



Data Protection Policy including Freedom of Information Publication Scheme

Member of Staff Responsible	CEO/Data Protection Officer
Relevant guidance/advice/legal reference	General Data Protection Regulation (GDPR) Data Protection Bill. Protection of Freedoms Act 2012 Freedom of Information Act 2000 Education (Pupil Information) (England) Regulations 2005
Approval	Trust Board
Advisers	DP standard policy and consultation through individual trustee
Date of Policy	May 2022
Review Cycle	1 Year
Date of Next Review	May 2023
Website	Yes

This policy covers two statutory areas – Section 1 on Data protection and Section 2 on the Freedom of Information Publication scheme (including information on what we make available to the public). Separate to this policy is a retention schedule which is available upon request.

Section 1: Data Protection

1.1 Statement of Intent

The trust (hereafter referred to as the trust) is committed to the highest standards of Information Governance and protection of individual's personal data and privacy. We are required to keep and process relevant personal data regarding staff, pupils, their parents and guardians, governors, visitors and other individuals.

This policy applies to all personal data, regardless of whether it is in paper or electronic format. All staff involved with the processing of personal data are aware of their duties and responsibilities within these guidelines. Processing may include obtaining, recording, holding, disclosing, destroying or using data. Reference to pupils in this policy includes current, past or prospective pupils.

This policy will outline how our schools and trust comply with legal obligations under the General Data Protection Regulation:

This policy complies with our funding agreement and articles of association.

1.2 The data controller

Our schools/trust process personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The trust is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

1.3 Definitions

Term	Definition
Personal data	Data relating to a living individual who can be identified.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes• Physical or mental health• Sexual orientation• Alleged or committed offences, their proceedings and sentences.
Processing	Anything done to personal data, such as collecting, recording, holding, organising, structuring, storing, adapting, altering, retrieving, using, disclosing, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	An individual who is the subject of personal data.

Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

1.4 Roles and responsibilities

This policy applies to **all staff and volunteers at our** schools/trust, and to external organisations or individuals working on our behalf. Data protection is seen as a ‘whole school’ issue, with specific responsibilities delegated as follows:

Governors	<ul style="list-style-type: none"> The governing board (Trustees and Local Governing Bodies) have overall responsibility for ensuring that our trust and schools comply with all relevant data protection obligations.
Data Protection Officer (DPO) for the trust	<ul style="list-style-type: none"> The DPO is responsible for overseeing the implementation of this policy, monitoring the trust’s compliance with data protection law, and developing related policies and guidelines where applicable for its schools. They will provide reports of their activities directly to the trustees and, where relevant, report to the board their advice and recommendations on school data protection issues. The DPO is also the first point of contact for schools, individuals and for the ICO. Full details of the DPO’s responsibilities are set out in their job description.
CEO	<ul style="list-style-type: none"> Acts as the representative of the data controller on a day-to-day basis for the trust. Authors this policy through the trustees.
Headteacher	<ul style="list-style-type: none"> Acts as the representative of the data controller on a day-to-day basis for the school. Receives Freedom of Information requests and determines the response
Data Protection Manager for the school.	<ul style="list-style-type: none"> The key person with specific responsibility for Data Protection within the school and responsible for overseeing the implementation of this policy and monitoring the schools compliance with data protection law. Responsible for all information governance including data protection. Reports to the DPO and collaboratively works with the other school’s Data Managers to share best practice and advice. and Senior Leadership Team on all matters of Information governance. Takes appropriate action for Subject Access Requests, Freedom of Information Requests, Individual Rights of data requests and Data Breach incidents. Promotes a culture of awareness and commitment to information governance and data protection throughout school, inducting and training staff. Is the main point of contact for students, staff, governors and parents who have data protection concerns.

	<ul style="list-style-type: none"> • Ensures that all staff are aware of the procedures that need to be followed in the event of a data protection breach and can recognise SARs and FOI requests. • Ensures that a data protection incident log is kept up to date.
IT dept	<ul style="list-style-type: none"> • Responsible for security of school ICT system.
All Staff	<ul style="list-style-type: none"> • Help to protect individual's personal data and privacy processing any personal data in accordance with this policy. • Inform the school of any changes to their personal data • Maintain an awareness of current data protection issues through training and CPD. • Contact the Data Protection Manager or DPO in the following circumstances: <ul style="list-style-type: none"> ○ With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure. ○ If they have any concerns that this policy is not being followed. ○ If they are unsure whether or not they have a lawful basis to use personal data in a particular way ○ deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area ○ To promptly pass on without delay a SAR/FOI request. ○ If there has been a data breach. ○ If they need help sharing personal data with third parties.
Parents	<ul style="list-style-type: none"> • Responsible for ensuring information that they provide to the school is accurate and up-to-date and notify us of any changes to information promptly.

1.5. Key Contact Details

The DPO can be contacted at: dpo@318education.co.uk

1.6. Individual's Legal duties

Everyone in our schools/trust has a responsibility to ensure that they abide by the principles listed in this policy for handling and processing personal data and making sure that information is securely and appropriately managed. If staff are unsure about the action being taken with regard to personal data they will check with the School Data Protection Manager or DPO to ensure you are complying with the DPA.

Our schools take their duties under the Data Protection Act seriously and any member of staff found to mishandle data or share personal data with unauthorised individuals will be subject to investigation under the School's Disciplinary Policy. Deliberate, malicious or reckless breaking of the DPA will be counted as gross misconduct and could result in dismissal. Under this Act you can also be criminally liable if you knowingly or recklessly disclose personal data.

1.7 Data protection principles

The GDPR is based on data protection principles that our school must comply with. Personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which they are processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures appropriate security of personal data

This policy sets out how the school/trust aims to comply with these principles.

1.8 Collecting personal data

1.8.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract.
- The data needs to be processed so that the school can **comply with a legal obligation**.
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life.
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions.
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden).
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**.

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018. If we offer online services to pupils, such as classroom apps, we rely on public interest as a basis for processing,

Whenever we first collect personal data directly from individuals, we will provide them with the School's Privacy Notice required by data protection law. Privacy Notices will remain accessible to Individuals.

1.8.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so.

Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the trust's Retention Schedule.

1.9. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk.
- We need to liaise with other agencies – we will seek consent as necessary before doing this.
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

1.10 Subject access requests and other rights of individuals

1.10.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, **either by letter, email or fax to the headteacher**, who may pass it to the School Data Protection Manager or DPO of the trust.

They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

We recommend that you submit a Subject Access Request to us electronically, on our template form via the privacy notice on each school's website, but this is not compulsory.

If staff receive a subject access request, they must immediately forward it to the Data Protection Manager or DPO.

1.10.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Primary Schools in Trust: Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Secondary Schools in Trust: Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

1.10.3 Responding to subject access requests

We will respond to all SAR requests in line with our policy – see Appendix A

1.10.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO

- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the school office, Data Protection Manager or DPO. If staff receive such a request, they must immediately forward it to the school Data Protection Manager or DPO.

1.10.5 Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil).

1.11 Biometric recognition systems.

Where we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils may use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will receive written consent from at least one parent or carer before we take any biometric data from their child and first process it. Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils.

Parents/carers and pupils can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

1.12 CCTV

We use CCTV in various locations around some school sites to ensure they remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to dpo@318education.co.uk

1.13 Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school and trust website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

1.14 Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure.

1.15 Data security

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

Staff will ensure that personal and sensitive data is secured in accordance with the provisions of the GDPR and the school's ICT policies or associated procedures.

1.16 Disposal of records

Personal data that is no longer needed will be disposed of securely in line with our Retention Schedule. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files.

We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

1.17 Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the event of a suspected data breach, we will follow our Data Breach Procedure and where necessary report the breach to the ICO within 72 hours.

1.18 Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development through meeting updates and internal/external training.

1.19 Links with other policies

This data protection policy is linked to our:

- Child Protection Policy
- E-Safety Policy
- 318 Education Retention Schedule

Section 2: Freedom of Information

Freedom of Information requests

Before submitting any request under the Freedom of Information Act, please read section 2. Details of the school's address to submit a request are contained in 2.2.1

How to Request Information (See Appendix B)

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the Trust using the contact details below. To enable us to process your request quickly, please mark all correspondence:

“FREEDOM OF INFORMATION REQUEST”

Documents can be translated under disability legislation into accessible formats where possible.

2.1 Statement of Intent

As an educational provider, our trust 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:

- how the trust will respond to requests from individuals for access to information held about them.
- the trust's policy and procedures for the release and publication of private details and public records.
- the trust's policy and procedures for 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.

2.2 Accepting Requests for Information

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

- it is in writing,
- it states the name of the applicant and an address for correspondence,
- it describes the information requested.

A request will be treated as made in writing if it meets all the following requirements:

- it is transmitted by electronic means,
- it is received in legible form,
- it is capable of being used for subsequent reference.

2.2.1 Contact details [insert school/trust here and specific details below]

For all requests, please send to:

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

2.2.2 General Right of Access to Information held by the school/trust

2.2.2.1 Provided that the request complies with Section 2 of this policy, the trust will, no later than 20 working days from receipt of the request, comply with its duty to:

- confirm or deny to any person making a request for information to the school/trust, whether it holds information of the description specified in the request,
- provide the documentation, if the trust confirms that it holds the requested information

The school will not comply with the request if:

- it was reasonable to seek further information to meet a freedom of information request, 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 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 made within 60 consecutive working days of the initial one
- a fee notice was not honoured (See 2.2.4)

Where information is, or is thought to be, exempt, the trust/school will, within 20 working days give notice to the applicant which states the fact and specifies the exemption

The information provided to the applicant will be in the form that they have requested, where possible. Where it is not possible to provide the information in the requested format, the school/trust 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 the school/trust is required to translate any information, it will do so.

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

2.2.3 The Appropriate Limit

The school/trust will not comply with any freedom of information request that exceed the statutorily imposed appropriate limit to the cost of £450. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the school/trust will take account only of the costs reasonably expected to be incurred in relation to:

- determining whether we hold the information.
- locating the information, or a document which may contain the information.
- retrieving the information, or a document which may contain the information.
- extracting the information from a document containing it.
- costs related to the time spent by any person undertaking any of the activities outlined in in this policy on behalf of the school/trust, are to be estimated at a rate of £25 per person per hour.

Where multiple requests for information are made to the trust within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the school/trust of complying with all of them.

2.2.4 Charging Fees

The trust may, within 20 working days, give an applicant who has requested information from the Trust, a written notice stating that a fee is to be charged for the school's/trust's compliance.

2.2.4.1 Charges may be made for disbursements, such as the following:

- photocopying
- postage and packaging
- costs directly incurred as a result of viewing information

Fees charged will not exceed the total cost to the trust of:

- informing the person making the request whether we hold the information
- communicating the information to the person making the request

Where a fee is to be charged, the trust will not comply with 2.2.2.1 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fee's notice is given to the applicant.

The trust will not consider any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in 2.2.4.1 above.

When calculating the 20th working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

2.3 Means by which Communication is to be Made

Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the school/trust 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.

2.4 Providing Advice and Assistance

The trust/school will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the school.

- 2.4.1 The school/trust may offer advice and assistance in the following circumstances if:
- an individual request to know what types of information the trust holds and the format in which it is available, as well as information on the fees regulations and charging procedures
 - a request has been made, but the trust is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information
 - a request has been refused, eg, due to an excessive cost, and it is necessary for the school/trust to assist the individual who has submitted the request
- 2.4.2 The school/trust will provide assistance for each individual on a case-by case basis, examples of how the school/trust will provide assistance include the following:
- informing an applicant of their rights under the Freedom of Information Act 2000.
 - assisting an individual in the focus of their request, eg, by advising of the types of information available within the requested category.
 - advising an applicant if information is available elsewhere and how to access this information.
 - keeping an applicant informed on the progress of their request.
- 2.4.3 In order to provide assistance as outlined above, the school/trust will engage in the following good practice procedures:
- make early contact with an individual and keep them informed of the process of their request.
 - accurately record and document all correspondence concerning the clarification and handling of any request.
 - give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
 - discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
 - remain prepared to assist an applicant who has had their request denied due to an exemption

The trust will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

- 2.4.4 In circumstances where an applicant has difficulty submitting a written request, the trust/school will:
- take note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin at the point of return
 - direct the individual to a different agency that may be able to assist with framing their request

NB: This list is not exhaustive and the school/trust may decide to take additional assistance measures that are appropriate to the case.

Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the school/trust, as a matter of good practice, will provide advice and assistance. The school/trust will advise the applicant how and where information can be obtained, if it is accessible by other means. Where there is an intention to publish the information in the future, the school/trust will advise the applicant of when this publication is expected.

If the request is not clear, the school/trust will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

If the school/trust is able to identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.

If any additional clarification is needed for the remainder of a request, the school/trust will ensure there is no delay in asking for further information.

If an applicant decides not to follow the school's/trust's advice and assistance and fails to provide clarification, the school/trust is under no obligation to contact the applicant again.

If the school/trust is under any doubt that the applicant did not receive the advice and assistance, the trust will re-issue it.

The trust is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.

The trust is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the Trust will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

A record will be kept by the School Business manager of all the advice and assistance provided.

2.5 Model Publication Scheme

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment. See Appendix C

2.5.1 Classes of Information

Who we are and what we do:

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it:

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing:

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions:

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures:

Current written protocols for delivering our functions and responsibilities.

Lists and registers:

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer:

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that 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.

2.5.2 The method by which information published under this scheme will be made available

Where it is appropriate, information will be provided on a website. Alternatively, upon receipt of the request, the school/trust will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

2.5.3 Charges which may be made for information published under this scheme

- The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the school/trust for routinely published material will be justified and transparent and kept to a minimum.
- Material which is published and accessed on a website will be provided free of charge.
- Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as: photocopying, postage and packaging, the costs directly incurred as a result of viewing information.

Charges may also be made for information provided under this scheme where:

- they are legally authorised,
- they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

2.5.4 Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

2.5.5 Information not made available

- Information which will not be made available under this scheme includes:
- the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure
- information in draft form, or notes, documents in older versions, emails or other correspondence
- information that 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

2.6 Feedback

We welcome any comments or suggestions you may have regarding this scheme. Please contact the governing body using the following contact details:

By email: dpo@318education.co.uk

By post: DPO
The 3-18 Education Trust
Longden Road
Shrewsbury
Shropshire
SY3 9EE

Subject Access Request Policy

A subject access request is a written request for personal data held about you by the school/ trust. Data protection legislation gives individuals the right to know what information is held about them. However, this right is subject to certain exemptions.

When we receive a subject access request, we will first check that we have enough information to be sure of your identity. This may involve us asking for 2 forms of identification or making contact via phone to confirm the request.

We will gather any manual or electronically held information (including emails) and identify any information provided by a third party or which identifies a third party. This will be redacted or removed from the record.

We will deal with your subject access request without delay and respond within one working month of receipt of your request. However, if the work involved is particularly complex or if numerous requests are made then we may extend this period by up to two additional months. In this case, we will inform you about the extension and explain the reasons.

We will not charge a fee for dealing with your request unless it is manifestly unfounded or excessive. If we charge a fee, we will inform you of this and explain the reasons for doing so. We will explain what steps have been taken in dealing with your request i.e. we will set out the source of your personal information we have gathered.

The information will be provided in a concise, transparent and easily accessible form. It may be provided in writing, or by other means, including, where appropriate, by electronic means. There are a number of exemptions to our duty to disclose personal data. We will not disclose data that raises safeguarding concerns for a child or that is covered by legal professional privilege. We may seek legal advice in these circumstances.

If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file

If you are not satisfied by our actions, you have the right to refer the matter to the: Information Commissioner's Office, Wycliffe House, Water Lane Wilmslow Cheshire. SK9 5AF
If you would like to know more or have any concerns about how your personal data is being processed please contact The Data Protection Officer at: dpo@318education.co.uk

Freedom of information request

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 a school/trust 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 the academy to meet requests.

There are prescribed time limits for responding to requests for information. Requests should be dealt with **30 days** excluding school 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 school/trust 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 (30 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/trust 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

Obligations of the Publication Scheme

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To publish proactively or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.