

## **FREEDOM OF INFORMATION**

### **1. Introduction**

1.1. The Trust is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

### **2. What is a request under FOI**

2.1. Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

2.2. All requests should be referred in the first instance to the Executive PA / Company Secretary, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working **days of receiving the request**.

### **3. Time limit for compliance**

3.1. The Trust must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For the Trust, a “working day” is one in which students are in attendance, subject to an absolute maximum of 60 calendar days to respond.

### **4. Procedure for dealing with a request**

4.1. When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Business & Operations Director, who may reallocate to an individual with responsibility for the type of information requested.

4.2. The first stage in responding is to determine whether or not the Trust “holds” the information requested. The Trust will hold the information if it exists in computer or paper format. Some requests will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Trust to add up totals in a spreadsheet and release the total figures, this would be information “held” by the Trust. If the Trust would have to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information “held” by the Trust, depending on the time involved in extracting the information.

4.3. The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

4.3.1. Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the DPA, further information is in the Data Protection Policy.

4.3.2. Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in the Data Protection Policy.

4.3.3. Section 41 – information that has been sent to the Trust / individual UTC (but not the Trust's own information) which is confidential;

4.3.4. Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;

4.3.5. Section 22 – information that the Trust / UTCS intend to publish at a future date;

4.3.6. Section 43 – information that would prejudice the commercial interests of the Trust / Academy and / or a third party;

4.3.7. Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);

4.3.8. Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;

4.3.9. Section 36 – information which, in the opinion of the Chair of the Trust, would prejudice the effective conduct of one of the UTCs. There is a special form for this on the ICO's website to assist with the obtaining of the Chair's opinion.

## **5. Responding to a request**

5.1. When responding to a request where the Trust has withheld some or all of the information, the Trust must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2. The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by a Trustee, or by writing to the ICO.

## **6. Dealing with Vexatious or Repeated Requests**

Should an applicant make a 'vexatious' or 'repeated' request for identical or substantially similar information, the Trust will inform the applicant in writing that they will not fulfil the request. When responding in this manner we will offer assistance to the individual, by indicating why they consider the request is vexatious or repeated.