

## FREEDOM OF INFORMATION ACT 2000

### 1. INTRODUCTION

From **1 January 2005** when the *Freedom of Information Act 2000* (FOIA) came fully into force, there is a legal right for any person to ask an Academy for access to information that it holds. The FOI Act is overseen by the Information Commissioner who also has responsibility for GDPR, and *The Environmental Information Regulations 2004*.

- **The Environmental Information Regulations 2004** (EIRs) enable people to access environmental information; and
- **The Freedom of Information Act** enables people to access all other information and the reasoning behind decisions and policies, which do not fall under DPA or EIR.

Although FOI presumes openness, it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

### 2. THE TRUST'S OBLIGATIONS UNDER FOIA

Academies are under a duty to provide advice and assistance to anyone requesting information. The enquirer is entitled to be told whether the Academy holds the information (*the duty to confirm or deny*) except where certain exemptions apply.

A well-managed records and management information system is essential to help Academy's to meet requests.

There are prescribed time limits for responding to requests for information. Requests should be dealt with **within 20 days** excluding Academy holidays. Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested.

The academy will acknowledge receipt of the request as soon as possible detailing any costs involved and will aim to comply with the request within the statutory period (20 working days).

Any delay will be explained in writing to the person making the request.

A designated member of staff, usually the operations Manager will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.

Expressions of dissatisfaction should be handled through the Trust's existing complaints procedure.

The school will keep a record of all requests received for monitoring purposes, noting:

- a) the date the request was received,
- b) name and contact details of the person or organisation making the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20-day deadline.
- f) any charges imposed