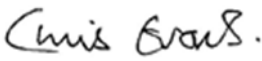




St Alban's RC High School

Freedom of Information Policy

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LEAD MEMBER:	Business Manager
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CHAIR OF GOVERNORS SIGNATURE:	
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St Alban's RC High School is a voluntary aided school and the governing body is the employer of the staff who work there. The contract of employment is between the school's governing body and the employee. The governing body has all the employment responsibilities that this entails including the appointment and dismissal of staff.

1. PURPOSE

From 1st January 2005, all requests for information received by a public authority have had to be answered in accordance with the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIRs), or the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) for an individual's own personal data.

The legislation was introduced to promote greater openness and transparency in the public sector, a commitment supported by Torfaen County Borough Council. It provides a legal right for any person or group to ask any public authority if it holds specified information and to be provided access to it.

2. SCOPE

This policy applies to all recorded information held in any format by or on behalf of the Council and may also apply to information that has been received from others. The legislation applies regardless of the age, format, origin or classification of the information and covers files, letters, emails, notebooks, videos, photographs and maps etc. It extends to closed files and archived material as well as information in current use.

The FOIA works alongside other laws and does not give people access to their own personal data or environmental information.

Requests for personal data, including requests for disclosure of third party data and requests made by individuals for a Subject Access Request, are exempt under Section 40 of the FOIA and will be dealt with in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), which is covered by the Council's Data Protection Policy.

Requests for environmental information are exempt under Section 39 of the FOIA and will be dealt with in accordance with the Environmental Information Regulations 2004.

3. RESPONSIBILITIES

The Council has a responsibility to make recorded information available under the Freedom of Information Act.

All council employees and Elected Members should be aware of the Freedom of Information Act and of the importance of passing a request onto the FOI team to process under the terms of the Act.

The Complaints and FOI Team will record and manage all requests for information and provide training, advice and assistance.

4. DEALING WITH REQUESTS

Any correspondence could include a request for information, it does not have to state the request is made under the FOIA. However, applicants making requests must put the request in writing, provide their real name and an address for correspondence (email or postal). If a request is unclear, we will ask for clarification as soon as we can to enable us to proceed with considering the request.

Requests for information such as leaflets, brochures and press releases should be dealt with as routine correspondence.

Where possible the information will be supplied in the format requested by the applicant. However, requests can be met by providing a copy of the original document, as a summary of the original or even by allowing the applicant to visit the authority to read the document(s).

There is a requirement to respond to all requests promptly, and within the statutory response period of 20 working days following receipt of a valid request. The 20 day period starts when the request is first received by the authority, so it is important to ensure that the request is passed to the FOI team immediately. Email foi@torfaen.gov.uk

Under S14 of the FOIA the Council has the right to refuse requests that are vexatious or repeated.

5. FEES

The Council will not charge a fee for documents contained within its Publication Scheme. However, we reserve the right to refuse requests where the cost of providing the information would exceed the statutory cost limit (currently £450, or 18 hours' work at the statutory rate of £25 per hour). Where we estimate that complying with a request will take more than 18 hours of officer time, we will try to assist applicants to make refined requests which are more manageable.

Photocopying and printing is charged at 10 pence per sheet and no charge is made if the fee is below £10.00. Postage will be calculated using Royal Mail postage rates at the time the request is dealt with.

6. EXEMPTIONS

Whilst information will be released wherever possible, it is not always appropriate for all information to be disclosed. The FOIA provides exemptions which may need to be applied.

Exemptions can be "absolute" where the information can be withheld which might result in the council not being able to confirm or deny that the information exists, or from disclosing the information at all.

Most of the exemptions are "qualified" which means the council have to consider whether it is in the public interest to release or withhold the information. If a request is refused, the reasons for withholding the information will be explained.

7. PUBLICATION SCHEME

To comply with the FOIA the Council must operate a Publication Scheme which sets out:

- The classes of information published, or intended to be published.
- The manner in which publication is, or is intended to be made.
- Whether the information is available free of charge or if payment is required.

The Publication Scheme will be regularly reviewed and updated. The latest version is available via the following link. <http://www.torfaen.gov.uk/en/AboutTheCouncil/DataProtectionFreedomofInformation/FreedomofInformationAct/Freedom-of-Information.aspx> or in hard copy and requests for a copy of the Publication Scheme or information contained within it should be made to foi@torfaen.gov.uk.

8. APPEALS AND COMPLAINTS

If the requestor is not satisfied with the information disclosed, the council will undertake an internal review.

If the requestor remains dissatisfied following the outcome of the review they may seek an independent review by the Information Commissioner, who has the authority to demand disclosure.

9. LEGISLATION AND KEY REFERENCE DOCUMENTS (Please note this list is not exhaustive)

The Council will abide by all relevant UK and EU legislation and the following policies and procedures:

- General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)
- The Data Protection Act (2018) /Data Protection Bill
- The Copyright, Designs and patents Act (1988)
- The Computer Misuse Act (1990) / (2011)
- The Health and Safety at Work Act (1974)
- Human Rights Act (1998)
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Environmental Information Regulations 2004

TCBC POLICIES

- Acceptable Use Policy
- Information Access Policy
- Information Security Policy
- Data Protection Policy

10. MONITORING AND REVIEW

The Information Management Group will monitor the implementation of this policy.

This policy will be subject to review when any of the following conditions are met:

- Content errors or omissions are highlighted.
- Where another standard/guidance issued conflicts with the information in this policy.
- There will be an initial 1 year review from policy implementation.
- Thereafter reviews will be scheduled on a 3 year basis from the date of approval of the current version.

11. COMPLIANCE

Failure to comply with the Freedom of Information Policy could result in disciplinary action.