



Building each other up –  
with God as our firm foundation.

# Freedom of Information Policy & Publication Scheme

Policy Version	Revisions	Date Approved	Signed by Director	Signed by CEO
1.0	Revision of Publication Scheme in line with record keeping practice			

St Paul's CE Primary School has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How the school will respond to requests from individuals for access to information held about them.
- Our procedures for the release and publication of private data and public records.
- Our procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the school in obtaining any requested information, and on charging fees for its provision.

## **1. Legal framework**

This policy has due regard to the following legislation:

- The Data Protection Act 2018
- The General Data Protection Regulation (UKGDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy also has due regard to guidance, including, but not limited to, the following:

- ICO 'Model publication scheme'
- ICO 'Duty to provide advice and assistance (section 16)' 2020

This policy will be viewed in conjunction with the following other Trust policies:

- The School's Data Protection Policy
- The School's CCTV Policy

## **2. Classes of information**

Information that is available under this scheme includes:

- Who we are and what we do
- What we spend and how we spend it
- What are our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

Most information in scope of this legislation is readily available on the school website. If information detailed in our publication scheme is not available, you may contact us using the details in Section 10 of this policy.

Information which will not be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **3. Accepting requests for information**

The school will only accept a request for information which meets all of the following criteria:

- It is in writing.
- It states the name of the applicant and an address for correspondence.
- It describes the information requested.

A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means.
- It is received in legible form.
- It is capable of being used for subsequent reference.

The school will publish details of its procedures for dealing with requests for information on the website, which includes:

- A contact address and email address.
- A telephone number.
- A named individual to assist applicants with their requests.

### **4. General right of access to information held by the school**

Provided that the request complies with section 3 of this policy, the school will, no later than 20 working days from receipt of the request, comply with its duty to:

- Confirm or deny to any person making a request for information to the school, whether it holds information of the description specified in the request.
- Provide the documentation, if the school confirms that it holds the requested information.

The school will not comply with section 3 of this policy where:

- The school reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- A request for information is exempt under section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honored.

### **5. Exemptions**

Where information is, or is thought to be, exempt as defined in Part II of the FOI Act, the school will, within 20 working days, give notice to the applicant which:

- States that an exemption applies.
- Specifies the exemption in question.

A full list of permitted exemptions is available in Appendix a) of this Policy

### **6. Format**

The information provided to the applicant will be in the format that they have requested, where possible.

Where it is not possible to provide the information in the requested format, the school will assist the applicant by discussing alternative formats in which it can be provided.

The information provided will also be in the language in which it is held, or another language that is legally required. If the school is required to translate any information, it will do so.

If, under relevant disability and discrimination regulations, the school is legally obliged to provide the information in other forms and formats, it will do so.

## **7. The appropriate limit**

The school will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the school will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the activities outlined in section 4 of this policy on behalf of the school, are to be estimated at a rate of £25 per person per hour.

Where multiple requests for information are made to the school within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the school of complying with all of them.

## **8. How to request information**

Freedom Of Information requests must be made in writing, this includes email.

Postal addresses and email contact details are published on our school websites under the “Contact Us” section.

When submitting a request, please ensure that the envelope, or subject line of an email is clearly marked “FREEDOM OF INFORMATION REQUEST”.

Documents can be translated under disability legislation into accessible formats where possible.

## **9. Charges**

Some documents published in accordance with this scheme are free to view on the school website. Single paper copies are also available on request, but a charge may be applied where requests require multiple copies of documents or, where information is available in an electronic form.

The school may, within 20 working days, give an applicant who has requested information, a written notice stating that a fee is to be charged for the school’s compliance.

Charges may be made for disbursements, such as the following:

- Photocopying.
- Postage and packaging.
- Costs directly incurred as a result of viewing information.

Fees charged will not exceed the total cost to the school of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

Where a fee is to be charged, the school will not comply with section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

When calculating the 20th working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## 10. Feedback

We welcome any comments or suggestions you may have regarding this scheme. Please contact us:

[DPO@stpaulscofeprimaryschool.co.uk](mailto:DPO@stpaulscofeprimaryschool.co.uk) or by writing to St Paul's CE Primary School, Emsworth Crescent, Pendeford, Wolverhampton, WV9 5NR.

