



Larwood Academy Trust



Chair of Trustees: Daniel Login | BA (Hons) |

LARWOOD DRIVE, STEVENAGE, HERTFORDSHIRE, SG1 5BZ

Email: admin@larwood.herts.sch.uk **Telephone:** 01438 236333

Website: www.larwood.herts.sch.uk

Larwood School

Headteacher: Mr Pierre van der Merwe | BA, NPQH |

Brandles School

Headteacher: Mr Paul Smith | BA (Hons), PGCE, NPQH |

Dan Login

Chair of Trustees

Pierre van der Merwe

Acting Executive Headteacher

FREEDOM OF INFORMATION POLICY

Policy Number: 34

Review Committee: Finance and Resources

Type of Policy: Statutory

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Registered office:

C/o Larwood School, Larwood Drive Stevenage, Hertfordshire. SG1 5BZ, UK. Company Number: 10359418

Telephone: 01438 236333 Email: admin@larwood.herts.sch.uk

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1. RATIONALE AND AIM

The Freedom of Information Act 2000 came into effect on 30 November 2000 and gives a general right of access to recorded information held by a public authority, including Academies and Trusts, subject to certain exemptions. Larwood Academy Trust are committed to complying with the provisions of FOIA.

2. DEFINITIONS

- “Appropriate Limit” means the limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as amended from time to time.
- “Fee Notice” means the amount the Requester will need to pay in order for trust to comply with the request for information.
- “FOIA” means the Freedom of Information Act 2000 and amendments.
- “GDPR” means the General Data Protection Regulation, (and the Data Protection Act 2018)
- “Publication Scheme” means a list of information that will be routinely published via the trusts website.
- “Requester” means the person making a request for information from the trust.
- “Social Media” means websites and applications that enable users to create and share content or to participate in social networking including, but not limited to, Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for Trust and school purposes as well as personal use that may affect the Trust in any way.

3. PROCEDURE FOR MAKING A REQUEST FOR INFORMATION

- Larwood Academy Trust requires requests for information pursuant to the provisions of FOIA to be made in writing. The trust considers ‘in writing’ to mean communications by post or email.
- Requests for information held by the trust should be sent to admin@larwood.herts.sch.uk.
- A request for information made to the trust should provide the name of the Requester and an address for correspondence and should clearly set out the information being requested.

4. DUTY TO ASSIST

- There may be circumstances where it is unclear what information is being requested or where the request for information is such that responding will cause the trust to exceed the Appropriate Limit.
- In these circumstances the trust will seek to provide advice and assistance to the Requester in order to enable the trust to provide the requester with the information they are seeking to obtain or inform the requester as to why this is not possible.

5. TIME LIMIT FOR RESPONDING TO REQUESTS FOR INFORMATION

- Larwood Academy Trust will seek to respond to a request for information promptly and in any event no later than 20 School days¹ or 60 working days² from the date of the request whichever occurs first.
- Where a fee is payable for responding to the request, the trust will disregard any day between a Fee Notice being sent to the Requester and the correct fee being received by the trust when

calculating the time limit for responding.

- In the event that the trust are unable to respond within the periods set out above, the trust will write to the Requester advising it will be unable to comply and provide a new time scale for responding to the request.

¹ A school day is any day on which there is a school session.

² A working day means any other day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is on a bank holiday.

6. FEES

- The trust will not charge for the provision of information which is requested subject to the provisions of FOIA³.
- The trust is not obliged to comply with a request for information if the cumulative time spent on locating, retrieving or, if necessary, extracting the information requested is estimated to exceed the Appropriate Limit.
- The trust may decide to provide information requested in excess of the Appropriate Limit without charging a fee where it considers it reasonable and within the public interest to do so.
- Where it appears that responding to a request for information will result in the trust exceeding the Appropriate Limit and the trust does not waive the fee for complying with the request, the trust may provide the Requester with a Fee Notice. Larwood Academy Trust will also inform the Requester as to how it has estimated that the Appropriate Limit will be exceeded, what information it could provide within the Appropriate Limit, and provide the Requester with the opportunity to narrow their request.
- Where the Trust has issued a Fee Notice and the Requester indicates they are not prepared to pay the fee as set out in the Fee Notice or does not pay the fee as set out in the Fee Notice within three months, The Trust is not obliged to comply with the original request. The Trust will however consider any narrowed or amended request.
- The appropriate cost limit set out in the Act for public authorities is £450 (and the nominal hourly rate at which such work can be calculated is £25 per hour). Aggregate requests can also be considered in estimating the cost to the public authority in locating the relevant information and responding to the FOIA Request. After work reaches the limit of this amount, public authorities are entitled to refuse to deal with a FOIA request.

