



Requests for Information Policy

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Associated Documents

See SchoolPro portal for model letters

FORM ONE76-01 - Information Request Form

1. Introduction

- 1.1 This procedure covers requests for information under the Freedom of Information Act, the Environmental Information Regulations and the UK GDPR. The provision of personal data relating to an individual is covered in more detail by the Data Protection Policy.
- 1.2 Anyone has a right to request information from a public authority. As a public authority, ONE Academy Trust has two separate duties when responding to these requests:
 - to tell the applicant whether we hold any information falling within the scope of their request; and
 - to provide that information unless an exemption is applied or the enquirer, having been notified of any charges applicable, does not pay.
- 1.3 Information means any record the trust holds in any form including hard copy, electronic copies, correspondence (e.g. emails) and recordings.
- 1.4 This policy operates in conjunction with all relevant ONE Academy Trust and school policies including the:
 - Data Protection Policy
 - Freedom of Information Publication Scheme
 - Equality and Diversity Policy
 - Child Protection and Safeguarding Policy

1.5 This policy complies with the Information Commissioner's Office (ICO) guidance and the following legislation and guidance. It reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.

- [Data Protection Act 2018](#)
- [The UK General Data Protection Regulation](#)
- [Freedom of Information Act 2000](#)
- [Environmental Information Regulations 2004](#)

1.6 The policy refers to the trust's Freedom of Information Publication Scheme, how it works and how it can be accessed.

2. Scope & Purpose

2.1 This policy sets out:

- what information can be made available under legislation and the relevant legislation that applies
- how individuals can access information that can be made available
- how requests for information should be dealt with by staff under the appropriate legislation

2.2 This policy is intended to ensure that:

- applicants understand what information can be made available and how to apply
- requests for information are responded to appropriately by staff

3. Making information available

3.1 ONE Academy Trust, as a public body, is open and accountable and will make information available in line with the appropriate legislation.

3.2 Not all requests for information will be handled as formal requests. If a request relates to a normal enquiry such as whether a school has a space for their child, a request for a copy of a policy or the minutes of a governor's meeting, such requests will be processed promptly and as part of day-to-day business. ***If in any doubt about the appropriate route for processing a request***, the recipient should seek the advice of the Data Protection Officer (DPO). Personal data should ***never*** be shared without first confirming the status of the request with the DPO.

3.3 Information is made available in accordance with the following legislation:

- **Data Protection Act 2018 and the UK GDPR**

Requests for personal data will be dealt with under the terms of the Data Protection Act.

The Data Protection Act and UK GDPR relate specifically to [personal data](#). Access to personal information requested under this legislation is processed as a Subject Access Request.

See the ONE Academy Trust Data Protection Policy for more information.

- **Environmental Information Regulations 2004**

Requests for environmental information will be dealt with in accordance with Environmental Information Regulations.

The Environmental Information Regulations 2004 (EIR's) give the right of access to [environmental information](#). The EIR's are similar to the Freedom of Information Act 2000 but there are some differences in processing.

See the procedure for handling Requests for Information below.

- **Freedom of Information Act 2000**

All other requests for information will be dealt with under the terms of the Freedom of Information Act.

The Freedom of Information Act 2000 provides [public access to information](#) held by public authorities. It does this in two ways: public authorities are obliged to publish certain information about their activities; and, members of the public are entitled to request information from public authorities. The information which we publish is set out in the ONE Academy Trust FOI Publication Scheme. This also sets out how the information can be accessed and any charges applicable. The school already makes most reports, minutes and reasons for decisions available to the public on request, which complies with the spirit of the FOI legislation to promote openness and accountability.

The trust will make available information that it holds unless an exemption or exclusion is applied or, in respect of the FOIA, the cost of supplying the information exceeds the regulatory cost threshold, or the enquirer, having been notified of any charges applicable, does not pay.

- 3.4 If an exemption or exclusion applies, individuals will be advised they cannot have all or part of the information they have requested and where appropriate, be given the reason why information is being withheld.