Please address letters: **For the attention of the Data Protection Officer**

## 11. Publication Scheme

Information published	How the information can be obtained
<p><b>School session times and term dates</b></p> <p>Details of school session times and dates of school terms and holidays.</p>	Website/ Electronic or Hardcopy
<p><b>Location and contact information</b></p> <p>The address, telephone number, email address and website for the school together with the names of key personnel.</p>	Website/ Electronic or Hardcopy
<p><b>School prospectus and curriculum</b></p> <ul style="list-style-type: none"> <li>• The contents of the school prospectus</li> <li>• An outline of the school curriculum</li> </ul>	Website/ Electronic or Hardcopy
<p><b>Governance</b></p> <p>The Instrument of Governance sets out the school's governance structure and scheme of decision making/delegation</p>	Website/ Electronic or Hardcopy
<p><b>What we spend and how we spend it</b></p> <p>Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.</p> <ul style="list-style-type: none"> <li>• Financial statements</li> <li>• Capital funding (obtained via DFE)</li> <li>• Financial audit reports</li> </ul>	Website/ Electronic or Hardcopy
<p><b>Procurement and contracts</b></p> <p>Details of procedures used for the acquisition of goods and services. Summary details of contracts that have gone through a formal tendering process</p>	Website/ Electronic or Hardcopy
<p><b>Pay Policy</b></p> <p>The statement of the school's policy and procedures regarding teachers' pay.</p>	Website/ Electronic or Hardcopy
<p><b>Staff expenses</b></p> <p>Details of the allowances and expenses that can be incurred or claimed.</p> <ul style="list-style-type: none"> <li>• Staff pay and grading structures (national pay scales applied)</li> <li>• Governors' allowances</li> </ul> <p>Details of expenses that can be incurred or claimed, and a record of total payments made to individual governors/trustees.</p>	available upon request
<p><b>What our priorities are and how we are doing</b></p> <p>Strategies and plans, performance indicators, audits, inspections and reviews.</p>	School website

<ul style="list-style-type: none"> <li>• Performance data supplied to the government</li> <li>• Latest Ofsted report</li> </ul> <p>Performance management information</p> <ul style="list-style-type: none"> <li>• Performance management policy and procedures adopted by the governing body.</li> <li>• The school's future plans</li> <li>• Safeguarding and child protection</li> </ul>	
<p><b>How we make decisions</b></p> <p>Decision-making processes and records of decisions.</p> <ul style="list-style-type: none"> <li>• Admissions policy / decisions</li> <li>• Minutes of meetings of the Governing Board</li> </ul>	<p>Website / Electronic or Hardcopy</p>
<p><b>Our policies and procedures</b></p> <p>Current written protocols, policies and procedures for delivering our services and responsibilities.</p> <ul style="list-style-type: none"> <li>• School policies and other documents</li> <li>• Records management and personal data policies</li> <li>• Equality and diversity</li> <li>• Policies and procedures for the recruitment of staff</li> <li>• Charging regimes and policies</li> </ul>	<p>Website / Electronic or Hardcopy</p>
<p><b>Lists and registers</b></p> <ul style="list-style-type: none"> <li>• Curriculum circulars and statutory instruments</li> <li>• Asset register</li> <li>• Any information the school is currently legally required to hold in publicly available registers</li> </ul>	<p>Hardcopy/Website</p>
<p><b>The services we offer</b></p> <p>Information about the services the school provides including leaflets, guidance and newsletters.</p>	<p>Website/Hardcopy</p>

## Appendix a

### Exemptions permitted under Part II of the Freedom of Information Act 2000

#### When can we withhold information under an exemption?

Exemptions exist to protect information that should not be disclosed, for example because disclosing it would be harmful to another person or it would be against the public interest.

The exemptions in *Part II of the Freedom of Information Act* apply to information. This may mean that you can only apply an exemption to part of the information requested, or that you may need to apply different exemptions to different sections of a document.

You do not have to apply an exemption. However, you must ensure that in choosing to release information that may be exempt, you do not disclose information in breach of some other law, such as disclosing personal information in breach of the *Data Protection Act 2018 and/or UKGDPR*. Nor do you have to identify all the exemptions that may apply to the same information, if you are content that one applies.

You can automatically withhold information because an exemption applies only if the exemption is 'absolute' (see list below). However, most exemptions are not absolute but are 'qualified' (see below). This means that before deciding whether to withhold information under an exemption, you must consider the public interest arguments. This balancing exercise is usually called the public interest test (PIT). The Act requires you to disclose information unless there is good reason not to, so the exemption can only be maintained (upheld) if the public interest in doing so outweighs the public interest in disclosing the information.

#### **A) Absolute Exemptions – those where the public interest test does not apply**

##### **Section 21 - Information accessible by other means**

This exemption applies if the information requested is already accessible to the requester. You could apply this if you know that the requester already has the information, or if it is already in the public domain. For this exemption, you will need to take into account any information the requester gives you about their circumstances. For example, if information is available to view in a public library in Southampton, it may be reasonably accessible to a local resident but not to somebody living in Glasgow. Similarly, an elderly or infirm requester may tell you they don't have access to the internet at home and find it difficult to go to their local library, so information available only over the internet would not be reasonably accessible to them. When applying this exemption, you have a duty to confirm or deny whether you hold the information, even if you are not going to provide it. You should also tell the requester where they can get it.

##### **Section 23 - National Security**

The section 23 exemption applies to any information you have received from, or relates to, any of a list of named security bodies such as the security service. You do not have to confirm or deny whether you hold the information, if doing so would reveal anything about that body or anything you have received from it. A government minister can issue a certificate confirming that this exemption applies.

##### **Section 32 - Court Records**

This exemption applies to court records held by any authority (though courts themselves are not covered by the Act).

To claim this exemption, you must hold the information only because it was originally in a document created or used as part of legal proceedings, including an inquiry, inquest or arbitration.

This is an unusual exemption because the type of document is relevant, as well as the content and purpose of the information they hold.

You also do not have to confirm or deny whether you hold any information that is or would fall within the definition above.

##### **Section 34 - Parliamentary Privilege**

You can use this exemption to avoid an infringement of parliamentary privilege. Parliamentary privilege protects the independence of Parliament and gives each House of Parliament the exclusive right to oversee its own affairs. Parliament itself defines parliamentary privilege, and the Speaker of the House of Commons can issue a certificate confirming that this exemption applies; the Clerk of the Parliaments can do the same for the House of Lords. 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(1) – Personal information of the requester**

This exemption confirms that you should treat any request made by an individual for their own personal data as a subject access request under the *Data Protection Act 2018*. You should apply this to any part of the request that is for the requester's own personal data. They should not be required to make a second, separate subject access request for these parts of their request. If the information contains some of the requester's personal data plus other non-personal information, then you will need to consider releasing some of the information under the *Data Protection Act* and some under the *Freedom of Information Act*.

### **Section 40(2) – Data protection**

This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the *Data Protection Act 2018*.

If you wish to rely on this exemption, you need to refer to the *Data Protection Act* as the data protection principles are not set out in the *Freedom of Information Act*.

This exemption can only apply to information about people who are living; you cannot use it to protect information about people who have died. The most common reason for refusing information under this exemption is that it would be unfair to the individual concerned.

### **Section 41 - Information provided 'In Confidence'**

This exemption applies if the following two conditions are satisfied:

- you received the information from someone else; and
- complying with the request would be a breach of confidence that is actionable

You cannot apply this exemption to information you have generated within your organisation, even if it is marked "confidential". However, you can claim it for information you originally received from someone else but then included in your own records. To rely on this exemption, you must apply the legal principles of the common law test of confidence, which is a well-established though developing area of law. This exemption is absolute so you do not need to apply the public interest test. However, you will still need to consider the public interest in disclosure, because the law of confidence recognises that a breach of confidence may not be actionable when there is an overriding public interest in disclosure.

### **Section 44 - Prohibitions on disclosure**

You can apply this exemption if complying with a request for information:

- is not allowed under law;
- would be contrary to an obligation under EU law; or
- would constitute contempt of court.

This exemption is often used by regulators.

### **Exemptions where the public interest test applies**

The exemptions below are qualified by the public interest test.

### **Section 22 - Information Intended for Future Publication**

This exemption applies if, when you receive a request for information, you are preparing the material and definitely intend for it to be published, and it is reasonable not to disclose it until then. You do not need to have identified a publication date. This exemption does not necessarily apply to all draft materials or background research. It will only apply to the material you intend to be published.

You do not have to confirm whether you hold the information requested if doing so would reveal the content of the information.

### **Section 22A – research information**

This exemption applies if, when you receive a request for information,

- you hold information on an ongoing programme of research;
- there is an intention by someone –whether an individual or organisation, private or public sector - to publish a report of the research; and
- disclosure of the information would or would be likely to prejudice the research programme, the interests of participants in the programme, or a public authority holding or intending to publish a report of the research.

So long as the research programme is continuing, the exemption may apply to a wide range of information relating to the research project. There does not have to be any intention to publish the particular information that has been requested, nor does there need to be an identified publication date. You do not have to confirm whether you hold the information requested if doing so would reveal the content of the information.

### **Sections 24 – national security**

The section 24 exemption applies if it is “required for the purpose of safeguarding national security”. The exemption does not apply just because the information relates to national security. A government minister can issue a certificate confirming that this exemption applies and this can only be challenged on judicial review grounds. However, the exemption is qualified by the public interest test.

### **Sections 26 to 29**

These exemptions are available if complying with the request would prejudice or would be likely to prejudice the following:

- defence (section 26);
- the effectiveness of the armed forces (section 26);
- international relations (section 27);
- relations between the UK government, the Scottish Executive, the Welsh Assembly and the Northern Ireland Executive (section 28);
- the economy (section 29); or
- the financial interests of the UK, Scottish, Welsh or Northern Irish administrations (section 29).

### **Section 30 – Investigations & Section 31 – Prejudice to law enforcement**

The section 30 exemption applies to a specific category of information that a public authority currently holds or has ever held for the purposes of criminal investigations. It also applies to information obtained in certain other types of investigations, if it relates to obtaining information from confidential sources.

When information does not fall under either of these headings, but disclosure could still prejudice law enforcement, section 31 is the relevant exemption.

Section 31 only applies to information that does not fall into the categories in section 30. For this reason, sections 30 and 31 are sometimes referred to as being mutually exclusive. Section 31 applies where complying with the request would prejudice or would be likely to prejudice various law enforcement purposes (listed in the Act) including preventing crime, administering justice, and collecting tax. It also protects certain other regulatory functions, for example those relating to health and safety and charity administration.

### **Section 33 – prejudice to audit functions**

This exemption can only be used by bodies with audit functions. It applies where complying with the request would prejudice or would be likely to prejudice those functions.

### **Sections 35 – government policy & Section 36 – prejudice to the effective conduct of public affairs**

These two sections form a mutually exclusive pair of exemptions. The section 35 exemption can only be claimed by government departments or by the Welsh Assembly Government. It is a class-based exemption, for information relating to:

- the formulation or development of government policy;
- communications between ministers;
- advice from the law officers; and
- the operation of any ministerial private office.

For policy-related information held by other public authorities, or other information that falls outside this exemption but needs to be withheld for similar reasons, the section 36 exemption applies.

The section 36 exemption applies only to information that falls outside the scope of section 35. It applies where complying with the request would prejudice or would be likely to prejudice “the effective conduct of public affairs”. This includes, but is not limited to, situations where disclosure would inhibit free and frank advice and discussion.

This exemption is broad and can be applied to a range of situations.

#### **Examples**

A council refused to disclose a list of schools facing financial difficulties, because this could damage the schools’ ability to recruit pupils, as well as making schools less likely to co-operate and share financial information freely with the council (ICO decision notice [FS50302293](#)).

A university refused to disclose a complete list of staff email addresses. On a previous occasion when email addresses had been disclosed, this led to a security attack, as well as an increase in spam, phishing, and emails directed inappropriately (ICO decision notice [FS50344341](#)).

**Section 37: Communications with Her Majesty, the Royal Family or concerning honours**

It covers any information relating to communications with the royal family and information on granting honours. This exemption is absolute in relation to communications with the monarch, the heir to the throne, and the second in line of succession to the throne, so the public interest test does not need to be applied in these cases. All other information under the scope of this exemption is qualified, so the public interest test must be applied.

**Section 38: Endangering Health and Safety**

You can apply the section 38 exemption if complying with the request would or would be likely to endanger anyone's physical or mental health or safety. In deciding whether you can apply this exemption, you should use the same test as you would for prejudice.

**Section 39: Environmental Information**

You should deal with any request that falls within the scope of the Environmental Information Regulations 2004 under those Regulations. This exemption confirms that, in practice, you do not also need to consider such requests under the Freedom of Information Act. Only public authorities that are covered by the Regulations can rely on this exemption.

**Section 42: Legal Professional Privilege**

This applies whenever complying with a request would reveal information that is subject to 'legal professional privilege' (LPP) or the equivalent Scottish rules. LPP protects information shared between a client and their professional legal advisor (solicitor or barrister, including in-house lawyers) for the purposes of obtaining legal advice or for ongoing or proposed legal action. These long-established rules exist to ensure people are confident they can be completely frank and candid with their legal adviser when obtaining legal advice, without fear of disclosure.

**Section 43: Trade Secrets & Prejudice to Commercial Interests**

This exemption covers two situations:

- when information constitutes a trade secret (such as the recipe for a branded product); or

when complying with the request would prejudice or would be likely to prejudice someone's commercial interests.