



Freedom of Information Policy

Signed by headteacher: *A Hughes*

Signed by Chair of Governors: *David Bradley*

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Freedom of Information Policy

AI Generated Summary

Purpose: Sets out how the school meets Freedom of Information Act duties, including release of records and supporting applicants

Legal Framework: FOIA 2000, UK GDPR, Data Protection Act 2018, ICO/Cabinet Office guidance

Valid Requests: Must be in writing, include name + address, and clearly describe information requested

Timescales: Response within 20 school days (paused if awaiting clarification or fees)

Refusals & Limits: Exempt/not held info, vexatious or repeated requests, unpaid fees, or cost over £450 (18 hrs)

Fees & Format: Charges only for copying/postage/format; provide info in requested format where possible

Support: Duty to give advice and assistance and help refine unclear or over-limit requests

Reviews & Complaints: Internal review within 40 days; right to escalate to ICO

Publication & Contractors: Maintains publication scheme; contractor-held info treated as school-held under FOI

Review Cycle: Policy monitored annually; next review due Feb 2027

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Statement of intent

As an educational provider, Bitterne Manor 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 our school's policy and procedures for:

- The release and publication of private data and public records.
- 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 UK General Data Protection Regulation (UK GDPR)

The Data Protection Act 2018

- 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:

- Cabinet Office 'Freedom of Information Code of Practice'

- ICO 'Definition document for the governing bodies of maintained and other state-funded schools in England'
- ICO 'Model publication scheme'
- ICO 'Duty to provide advice and assistance (Section 16)'
- ICO 'Time limits for compliance under the Freedom of Information Act (Section 10)'

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

- Data Protection Policy
- Freedom of Information Publication Scheme and Guide

2. Accepting requests for information

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

- It is in writing, this includes requests sent to the school's official social media accounts
- It states the name of the applicant and an address for correspondence
- It adequately 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

Where a request is submitted in a foreign language, the school is not expected to obtain a translation of the request. For the request to be processed, the school will ask the applicant to provide their request in English.

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

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

3. General rights of access to information held by the school

Provided that the request meets the requirements set out in section 2 of this policy, the school will 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.

This will be completed no later than 20 school days from receipt of the request. Where a fee is charged, the timeframe within which the school has to respond to the request begins from the day the fee is received.

The school will not comply with this duty 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 for the same information made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.
- The requested information is not held by the school for the purposes of the school's business.

Where information is, or is thought to be, exempt, the school will, within 20 school days, give notice to the applicant which:

- States that fact.
- Specifies the exemption in question.

If information falls within scope of a qualified exemption and the school needs additional time to consider the public interest test, the school may extend the deadline. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.

Where a public interest test extension is required, the school will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why
- A revised deadline for when the applicant will receive their response

Where a deadline has to be further extended, the school will write to the applicant again, stating the information outlined above.

Requests for information that is not recorded by the school (e.g. requests for explanations, clarification of policy and comments on the school's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and the school will respond to the applicant through other channels as appropriate.

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

In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the school and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.

Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the school with the intention of preventing disclosure following a request.

4. The appropriate limit

The school is not obliged to comply with a Freedom of Information request where the estimated cost of compliance exceeds the statutory appropriate limit of £450 (18 hours at £25 per hour), in accordance with section 12 of the Freedom of Information Act 2000.

In estimating whether the cost limit is exceeded, the school will only take account of staff time reasonably expected to be incurred in:

- determining whether the information is held
- locating the information
- retrieving the information
- extracting the information from a document

Staff time will be estimated at £25 per person per hour.

Where costs are likely to exceed the limit, the school will provide advice and assistance to help the requester refine their request.

Multiple requests received within 60 working days, from the same individual or persons acting in concert, may be aggregated for the purpose of estimating costs.

5. Charging fees

The school may, within **20 school days**, issue the applicant with a written fees notice where a charge is payable for providing the requested information.

Charges will only be made for **permitted disbursements**, for example:

- Photocopying and printing
- Postage and delivery costs
- The cost of providing information in a requested format (e.g. scanning or copying to electronic media)

Any fee charged will not exceed the school's reasonable costs of these disbursements, in accordance with the Freedom of Information Act 2000 and associated Fees Regulations.

Where a fees notice is issued, the school is not required to comply with the request unless payment is received within **three months** of the date of the fees notice.

Where payment is made by cheque, the school may wait until the cheque has cleared before commencing work.

Once payment is received, the school will inform the applicant of the revised response deadline. The statutory time limit for responding is **paused** between the date the fees notice is issued and the date payment is received.

