



ENDEAVOUR
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Emerson Park Academy

A SPECIALIST SPORTS COLLEGE

Freedom of Information

POLICY

Review Due 01/03/2019

1. Policy Statement

Emerson Park Academy will meet its obligations to respond to all valid requests for information and will supply the requested information, subject to the application of the legal exemptions. This policy outlines our approach and the way in which requests will be managed and will be reviewed every three years or as required in order to meet legislative or other prescribed changes.

2. Introduction

The Freedom of Information Act (FoIA) has been in force since 1st January 2005. The Act provides a right to know whether a public body holds requested information and, if so, it provides a right of access to that information, unless one or more of the legal exemptions apply.

The Act is intended to create a culture of transparency and openness and to promote the accountability of organisations that are responsible for the spending of public money.

The Act covers all information held by a public body and any information that may be held on behalf of a public body by a third party, for example, partners or sub-contractors.

Emerson Park Academy recognises this intention and has introduced this policy to ensure it meets its legal obligations. This policy relates to all information held by Emerson Park Academy and all staff, Directors and contractors associated with the academy.

3. Other Relevant Legislation

Whilst this policy primarily addresses the requirements of the Freedom of Information Act, the principles of the policy will apply to certain other requests.

Requests made by an individual for their own personal information will be covered and dealt with as a subject access request under the Data Protection Act 1998 (DPA).

Requests for environmental information, including information relating to air, water, land, the natural or built environment and any factors or measures that affect these, will be covered and dealt with under the Environmental Information Regulations 2004 (EIR).

Where a single request contains elements of personal or environmental information, these elements will be dealt with under the DPA or EIA as appropriate.

4. Delegated Responsibilities

Overall responsibility for ensuring that the academy meets the statutory requirements of the FoIA, DPA or EIR lies with the Board of Directors. The Chair has overall responsibility for information management issues. The Board of Directors have delegated the day-to-day responsibility of implementation to the Headteacher.

The Headteacher is assisted by the Business Manager who currently fulfils the role of 'Fol Officer'. All academy staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, immediately passing any requests to the Fol Officer and taking advice where necessary.

5. Obligations and Duties

In addition to the right of access, the FoIA places additional obligations and duties on the academy. The academy recognises its duty to:

- Advise and assist requestors as necessary
- Confirm whether or not the information is held by the academy (duty to confirm or deny), and provide access to information where it is held in accordance with the academy's procedures.

6. Publication Scheme

Emerson Park Academy has adopted the Model Publication Scheme for Schools as approved by the Information Commissioner. The publication scheme and materials it covers will be readily available from the Business Manager.

7. Dealing with Requests

Requests can be made by anybody, from anywhere and for any information that may be held by the academy. When dealing with requests, no regard will be given to the identity or motive of the requestor, unless they are requesting their own personal information. These requests will be dealt with in accordance with the Data Protection Act 1998.

Anyone can receive a request in their professional capacity as a representative of the academy and the twenty working day clock begins from the day the request is received. Anyone receiving a request should forward it immediately to the Headteacher or Business Manager.

Responses will be provided to requestors within twenty school days (or sixty working days if this is shorter) of receipt of the request.

8. Charges

The three information regimes [Freedom of Information Act, Data Protection Act and Environmental Information Regulations] contain different provisions that permit charges to be made for responding to information requests. The Board of Directors may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a

charge is to be made, the academy will give written notice to the applicant before supplying the information requested.

The academy will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.

Where the academy estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The academy is not obliged to comply with such a request but may choose to do so.

The Data Protection Act 1998 permits a charge of up to £10 to be made for responding to requests for personal data. There is a sliding scale of up to £50 for copies of educational records.

9. Complaints

Any complaints about Freedom of Information requests or requests for internal reviews will be dealt with by the Headteacher. We will aim to respond to all complaints within twenty working days as recommended by the Information Commissioner.

If the academy's original decision is upheld, then the academy has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals should be made in writing to:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF