



# Joseph Leckie Academy

## Freedom of Information Policy

**Approved by JLA Trust Board:** 09/2021

**Last reviewed on:** 10/2022

**Next review due by:** 10/2023

## **1. The Academy will comply with**

- 1.1 The terms of the Freedom of Information Act 2000 and any other relevant legislation to ensure requests for access to information held by the school are treated in a manner that is fair and lawful.
- 1.2 Walsall Metropolitan Borough Council advice and guidance.
- 1.3 Information and guidance displayed on the Information Commissioner's website:  
<https://ico.org.uk/>
- 1.4 This policy should be used in conjunction with the Academy's Internet Use Policy and Data Protection Policy.

## **2. Data Gathering and Storage**

- 2.1 Information will only be gathered and stored for specified purposes.
- 2.2 In order to be able to respond to requests for information the Academy will implement effective Records Management policy to enable Academy employees to identify whether data is held and, if it is, locate it quickly and easily.
- 2.3 The Academy's retention policies will be based on the guidance in the Information and Records Management Society's Records Management toolkit for schools and will be reviewed regularly in line with any updates to this toolkit.
- 2.4 Information held by the Academy will be regularly reviewed with a view to archiving or destruction, where appropriate.

## **3. Publication Scheme**

- 3.1 The Academy will adopt and publish the appropriate model publication scheme, as recommended by the DfE, Information Commissioner and Walsall Metropolitan Borough Council, and approved by Academy Trustees.

## **4. Making a request**

- 4.1 Please contact the Academy by telephone, email, fax or letter. Contact details are set out below or you can visit our website at [www.josephleckieacademy.co.uk](http://www.josephleckieacademy.co.uk)

Email: [postbox@josephleckieacademy.co.uk](mailto:postbox@josephleckieacademy.co.uk)

Tel: 01922 721071

Fax: 01922 641497

Contact Address: Joseph Leckie Academy, Walstead Road West, Walsall, WS5 4PG

To help us process your request quickly, please clearly mark any correspondence "INFORMATION REQUEST" (in CAPITALS please)

- 4.2 If you require your personal data please make a Subject Access Request to the Academy, for more information visit [www.josephleckieacademy.co.uk/dataprotection](http://www.josephleckieacademy.co.uk/dataprotection)

## **5. Dealing with Requests for Information**

- 5.1 Theoretically any request for information is a request under the Freedom of Information Act, however this Academy has taken the decision that it will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests

which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests.

5.2 The Academy will assist applicants in making their request to have access to information held by the Academy.

5.3 Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, council, hospital).

5.4 The Academy will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

5.5 The Academy will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during Academy holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information will still be dealt with in compliance with the 20 working day deadline, whether they are recorded as Freedom of Information requests or not.

5.6 If a response will take longer than 10 working days, an acknowledgement will be sent to the person making the request, informing them when the information will be supplied. We recognise this does to allow the Academy to exceed the overall 20 working day deadline.

5.7 The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by government statute. If the estimated cost of complying with the request does not exceed this amount the Academy is not entitled to make a charge for fulfilling the request.

5.8 A designated Academy employee will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the Academy's tracking database.

5.9 Persons requesting data will be supplied with a copy of our complaints procedure upon request. Any complaints regarding Freedom of Information requests must firstly be addressed by the Academy. If, once we have had opportunity to reconsider our decision, we believe the initial response was correct the applicant shall be entitled to take the matter to the Information Commissioner's Office and, ultimately, to an Information Tribunal.

5.10 Copies of data supplied will be retained for two years from the date it was put into the public domain.

## **6. Applying Exemptions**

6.1 A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption: absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

6.2 The decision to apply absolute exemptions will not be taken by individual Academy employees but by a constituted group of at least three of the following: Chair of Trustees, other Trustees and the Principal.

