



Olive Academies

## Freedom of Information Policy

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Approved by	OA Central (Director of Operations)
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Updates/revisions included:	None
Academies to note:  This is an OA policy which should not be modified.	

### 1. Purpose and scope

Olive Academies (OA) 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.

- Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by OA. They are entitled to be told whether the Trust holds the information, and to receive a copy, subject to certain exemptions and payment of any reasonable charges. Under the General Data Protection Regulations (GDPR) individuals have greater rights such as;
  - right to make a subject access request. Please refer to the Data Protection policy for more details on subject access requests.
  - right to object if processing their personal data is causing unwarranted and substantial distress or damage

- Under the GDPR individuals' rights are strengthened and expanded. OA recognises that individuals should be told about their rights in privacy notices and when responding to subject access requests. Please refer to the Data Protection Policy for more details on individual rights.
- OA routinely makes information available to the public on the multi-academy trust or one of the trust's academy's web sites. Requests for other information are dealt with in accordance with statutory guidance as while the Act assumes openness, it recognises that certain information is sensitive and there are exemptions to protect this information.
- The FOI Act is fully retrospective, so that any past records which the OA holds are covered by the Act. To this end OA has a data retention policy, which guides the trust as to how long it should keep records. The data retention policy is published on the OA website.
- The trust recognises that it is an offense to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry.
- Requests for personal data are still covered by the General Data Protection Regulations. Individuals can request to see what information OA holds about them. This is known as a Subject Access Request, and must be dealt with in accordance with the trust's Data Protection Policy
- Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations. Requests under EIR are dealt with in the same way as those under FOI Act, but they do not need to be written and can be verbal.

This policy and procedure applies to all staff across the trust.

#### **4. Obligations and duties**

The trustees recognise the trust's duty to provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the FOI Act.

The trustees recognise the trust's duty to tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny) and provide access to the information we hold in accordance the Freedom of Information Act unless an exemption applies.

#### **5. Responsibilities**

The trustees have delegated the day-to-day responsibility for compliance with the FOI to the Data Protection Officer (DPO).

All staff need to be aware of the process for dealing with requests and comply with this policy and procedure

#### **6. Publication scheme**

The trust has adopted the model publication scheme for schools approved by the Information Commissioner. This can be found by clicking on the following link:

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

Examples of the types of information all educational establishments would be expected to make available are available on the ICO website here - <https://ico.org.uk/media/for-organisations/documents/1235/definition-document-schools-in-england.pdf>

## **8. Identifying requests**

Many requests may be dealt with by providing the requested information in the normal course of business. If the information is included in the publication scheme, this will be given out automatically, or a link provided to where the information can be accessed.

If the information is personal to the requester this will be managed as per the General Data Protection Regulations. Any other non-routine request for information should be dealt with under the Freedom of Information Act e.g.

- you cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

## **9. Dealing with requests under the FOI Act**

Requests must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require.

They do not have to mention the Act, nor do they have to say why they want the information, although this may help speed up the response and ensure the response covers the information required.

Should a request be made, it is advised that the central info email is used to request this – [info@oliveacademies.org.uk](mailto:info@oliveacademies.org.uk)

The trust recognises that it has a duty to respond to all requests (the trust reserves the right to seek legal advice prior to responding to a request), telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply or where a request is considered vexatious as defined on the Information Commissioner's website: [www.ico.gov.uk](http://www.ico.gov.uk)

Vexatious as defined by the Information Commissioner's Office:

*When deciding whether a request is vexatious, you may consider a number of different factors, including:*

- *how much work complying with the applicant's requests creates;*
- *the applicant's tone and manner when communicating with you;*
- *whether the request appears obsessive; and*
- *whether there is any value in the request.*

*Bear in mind that it is the request that is considered vexatious, not the requester. If after refusing a request as vexatious, you receive a subsequent request from the same person, you can refuse it only if it also meets the criteria for being vexatious.*

*You should be prepared to find a request vexatious in legitimate circumstances, but you should exercise care when refusing someone's rights in this way.*

Where a request is not classed as vexatious we will respond within the specified 20 school days, or 60 working days if this is shorter and in accordance with the request handling flow chart document: Flowchart of request handling under FOIA - [https://ico.org.uk/media/for-organisations/documents/1167/flowchart\\_of\\_request\\_handling\\_under\\_foia.pdf](https://ico.org.uk/media/for-organisations/documents/1167/flowchart_of_request_handling_under_foia.pdf) and the latest guidance on the ICO website – [www.ico.gov.uk](http://www.ico.gov.uk)

For all subject access requests the trust will respond within 30 days as per GDPR. However, this can be extended by a further two months if the request is complex or numerous requests are made. The trust will inform the requester if an extension is required including the reasons for the delay. It should be noted that the trust will charge a reasonable fee if the request is manifestly unfounded or excessive, in particular because of its repetitive character. If appropriate the trust will request identification to be provided to ensure information security. More information on subject access requests is available in our Data Protection policy.

In all cases all responses must be approved by the Director of Finance and Compliance and Data Protection Officer prior to being sent.

## **10. Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions can be found in Part II of the FOI Act, at sections 21 to 44. Common exemptions that might apply include:

- information already reasonably accessible
- information that has been sent to the academy (but not the academy's own information) which is confidential
- information that the academy intends to publish at a future date
- information that would prejudice the commercial interests of the academy and/or a third party
- information that could prejudice the physical health, mental health or safety of an individual (particularly related to safeguarding information)
- information that could prejudice the effective detection and prevention of crime
- information which, in the opinion of the chair of trustees, would prejudice the effective conduct of the trust. There is a special form for this on the ICO's website to assist with obtaining the chair's opinion.

There are some exemptions which are qualified. 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. This is known as the public interest test - the ICO guide on the use of the Public Interest Test is available here: [https://ico.org.uk/media/for-organisations/documents/1183/the\\_public\\_interest\\_test.pdf](https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf)

The trust will maintain a register of requests where it has refused to supply information, and the reasons for the refusal. The register will be retained for five years from the date of the request.

## 12. Charging

The trust reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450. However, the trust will not charge for a subject access request (see the Data Protection Policy for how to do this).

The trust reserves the right to charge a fee for complying with requests for information under FOI Act. The fees are calculated according to FOI Act regulations, and the person notified of the charge before the information is supplied.

## 13. Complaints

Any comments or complaints will be dealt with through the trust's normal complaints procedure as published on our website.

If, on investigation, the trust's original decision is upheld, then the trust recognizes its duty to inform the complainant of their right to appeal to the Information Commissioner's Office. Appeals in this instance should be made in writing to the Information Commissioner's Office at: FOI/EIR Complaints Resolution, Information Commissioner's Officer Wycliffe House, Water Lane Wilmslow, Cheshire SK9 5AF

## 14. Records

Record	Where kept	Retention time (Min)	Disposal authority
Register of Requests (as per template in Appendix 1)	Trust Portal	Five Years	FD/DPO
Original Written Requests	Trust Portal	Five Years	FD/DPO
Response to Requests	Trust Portal	Five Years	FD/DPO
Correspondence Related to Freedom of Information Requests	Trust Portal	Five Years	FD/DPO

## 15. Distribution

Electronic copies of this procedure are available on the trust and its academy websites.