4. Responsibilities

- 4.1 The Chief Operations Officer is responsible for trust-wide implementation of the policy.
- 4.2 The day-to-day responsibility for implementation of this policy in each school is delegated to the headteacher.
- 4.3 The Data Protection Officer is responsible for providing advice, guidance, publicity and the interpretation of the policy. The role of the Data Protection Officer is currently fulfilled by an external consultancy service (SchoolPro).
- 4.4 The Chief Operations Officer will:
- Oversee all requests for information;
 - Ensure systems are in place to deal with requests and co-ordinate/update the FOI Publication Scheme;
 - Consider what information, training and guidance staff may need and ensure provisions are in place;
 - Oversee the SchoolPro portal log of all requests received and ensure they are responded to within the prescribed timescales;
 - Ensure a record of refusals and reasons for refusals is kept
 - Take a view or seek legal advice on sensitive areas
 - Ensure that all relevant policies are reviewed regularly and kept up-to-date

- Ensure that appropriate guidance and training is given to staff on recognising and handling requests for information, records management, security and access to information, using Emails and the Internet.
 - Keep the CEO, Board of Trustees and Local Governing Bodies informed of:
 - the numbers of requests received
 - the details of requests for information that are cannot be responded to routinely
- 4.5 Staff are responsible for ensuring that they are familiar with the provisions of this policy and understand their responsibilities when receiving and responding to any request for information however received.

5. How the trust manages requests for information

- 5.1 We will provide reasonable advice and assistance to individuals if they need help in putting a request for information together.
- 5.2 Requests will be acknowledged promptly in accordance with the relevant legislation and if there is any doubt on the scope of information requested clarification will be sought from the applicant.
- 5.3 Requests will be responded to within the prescribed timescales and in accordance with the appropriate legislation.
- 5.4 In some cases, the disclosure of information may affect the rights of a third party. In such circumstances, the school will ensure that disclosure of such information will be in line with FOI, DP and EIR legislation.
- 5.5 Where the trust/school receives a request to be dealt with under FOIA and some or all of the information is not held by the trust/school and it is believed that another public authority may hold that information, then the trust/school will ask the applicant if they wish the request to be transferred to the other authority once the information held by the trust/school has been disclosed. If the trust/school is unable to facilitate the transfer of the request for information to another authority then, where possible, the applicant will be offered advice to enable him/her to pursue the request.
- 5.6 The trust/school will comply with its obligations on requests transferred by another public body in the same manner as it would have had the request been received directly by the trust/school.
- 5.7 When providing information, the trust/school will ensure that there is no infringement of copyright legislation.

6. Procedure for handling a request for information

- 6.1 On receipt of a request for information, the recipient will advise the office manager, headteacher or CEO as appropriate as soon as possible after receipt. Timeliness is important as statutory timescales apply for handling requests for information.
- 6.2 The office manager/headteacher/CEO will consider if the information requested can be handled as part of day-to-day business, or if it falls within the scope of any of the above legislation. Not all requests for information need to be handled as formal requests if they relate to a normal enquiry such as whether a school has a space for their child, request for a copy of a policy or the minutes of a governor's meeting. These requests will be processed in a timely manner and as part of day-to-day business. ***If in any doubt about the appropriate route for processing a request,*** advice should be sought from the ONE Academy Trust Chief Operations Officer or the

Data Protection Officer (DPO). Personal data should **never** be shared without first confirming the request status with the DPO.

- 6.3 The Data Protection Officer should be notified of any requests for information that cannot be handled as routine business in a timely manner and **all** requests for personal information.
- 6.4 The request for information should be logged using the SchoolPro data protection portal.
- 6.5 The DPO (SchoolPro) will provide advice as to the appropriate route for handling the request and the timescales that apply.
- 6.6 All staff are reminded that:
 - requests may be presented in different formats and staff need to understand these to make sure they are not overlooked inadvertently
 - There is legislation covering requests for information and the statutory timescales for providing the information on receipt of a request **must** be complied with. There may be penalties for non-compliance. Therefore, action needs to be taken promptly.
- 6.7 One request might ask for several different pieces of information and so more than one piece of legislation may apply to a single request. This can affect, for example, the request response deadlines, which exemptions or exceptions might apply and whether charging is permitted. It is therefore essential to establish which legislation applies as soon as the request is received. For example, the information requested may come under both the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR), in which case the EIR will be applied to the environmental information and the FOIA to the non-environmental information. Guidance should be sought from the ICO website.
- 6.8 The SchoolPro Portal will alert key personnel including the CEO, Chief Operations Officer and chair of the board of trustees.