If the school underestimates the fee in the original notice, a second fees notice will not normally be issued and the school will meet any additional costs.

In calculating the 20-working-day response period, the days between issuing the fees notice and receiving payment will be disregarded.

6. Means of communication

Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the school will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

Where a preference is not stated by the applicant, the school will communicate by any means which are reasonable under the circumstances.

7. Providing advice and assistance

The school will meet its duty under **section 16 of the Freedom of Information Act 2000** to provide advice and assistance, as far as is reasonable, to any person who has made or intends to make a request for information.

Advice and assistance may be provided where:

- an applicant wishes to know what information the school holds and how it is made available

- a request is unclear or insufficiently specific to enable the school to identify and locate the information
- a request is likely to be refused, for example because it exceeds the cost limit or an exemption applies
- information may already be accessible by other means, such as through the school website

Support may include:

- explaining the applicant's rights under the Act
- helping the applicant refine or focus their request
- advising where information is publicly available
- keeping the applicant informed of progress

If a request is unclear, the school may seek further clarification. In these circumstances, the statutory response time will be paused until clarification is received. The school will make clear that if clarification is not provided within a reasonable period, the request may be treated as closed.

A request must include the applicant's name and correspondence address in order to be valid.

The school is not required to provide advice and assistance where a request is considered vexatious or repeated under **section 14** of the Act.

Where a request exceeds the statutory cost limit, the school will, where reasonable, provide advice and assistance to help the applicant narrow the request.

Any refined request will be treated as a new request and the response period of **20 school days (or 60 working days, whichever is shorter)** will begin again.

The school will keep appropriate records of advice and assistance provided.

8. Consultation with third parties

The school may need to consult third parties about information within the scope of a request in order to consider whether it is appropriate for the information to be disclosed.

Situations where consultation may be relevant include:

- where the information relates to individuals or organisations other than the applicant or the school
- where disclosure may affect the rights, interests, or commercial or private affairs of a third party

The school will consider whether third-party consultation is appropriate, including where contractual arrangements suggest that consultation should take place. However, contractual terms cannot override the school's statutory obligations under the Freedom of Information Act 2000.

The views of third parties may be taken into account when deciding whether any exemptions apply, but the final decision on disclosure remains the responsibility of the school.

Where consultation is required, the school will aim to complete it within the statutory time limit. Where additional time is reasonably required, the school may extend the deadline in accordance with the Act and will inform the applicant.

Where the school decides to disclose information following consultation, the relevant third party will normally be informed in advance where practicable.

Where the request relates to a large number of third parties, the school may consider consulting a representative body or a sample of affected parties, where appropriate.

9. Internal reviews

When responding to requests for information, the details of the school's internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the school's internal review.

Requests for an internal review should be made in writing to the school.

For a request for an internal review to be accepted, it must be made within 40 school days from the date the school issued an initial response to the request.

Upon receipt of an application, the school will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 20 school days of receipt of the application.

If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, the school may need to extend the usual response timeframe. In these cases, the school will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.

Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received. Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision. During a review, the school will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.

The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.

Within the response to a review, the applicant will be informed again of their right to complain to the ICO.

10. Publication scheme

The school will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the school's website, and whether the information will be available free of charge or on payment.

The publication scheme will be reviewed and, where necessary, updated on an annual basis.

11. Contracts and outsourced services

The school will make clear what information is held by third party contractors on behalf of the school.

Where a contractor holds information relating to a contract held with the school on behalf of the school, this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.

When entering into a contract, the school and contractor will agree what information the school will consider to be held by the contractor on behalf of the school, this will be indicated in the contract.

Appropriate arrangements will be put in place for the school to gain access to information held by the contractor on the school's behalf, in the event that a freedom of information request is made. These arrangements will be set out in a contract, and will cover areas including, but not limited to, the following:

- How and when the contractor should be approached for information and who the points of contact are
- How quickly information should be provided to the school
- How any disagreement about disclosure between the school and contractor will be addressed
- How requests for internal reviews and appeals to the ICO will be managed
- The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the school
- The circumstances under which the school must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

In some situations, the school may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The school and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency. Such expectations will only be created where it is appropriate to do so.

Contractors must comply with requests from the school for access to information they hold on behalf of the school. Requests for information held by a contractor on behalf of the school will be responded to by the school. If a contractor receives a request, this will be passed onto the school for consideration.

12. Monitoring and review

This policy will be reviewed on an annual basis, or in light of any changes to relevant legislation, by the headteacher.

The next scheduled review date for this policy is March 2027.