7. EXEMPTIONS

- The right to be provided with information requested may be limited by the application of an exemption. Some exemptions are absolute and others are qualified. Where an exemption applies to information requested, Larwood Academy Trust may also be exempt from having to confirm or deny that the information exists as well as from disclosing the requested information.
- Where a qualified exemption applies to information requested from the trust, the trust will consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- The absolute exemptions most relevant to Larwood Academy trust are those that relate to:
 - Information accessible by other means⁴;
 - Personal Information⁵;
 - Confidential Information⁶;
 - Prohibitions on Disclosure⁷.

- The qualified exemptions most relevant to The Trust are those that relate to:
 - (a) Information intended for future publication⁸;
 - (b) Prejudice to the Effective Conduct of Public Affairs⁹
 - (c) Health and Safety¹⁰
 - (d) Legal Professional Privilege¹¹
 - (e) Commercial Interests¹²
- Where Larwood Academy Trust relies on an exemption in not complying with a request for information, The Trust will write to the Requester setting out the exemption relied on explaining the reason(s) The Trust considers that the exemption applies to the information requested and, where appropriate, why it has decided that the public interest in withholding the information outweighs the public interest in disclosing it.

³ The school may charge for requests where it incurs a costs in photocopying, printing or otherwise reproducing the requested information and/orwhere the school will incur a significant fee for providing the requested information in the format requested by the Requester. There may also be a charge where the school has issued a Fee Notice and the Requester has agreed to pay the fee as set out in the Fee Notice.

⁴ Section 21 – Freedom of Information Act 2000

⁵ Section 40 - Freedom of Information Act 2000

⁶ Section 41 - Freedom of Information Act 2000

⁷ Section 44 – Freedom of Information Act 2000

⁸ Section 22 – Freedom of Information Act 2000

⁹ Section 36 – Freedom of Information Act 2000

¹⁰ Section 38 – Freedom of Information Act 2000

¹¹ Section 42 – Freedom of Information Act 2000

¹² Section 43 – Freedom of Information Act 2000

8. REQUESTS FOR PERSONAL DATA

- A request by an individual for their own personal data made subject to the provisions of FOIA will be treated as a subject access request.
- A request for the personal data of a third party will be refused where the provision of that information will contravene any of the principles of the GDPR, pursuant to Section 40(2) of FOIA.

9. REPEAT AND VEXATIOUS REQUESTS

- Larwood Academy Trust will not comply with a request for information which is considered to be vexatious.
- In determining whether a request is vexatious, The Trust will consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to the Trust, schools, staff or trustees. Larwood Academy Trust will also consider the burden on the Trust and schools any possible distress to its staff or board of trustees in responding to the request, the motive of the Requester and the seriousness of the request.
- The Trust will also not comply with a request for information which is identical or substantially similar to a previous request made by the Requester unless a reasonable time has elapsed between the current request and the previous request.
- In considering whether a reasonable time has elapsed the Trust will take into account the time that has passed between the current request and the previous request and likelihood that the information requested will differ significantly from the information provided in the response to the previous request.

10. COMPLAINTS

- Appeals against any decision not to supply information which the school(s) consider exempt should be made to the Executive Headteacher of The Trust, or if the appeal is against a decision not to supply information by the Trust, the appeal should be directed to the Executive headteacher who will review the original decision.
- If a requester is unhappy with the outcome of their complaint or the way a request for information has been handled can complain to the Information Commissioner at:
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 01625 545 700.