7. Subject Access Request (request for personal data)

- 7.1 This relates to requests for personal information collected, stored, used and disclosed with due regard to the requirements of data protection principles as set out in the Data Protection Act 2018 and the UK GDPR.
- 7.2 Requests for personal information (made by the data subject or on their behalf) must be processed in accordance with the ONE Data Protection Policy.
- 7.3 In the majority of cases, charges are not applicable for the supply of personal information. If, exceptionally, charges do apply, these will be made in line with current regulations.

8. Freedom of Information Request

- 8.1 Requests for Freedom of Information will be dealt with in accordance with the ICO [Guide to the Freedom of Information Act](#). For an explanation of the procedure for handling a Freedom of Information Request, the ICO have published a [Flowchart](#) which sets out all the stages.
- 8.2 The provisions of the FOI Act need to come into force only if:
 - The trust/school cannot provide the requested information straightaway; or
 - the requester makes it clear they expect a response under the FOI Act.

Format

- 8.3 FOI requests must be in writing. Any letter or email to a public authority asking for information is a request for recorded information under the Act as long as it includes the requester's name and correspondence address, and states what information they require. They do not have to mention the Act, nor do they have to say why they want the information.
- 8.4 A form (**FORM ONE76-01**) is available to download on the ONE Academy Trust website (accessible through the individual school websites) to help simplify the process.

Timescales

- 8.5 A response must be provided within 20 school days or 60 calendar days, whichever time period is shorter.

Extensions

- 8.6 Extensions may only be applied in very specific circumstances i.e. the public interest test. If an extension is anticipated, it is recommended that the ICO guidance is checked carefully to ensure compliance. The extension must be notified and an explanation provided within the original timescale, in accordance with the criteria set out in the legislation.

Charges

- 8.7 The cost of disbursements (copying and postage) may be charged in accordance with the published scale of charges (see the ONE Academy Trust Freedom of Information Publication Scheme. Once the individual has been notified that a fee is payable, if this is not received within 3 months of the notification, the request will be deemed to have lapsed.

Exemptions

- 8.8 Exemptions should only be applied when absolutely necessary. For example, any request that involves the release of personal information will be rejected on the grounds of the Data Protection Act 2018 (but may need to be supplied under that Act if requested by the data subject). If an exemption applies, individuals will be advised they cannot have the information they have requested and, if appropriate, given the reason why information is being withheld.
- 8.9 In certain circumstances, it is not appropriate to share the reason for excluding information and these reasons are specific to the FOI Act. *It is therefore essential that the latest guidance on the ICO website is checked before making an exemption.*
- 8.10 The school will make all information that it holds available unless an exemption is applied or, in respect of FOI, the cost of supplying the information exceeds the regulatory cost threshold, or the enquirer, having been notified of the charges applicable, does not pay.

9. Requests for Environmental Information

- 9.1 Requests for environmental information will be dealt with in accordance with the [Environmental Information Regulations](#). Guidance should be sought from the ICO website (paragraphs 63-65 of the following document: ['What is Environmental Information'](#)).
- 9.2 The Environmental Information Regulations 2004 (EIRs) give the right of access to [environmental information](#). The EIRs interpret 'environmental information' widely, with the scope to include information such as health and safety policies or details about recycling.

9.3 The EIRs are similar to the Freedom of Information Act 2000 but there are some differences, which must be taken into consideration when responding to requests for information.

Format

9.4 A request can be:

- verbal
- written - electronic or hardcopy.

9.5 The EIRs say that when you receive a request, you should:

- always respond in writing, regardless of whether the request was made verbally or in writing;
- tell the requester whether you hold any information;
- make that information available, unless an exception applies.