6.3 The decision to apply qualified exemptions will not be taken by individual Academy employees but by a constituted group of at least three of the following: Chair of Trustees, other Trustees, the Principal or a member of Senior Leadership Team (SLT). Even if the group decides information should not be disclosed, a public interest test will be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

6.4 Advice will be sought from Walsall Metropolitan Borough Council's Information Governance Team or Legal Services if there is any doubt as to whether information should be disclosed.

## **7. Paying for information**

7.1 Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an internet café.

7.2 **Fee Regulations.** The method of calculating charges within this policy is in accordance with the Freedom of Information and Data Protection (appropriate limits and fees) Regulations 2004.

7.3 **Estimating the costs of processing requests; (section 4(3) of the FOI regulations).** When estimating the cost of complying with a written request for information, Joseph Leckie Academy will take into account the staff time involved in the following activities:

- Determining whether the information is held.
- Locating the information or a document that may contain the information.
- Retrieving and extracting the information, or a document that may contain the Information.

The cost of the above activities will be calculated by applying an hourly rate of £25 per person, (section 4(4) of the FOI regulations.)

When calculating the costs to process requests, Joseph Leckie Academy cannot take account of the time taken to consider whether information is exempt under the Act. In all cases the costs must be 'reasonable'.

### 7.4 Staff Costs

- Staff costs (£25 per hour) involved in determining whether the Academy holds the information.
- Staff costs (£25 per hour) of locating, retrieving and extracting the information.
- Disbursement and staff costs (£25 per hour) incurred in informing the applicant that the information is held.
- Disbursement and staff costs (£25 per hour) incurred in communicating the information to the applicant

### 7.5 Disbursements

#### **Photocopies:**

Black & White 50p per sheet (additional cost for producing A3)

Colour 80p per sheet (additional cost for producing A3)

#### **Prints from a PC:**

Black & White 50p per page (additional cost for producing A3)

Colour 80p per page (additional cost for producing A3)

## **Postage:**

Actual cost of Royal Mail standard 2nd Class Recorded

7.7 **Where the cost to process a request is below £450.** Where the cost of complying with a written request for information is estimated to be below £450, there will be no charge unless the disbursement costs (printing copying and postage) exceeds £5. Where disbursement costs exceed £5, the applicant will be issued with a fees notice and must pay the costs within a period of three months before the Academy can comply with the request. Disbursements costs applied by the Academy are shown below.

7.7 **Where the cost to process a request exceeds £450.** In accordance with the Freedom of Information and Data Protection (appropriate Limits and Fees) Regulations 2004, the Academy are not obliged to respond to a written request for information, where it estimates that the cost of complying with the request would be in excess of £450 (which equates to 18 hours of work at £25 per hour).

7.8 The Academy will not charge for: Providing information in an alternative format if the Disability Discrimination Act (DDA) covers the person requesting it, unless the original document was a priced publication. In this case, the charge for the alternative format will not exceed the cost of original publication.

7.9 Notifying charges

- Where charges apply, the Academy will notify the estimated charge to the applicant before doing any charged work.
- Where there is a significant difference between the estimated and the actual charge, The Academy will notify the applicant.
- Where charges apply, the Academy will require payment before compiling and supplying information.
- If a charge is not paid within the specified time limit of 3 months, the information will not be supplied.

7.10 Charges may be made for actual disbursements incurred such as:

- Repetitive requests
- Vexatious Requests
- If the request is manifestly unfounded or excessive

## **8. Logging Requests Received**

8.1 The Academy 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.

## **9. Further Information and Linked Policies**

9.1 For further information about Information Governance please visit the ICO website

[www.ico.org.uk](http://www.ico.org.uk)

9.2 This policy should be read alongside:

- Information Governance Strategy
- Information Risk and Security Policy
- CCTV Policy
- Data Protection Policy
- Confidentiality Policy
- Information Rights Policy
- Records Management Policy and Schedule
- Incident Management Policy
- Subject Access Request Policy
- Consent to Use Personal Data Guidance
- Impact Levels and Protective Marking Guidance