

2018 – 2019

Potential in Everyone Academy Trust
CEO – David Whitehead



FREEDOM OF INFORMATION POLICY

December 2017

Committee	Trust Board
Version	1.0
Author	Data Protection Officer
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Associated Documentation	
Trust Funding Agreement	
Academies Financial Handbook	
Academies Accounts Direction	
Capital Revenue and Reserves Policy	
Donations Policy and Procedures	
Accounting Policy	
Investment Policy	
Competitive Tendering Policy	
Lettings Policy	

The Potential in Everyone Academy Trust takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope of the policy
- Responsibilities
- Relationship with existing policies
- Available Guidance
- The Academy's Publication Scheme
- Specific Requests for Information
- Charges
- Complaints
- Exemption
- Contacts

1. Scope of the policy

1. The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:
 - a significant amount of routinely published information about The Trust's Academies is made available to the public as a matter of course through a Publication Scheme;
 - other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner; and
 - in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released (see Appendix).

2. Responsibilities

1. The Trust recognises its corporate responsibility under the Act to provide a general right of access to information held. The person with overall responsibility for this policy is the **Chief Executive Officer**.
2. The Trust Business Manager is responsible for drawing up guidance on freedom of information and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.
3. Wherever possible, members of staff should receive an introductory briefing on the Freedom of Information Act procedures.

3. Relationship with existing policies

- 3.1 This policy has been formulated within the context of the following Trust and Academy documents:
 - Data Protection Policy
 - Records Management Policy

4. Available guidance

4.1 Guidance on the procedures necessary to comply with this Policy is available from the Trust Business Manager or on Academy website pages.

5. The Trust's Publication Scheme

5.1 The Trust's Publication Scheme is available on the web or in hard copy from any of the Academy receptions or by request from the Trust Business Manager. The Publication Scheme will specify:

- 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.

6. Specific Requests for Information

6.1 Information not already made available in the Trust's Publication Scheme will be accessible from January 2018 through a specific request for information.

6.2 In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists; and
- the right to receive the information (subject to exemptions).

6.3 These rights can be exercised by anyone – natural or legal persons, worldwide.

6.4 These specific requests for information not listed in the publication scheme will be dealt with by the Trust Business Manager.

6.5 Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies.

6.6 However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Chief Executive Officer.

6.7 The Trust must respond to any request within 20 school working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 school working days is extended by up to 3 months until the fee is paid.

6.8 The Trust must ensure that a request meets the criteria as defined below to be a valid request under Section 8 of the Act

- be in writing;
- include the requester's name and an address for correspondence; and,
- describe the information being requested.

The requester can be an individual, a company or an organisation but in each case they must provide their real name. A request made under a pseudonym will be invalid.

There is a low threshold for meeting the requirement to describe the information. A description will be valid if it contains sufficient detail for the requested information to be distinguished from other information held by the authority.

If the description of the information is unclear or ambiguous, the authority must ask the requester for further clarification in accordance with Section 1(3) of the Act.

A request defined solely by keywords will be valid. If the keywords are so common that the scope of the request is unreasonably broad, then the authority should consider whether Section 12 (cost limits) or Section 14 (vexatious requests) apply.

7. Charges

7.1 Unless otherwise specified information made available through the Trust's Publication Scheme will be free of charge.

7.2 The Trust reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme in accordance with the Act.

8. Complaints

8.1 The Trust Business Manager will coordinate any complaints received in respect of this policy.

8.2 The complaint should be addressed to the Trust Business Manager in the first instance. The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.

8.3 If the applicant is not satisfied with the reply then they should inform the Trust Business Manager within 21 days. The complaint will then be forwarded to the Chief Executive Officer and will be dealt with as appropriate.

8.4 If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review from the Information Commissioner. Requests for review by the Information Commissioner should be made in writing to:

Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Fax: 01625 524 510

9. Exemptions under the Act

9.1 There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix 1 of this policy.

9.2 The Trust may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes

exemptions the Trust will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

10. Contacts at the Trust:

Trust Business Manager
Potential in Everyone in Academy Trust
Bexon Lane
Bredgar
Sittingbourne, Kent
ME8 H8B
info@peat.org.uk

FOI - ABSOLUTE EXEMPTIONS**Exemptions where the public interest test does not apply:**

- Section 21: Information accessible by other means
- Section 23: National Security - Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)
- Section 32: Court Records
- Section 34: Parliamentary Privilege - a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.
- Section 36: Effective Conduct of Public Affairs - so far as relating to information held by the House of Commons or the House of Lords
- Section 40: Personal Information - where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the data protection principles Section 41 - Information provided 'In Confidence'
- Section 44: Prohibitions on disclosure - where a disclosure is prohibited by an enactment or would constitute contempt of court.

FOI - QUALIFIED EXEMPTIONS**Exemptions where the public interest test applies:**

- Section 22: Information Intended for Future Publication
- Section 24: National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not apply)
- Section 26: Defence
- Section 27: International relations
- Section 28: Relations within the United Kingdom Section 29: UK Economic Interests
- Section 30: Investigations and Proceedings Conducted By Public Authorities
- Section 31: Law Enforcement
- Section 33: Audit Functions
- Section 35: Formulation of government policy and Ministerial Communications
- Section 36: Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- Section 37: Communications with Her Majesty, the Royal Family or concerning honours
- Section 38: Health and Safety
- Section 39: Environmental Information - as this can be accessed through the Environmental Information Regulations
- Section 40: Personal information relating to a third party access request
- Section 42: Legal Professional Privilege
- Section 43: Commercial Interests