Timescales

9.6 A response must be provided within 20 working days.

Extensions

9.7 Sometimes a requester will ask for a lot of complex information, which makes it more difficult for you to decide whether to release it. In these exceptional circumstances, the Regulations permit you to extend the 20 working days limit to 40 working days to give you more time to answer the request. You will still need to notify the requester that you are extending the time for compliance as soon as possible, and no later than 20 working days after the date you receive the request.

Charges

9.8 A reasonable charge can be made to cover the cost of providing hard copy information, providing that a schedule of charges and details of when the organisation may or may not charge is published. In general, a reasonable charge may include the disbursement costs in transferring the information to the applicant and the staff time taken to locate the information. This is in contrast to the Freedom of Information Act (FOIA) where disbursements are the only charges permitted unless the appropriate cost limit is exceeded.

9.9 In ONE Academy Trust, any charges will be made at the same rates as those set out in the ONE Academy Trust FOI Publication Scheme. Once the individual has been notified that a fee is payable, payment must be received before the information is supplied.

Exceptions

9.10 Under the Environmental Information Regulations, there are no exemptions. There are however **exceptions** that may be used to refuse a request, subject to the public interest test. In this instance, the trust will provide a full explanation as to why the public interest in maintaining the exception outweighs the public interest in disclosing the information.

9.11 The possible exceptions include:

- The information is not held and therefore ONE Academy Trust is not able to provide it.
- As with Freedom of Information, any request that involves the release of personal information may be rejected on the grounds of the Data Protection Act 2018

9.12 *It is essential that the latest guidance on the ICO website is checked before making an exception.*

10. Complaints

- 10.1 Concerns and complaints will be handled through the trust's existing general complaints procedure.
- 10.2 If you want to make any comments about this policy or if you require further assistance or wish to make a complaint about the supply of information, please contact the headteacher of the relevant school or the ONE Academy Trust Chief Operations Officer in the first instance.

Email: r.lambert@believeacademytrust.net

Address:

Registered Office:

ONE Academy Trust

Wilmot Street, Sawley, Long Eaton, Nottingham, NG10 3DQ

- 10.3 If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the provision of information and data protection and that deals with formal complaints. The ICO can be contacted at:

Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Enquiry/Information Line: 0303 123 1113

Website: www.ico.gov.uk

Live Chat available

11. Monitoring & evaluation

- 11.1 The CEO is responsible for periodically monitoring requests received and action taken to ensure that each school is complying with information legislation. The CEO will provide a report to the Board of Trustees at least annually and on a case-by-case basis if there are any complaints or significant issues arise.
- 11.2 This policy will be reviewed every three years as a minimum and approved by the CEO.

Appendices



REQUEST FOR INFORMATION FORM

*Please note: This is not a mandatory form. Requests for information in other formats will also be accepted. **Freedom of Information or Environmental Information requests must be made in writing to be valid. Please contact us if you need help with raising a written request.***

Please provide me with the information requested below. If you need any clarification before you can process the request, please let me know as soon as possible. I understand that you may require proof of identity before supplying me with the requested information.

Name:

Please specify your real name or the name of the person or organisation you are requesting the information on behalf of.

Correspondence address:

Contact number:

Email address:

Please provide me with:

Insert details of the information you want that will help us to locate the specific information. Please be as specific as possible. We may return to you for further clarification if we are not clear what you are looking for. Please note that some information may not be available. We will advise you if this is the case and provide the reasons for non-availability.

How do you want to receive the information?

The means of communication here can be one or more of the following:

- *A copy of the information (e.g. hard copy, electronic document)*
- *An opportunity to come in and inspect the information*
- *A digest or summary of the information*

Please note that in accordance with our FOI Publication Scheme and current legislation, there may be a charge for some forms of information. We will advise you of the charge before processing your request.

Please send your completed form to either:

- The school headteacher (see website for contact and address details); or
- the ONE Academy Trust Chief Operations Officer

Address:

Registered Office:

Wilmot Street,
Sawley,
Long Eaton,
Nottingham
NG10 3DQ

Email: enquiries@oneacademytrust.co.uk

Tel: 0115 973 5984 (via Sawley Junior School office)