



## **Freedom Of Information Policy & Publication Scheme Guidance Note**

### **Introduction**

This guidance is intended to be read in conjunction with the Freedom of Information policy & Publication Scheme (when implementing and finalising that policy). The guidance is *not* intended for staff, parents or other third parties to view once they receive a copy of this policy.

Please note that both freedom of information policies have now merged to form one policy. So this guidance is to help implement the combined policy.

### **Policy Wording Guidance**

#### **References to School**

Please do feel free to edit references to *school* within the policy to refer to Trust/Academy/Cluster/Federation.

### **Section 1 – Freedom of Information Requests**

#### **Legal Position**

The Freedom of Information Act 2000 gives individuals the right to access official information from public bodies. Schools and academies are defined within the act as public bodies so must adhere to these regulations in order to ensure transparency.

This generally means that certain information should be published and/or made readily available to individuals on request.

Whilst most people regularly associate freedom of information and data protection under the same umbrella, do note that the Freedom of Information Act is separate to the Data Protection Act and is not affected by the introduction of the GDPR.

Nevertheless some organisations do not have such a policy in place and it would be useful to do so, so all individuals are aware of the schools approach to FOI. It can also help ensure individuals take the right approach when requesting information. For example a lot of individuals make a subject access request (which is data protection) but call it a Freedom of Information request.



## **Section 2 - Freedom of Information Publication Scheme**

This guidance is intended to be read in conjunction with the Freedom of Information Publication Scheme (when implementing and finalising the scheme). The guidance is not intended for staff, parents or other third parties to view once they receive a copy of the scheme.

### **Publication Scheme Wording Guidance**

#### **Legal Position**

The Freedom of Information Act 2000 gives individuals the right to access official information from public bodies. Schools and academies are defined within the act as public bodies so must adhere to these regulations.

The purpose of this legislation is to ensure transparency. This is achieved by publishing and/or making information readily available to individuals on request. This publication scheme is designed to show individuals the types of information that should be made available to the public.

Whilst most people regularly associate freedom of information and data protection under the same umbrella, do note that the Freedom of Information Act is separate to the Data Protection Act and is not affected by the introduction of the GDPR.

Nevertheless some organisations do not have such a scheme in place and it would be useful to do so, so all individuals are aware of the schools approach to Freedom of Information. It can also help ensure individuals take the right approach when requesting information.

#### **What does a Publication Scheme do?**

The publication scheme commits the school to;

- Proactively publish or otherwise make available information as a matter of routine;
- Specify the information which is held by the school;
- Proactively publish or otherwise make available information in line with the scheme;

- Produce and publish the methods by which the specific information is made routinely available, so that this can be easily identified and accessed by members of the public;
- To review and update on a regular basis the information made available under the scheme;
- To produce a schedule of any fees charged for access to information; and
- To make this publication scheme available to the public.

### **Classes of Information**

The ICO offer a suggestion of categories for schools to use. We have modified these into the scheme to detail the documents that the school would be expected to publish. They are just a starting point for you to use. If you do not wish to include all of these classes of information (or they do not apply to your school), you do not have to do so. However, schools should be aware that someone can still make a request for any information, and it is likely that, if you hold the information listed in our scheme, these requests are likely to be seen as reasonable by the ICO and therefore disclosable.

We have also put some sections in blue where we feel the wording is entirely optional.

### **Charges**

Charges may also be made for information provided under this scheme where they are legally authorised and they are in all circumstances justified, (including the general principles of the right of access to information held by public authorities).

The wording contained in the scheme is quite standard wording and suggests that, for the most part, information will be provided free of charge. For the most part organisations wouldn't charge to provide these documents but do tailor this section on charges to suit the needs of your school (for example if you have a charging schedule in place then detail/refer to it here).

### **Publicising the Policy**

Schools are not required to inform the ICO that they have adopted a policy and publication scheme. The ICO will assume the school has one in place.



This policy can apply to staff and parents and pupils as well as any other individual. We wouldn't suggest getting individuals to sign to acknowledge the policy for this reason. However, I would suggest publicising the policy on your website where possible so it is readily available. If this is not possible, then consider publicising the policy on shared drives and notice boards (to make it as readily available as possible).