate to data held by school, as they are data controllers in their own right and responsible for their own FOIA compliance.

### **Relationship with the Data Protection Act 1998**

The Trust is under a legal duty to protect personal data as required by the Data Protection Act (DPA) 1998. The Trust will carefully consider its responsibilities under the DPA before disclosing personal data about living individuals, including current and former, members and users of its services.

### **The Trust's Publication Scheme**

The Trust Publication Scheme is available on the Trust's Website.

The Publication Scheme specifies:

- what information the Trust will make routinely available to the public as a matter of course;
- how it will do so; and
- whether or not this information will be made available free of charge or on payment of a fee.

### **Roles and Responsibilities**

All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and compliance with this policy and the prevailing procedures.

All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless of the statutory exemption/exceptions applies.

Any breach of any provision of FOIA will be deemed as being a breach of any contract between the Trust and that individual, company, partner or firm.

Managers are required to ensure that the service areas for which they are responsible have in place adequate guidance on freedom of information and effective measures to comply with this policy.

Third parties who are users of information supplied by the trust will be required to confirm that they will abide by the requirements of the FOIA and allow audits by the Trust of data held on its behalf (if requested); and indemnify the Trust against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

The Trust will ensure that:

- everyone managing and handling information understands that they are responsible for following good information management practice;
- staff who handle information are appropriately supervised and trained;
- methods of handling information are regularly assessed and evaluated;
- any disclosure of data will be in compliance with approved procedures;
- all necessary steps will be taken to ensure that data is kept secure at all times against unauthorised or unlawful loss or disclosure; and
- all contractors who are users of information supplied by the Trust will be required to confirm that they will comply with the requirement of the Act with regards to information supplied by the Trust.
- It will abide by any Code of Practice on the discharge of the function of Public Authorities which is issued by the Ministry of Justice. In addition the Trust will take account of any guidance which is issued by the information Commissioner to promote good practice.

**In respect to any request for information the Trust reserves the right to:**

- Withhold request results until the relevant fee has been paid, and also reserve the right to refuse request whose total administrative cost exceeds the appropriate limit of 18 hours based on an average flat rate of £25 per hour (£450), as stated in the Freedom of Information and Data Protection ( Appropriate Limit and Fees) Regulation 2004;
- refuse any vexatious or repetitious request;
- redirect enquiries to the public resource in which required information can be found where the Trust already publishes the requested information;
- withhold information if it is subject to an exemption under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the Local Government Act 1972; and/or not provide copies of items subject to copyright restrictions, although these will still be open for inspection under the Act.

A refusal of a request for information will only be made when it is necessary to do so. For example, if the estimated cost of extracting, preparing or analysing the requested information is excessive. The refusal of the request will be made in writing and will state the reason for refusal, specify the exemptions which apply and state clearly why the exemption applies.

When applicable the Trust will identify why the public interest in maintaining an exemption outweighs the public interest in any disclosure. Whenever appropriate the factors taken into account will be identified and communicated.

### **Complaints**

The Trust has a complaints procedure and any complaints about the Data Protection Act, the Environmental Information Regulation or the Freedom of Information Act may be dealt with by clearly marking your correspondence 'Complaint' and addressing it to:

The Sandhill Academy Trust  
Dearne Street  
Great Houghton  
Barnsley  
S72 0EQ

If you are not content with the outcome of the complaint, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Customer Services Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Chester  
Sk9 5AF  
Website: [www.ico.org.uk](http://www.ico.org.uk)  
Tel: 01625 545 745

The Trust will maintain a record of all complaints and their outcomes.

### **References**

Freedom of Information Act 2000  
Environmental Information Regulation 2004  
Protection of Freedoms 2012  
Data Protection Act 1998  
Human Rights Act 1998

This policy is approved by the Trust Directors.

Reviewed by the Trust    Jan 2016

Signed:

Chair

Review Date: Jan 2018

## Appendix 1

### **The Trust Publication Scheme**

This scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available for you on our websites to download and print off. Some information which we hold may not be made public, for example personal information. This publication scheme conforms to the model for school approved by the information commissioner.

#### **Categories of information published**

This publication scheme guides you to the information which we currently publish (or have recently published) or which we intend to publish in the future. This is split into categories of information known as 'classes'. The classes of information that we undertake to make available are organised into five broad topic areas:

- School Prospectus- information published in the school prospectus;
- Directors' Documents- information published in the Trust board documents;
- Pupils and Curriculum-information about policies that relate to pupils and the curriculum offered by the Shire Multi-Academy Trust;
- Trust and School Policies and other information including statements of intent, protocols and procedures relating to the Trust and its schools.
- Trust Accounts and Financial Information.

#### **How to request information**

Please use our websites to gain access to the information we publish

[www.thesandhilltrust.co.uk](http://www.thesandhilltrust.co.uk)

[www.laithesprimaryschool.co.uk](http://www.laithesprimaryschool.co.uk)

[www.sandhillprimary.org.uk](http://www.sandhillprimary.org.uk)

Or alternatively,

If you require a paper version of any documents within the scheme, please contact the school by telephone, email or letter.

Contact details;  
The Shire Multi-  
Academy Trust  
Dearne Street  
Great Houghton  
Barnsley S72 0EQ

Tel: 01226 345030 Fax: 01226 754302

email: [b.white@sandhilltrust.co.uk](mailto:b.white@sandhilltrust.co.uk)

If the information you are looking for is not available on our websites or through the publication scheme you can still contact the school to ask if we have it.

