

## FREEDOM OF INFORMATION POLICY

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Date Approved by Board:	3 July 2018
Date of Review:	July 2020
Responsible Department:	Information Services
Policy Applies to:	Wellspring Trust and all Academies within the Trust

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*The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:*

- eliminate discrimination and other conduct that is prohibited by the Act*
- advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

*In the development of this policy due regard has been given to achieving these objectives.*

## Executive Summary

Wellspring Academy Trust has a duty to publish statement that details how it will meet its duties under the Freedom of Information Act 2000.

All Freedom of Information (FOI) requests should be sent to the Trust's Data Protection Officer (DPO) [FOI@wellspringacademies.org.uk](mailto:FOI@wellspringacademies.org.uk) for optimal processing and to support monitoring and evaluation purposes.

Where a FOI request is received directly by an employee this must be logged with the DPO via the same email address, including the full details of the request and the actual date received. The Trust has 20 working days to respond to FOI requests. The first working day is the day after the request was received. All requests for public information are covered by the Act and FOI may arrive in hard copy format or via social media channels.

Some requests for information may be received that do not require a formal FOI process to be initiated. An example of this could be a request that can be managed as a normal customer service enquiry and where information is readily available. If in doubt, or should the requestor state the request to be a formal FOI, then this policy must be followed.

This policy contains details of the general rights of access, including what we will and will not respond to. Where appropriate, a fee may be charged. Details of this can be found in the 'charging fees' section of this policy.

The Trust will endeavour to provide information in the format requested, so long as it is practicable to do so. The Trust will also provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information.

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## 1. Statement of Intent

As an educational provider, Wellspring Academy Trust has an obligation to publish a Freedom of Information Statement, outlining how it will meet its duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How Wellspring Academy Trust and its Academies will respond to requests from individuals for access to information held about them.
- The Academies' policy and procedure for the release and publication of private data and public records.

It also clarifies the position regarding the appropriate limit to the costs incurred by an Academy in obtaining any requested information and on charging fees for its provision.

## 2. Legal Framework

2.1 This policy has due regard to the following legislation:

- General Data Protection Regulation 2018
- Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

2.2 This policy should be viewed in conjunction with Wellspring Trust's Data Protection Policy which includes guidance on subject access requests relating to personal data.

## 3. Accepting Requests for Information

3.1 The Trust / Academies will only accept a request for information which meets all of the following criteria:

- It is in writing; addressed to the Data Protection Officer
  - Email: [FOI@wellspringacademies.org.uk](mailto:FOI@wellspringacademies.org.uk)
  - Postal Address: Wellspring Academy Trust, Digital Media Centre, County Way, Barnsley S70 2JW
- It states the name of the applicant and an address for correspondence;
- It describes the information requested.

3.2 A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means;
- It is received in legible form;
- It is capable of being used for subsequent reference.

## 4. General Right of Access to Information Held by the Trust / Academy

4.1 Provided that the request complies with section 2 of this policy, we will, no later than 20 working days from receipt of the request, comply with our duty to:

- Confirm or deny to any person making a request for information to the Trust or Academy, whether we hold information of the description specified in the request;
- Provide the documentation if we confirm that we hold the requested information.

4.2 We will not comply with section 4.1 of this policy where:

- We reasonably require further information to meet a freedom of information request and have informed the applicant of this requirement, though were not subsequently supplied with that further information;
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons;
- A request for information is exempt under Part 2 of the 2000 Freedom of Information Act;
- The cost of providing the information exceeds the appropriate limit;
- The request is vexatious;
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one;
- A fee notice was not honoured.

4.3 Where information is, or is thought to be exempt, we will, within 20 working days, give notice to the applicant which:

- States the fact;
- Specifies the exemption in question;
- States why the exemption applies.

## 5. The Appropriate Limit

5.1 We will not comply with any freedom of information request where the cost exceeds the statutorily imposed appropriate limit of £450.

5.2 When determining whether the cost of complying with a freedom of information request is within the appropriate limit, we will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether we hold the information;
- Locating the information, or a document which may contain the information;
- Retrieving the information, or a document which may contain the information;
- Extracting the information from a document containing it.

5.3 Costs related to the time spent by any person undertaking any of the activities outlined in section 5.2 of this policy on behalf of the Academy or Trust are to be estimated at a rate of £25 per person per hour.

5.4 Where multiple requests for information are made to the Academy or Trust within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the Academy or Trust of complying with all of them.

## 6. Charging Fees

6.1 We may, within 20 working days, give an applicant who has requested information from the Academy a written notice stating that a fee is to be charged for our compliance.

6.2 Fees charged will not exceed the total cost to the Academy or Trust of:

- Informing the person making the request whether we hold the information;

- Communicating the information to the person making the request.

6.3 Where a fee is to be charged, we will not comply with section 4 of this policy unless the requested fee is paid within a period of three months beginning with the day on which the fees notice is given to the applicant.

6.4 We will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.2 above.

6.5 When calculating the twentieth working day in which to respond to a freedom of information request, the period beginning with the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## **7. Means by Which Communication is to be Made**

7.1 Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, Trust will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant;
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information;
- The provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant.

## **8. Providing Advice and Assistance**

8.1 We will meet our duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to us.

## **9. Publication Scheme (Appendix 1)**

9.1 The Academy will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the Academy's website, and whether the information will be available free of charge or on payment.

9.2 Our publication scheme will be reviewed periodically and updated where necessary.

## APPENDIX 1

### Freedom of Information Publication Scheme

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish, the format in which the information will be made available and whether the information is available free of charge or on payment.

#### 1. Classes of Information

Information that **is available** under this scheme includes:

- Who we are and what we do.
- What we spend and how we spend it.
- What our priorities are and how we are doing.
- How we make decisions.
- Our policies and procedures.
- Lists and registers.
- The services we offer.

Information which **will not** be made available under this scheme includes:

- Information regarding the disclosure of that which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

#### 2. How to Request Information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the Trust Data Protection Officer (contact details above). To enable the request to be processed quickly, all correspondence should be marked:

#### **“FREEDOM OF INFORMATION REQUEST”**

Documents can be translated under disability legislation into accessible formats where possible.

#### 3. Charges

In most cases, information in this scheme may be downloaded from the Academy or Trust website or other publicly accessible websites free of charge. Should an enquirer require a hard copy or in the case of information not be obtainable through the Academy or Trust website, the Academy or Trust reserves the right to charge for actual disbursements incurred such as:

- Photocopying – at 10 pence per sheet of A4 paper
- Postage and Packaging – at the actual cost to the Academy or Trust
- Any other costs directly incurred as a result of the information request – at the actual cost to the Academy or Trust.

Single paper copies are also available free of charge to parents and prospective parents of pupils at the Academy.