



**South East Cornwall Multi Academy Regional Trust**

# **Freedom of Information Act Policy**

<b>Date</b>	<b>Changes</b>
March 18	Original draft circulated to LGCs and Trust Board
26/3/18	All SMART-Trust policies which unions requested further consultation on were removed from sites and previous policies reinstated to enable establishment of a JCNC and a fresh round of consultation
24/04/19	Copy sent to senior staff, unions, LGC, legal and Trust Board inviting comments
15/05/19	Consultation with unions in JCNC meeting at Liskeard
15/05/19	Version sent for final check prior to publishing
22/07/19	Approved by Trust Board
01/06/24	Updated draft for review
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## Introduction

The Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) gives a right of public access to information held by public authorities, including Academies (by virtue of the Academies Act 2010). It is a legal right for any person(s) (or persons corporate) to ask for access to information held by SMART Multi Academy Trust (the Trust) relating to the delivery of its public task. The Trust Board and Local Governing Committees are committed to the culture of openness and accountability and the general right of access to information, subject to legal exemptions. This policy outlines the framework for managing requests.

The FOIA does not give people access to their own personal data. If a member of the public wishes to see information that the Trust holds about them, they should make a data protection subject access request under the prevailing Data Protection legislation.

## The scheme commits the Trust:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Trust and falls within the classifications below
- To specify the information which is held by the Trust 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 Trust 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 Trust that has been requested, and any updated versions it holds, unless the Trust 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 Trust 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.

## 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.

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

The Trust will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of the Trust, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the 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 and 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 the Trust 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.

## **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 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 the 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 the Trust, 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 Trust. 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.

## **Written requests**

Information held by the Trust 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. Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the Trust. They are entitled to be told whether the Trust holds the information and to receive a copy subject to certain exemptions.

The request must be made in writing (including email) and should include the enquirer's name, correspondence address, what information they seek and in what format they require the information. They do not need to say why they want the information.

Requests for personal data are still covered by the Data Protection Act 2018. Individuals can request to see what information the Trust holds about them and this is known as a Subject Access Request. The Trust's Data Protection Policy provides further information about this.

## Obligations and Duties

The Trust recognises the duty to provide advice and assistance to anyone requesting information. The Trust will respond to simple verbal requests for information and will help enquirers to put more complex requests into writing so that they can be handled under the Act.

The Trust will provide access to the information the Trust holds in accordance with the procedures laid down in this policy and the Act.

## Responsibilities

The Trust has delegated the day-to-day responsibility for compliance with the Act to The Data Protection Officer (DPO) reporting to the Headteacher/Head of School/Nursery Lead(Manager). For the following schools the Operation Manager is the acting DPO: Saltash Community School / Liskeard Community School/Looe Community Academy.

## Dealing with requests

The Trust will respond to all requests within 20 school days, in accordance with the time-scales set out in the Act. If the Trust needs more time to deal with the request then it will contact the enquirer to provide a new timescale and explain the reason for this (e.g. "public interest" test).

The time starts:

- From the first working day after receipt of the request; or
- When we have received the clarification needed to answer the request

## Refusing a request

The Trust has a duty to either confirm or deny whether the information requested is held; or provide the applicant with the information. If the Trust is refusing to meet either, it will issue a refusal notice to the applicant detailing why and state the section of the FOIA being relied upon, including any public interest and prejudice tests. The Trust has the right to refuse an entire request if:

- It would cost too much or take too much staff time to deal with the request
- It is vexatious
- It repeats a previous request from the same person

## Exemptions

Certain information is subject to either absolute or qualified exemption under the Act.

Absolute exemptions are not subject to any public interest test and act as an absolute bar to disclosure of information, some of which include:

- a) Information that is accessible by other means;
- b) Information that is contained in court records;

- c) Information which could be obtained under the Data Protection Act 2018 or where release of the information would breach the data protection principles;
- d) Information provided to the school in confidence;
- e) Where disclosure of the information is prohibited by law.

Qualified exemptions are subject to a public interest test. This means that the information must be disclosed unless public interest favours non-disclosure. There are many qualifying exemptions, some of which include:

- f) Information intended for future publication;
- g) Where disclosure of information would or would be likely to endanger physical or mental health, or endanger the safety of the individual;
- h) Where disclosure of information would or would be likely to prejudice commercial interest.

The Trust will apply the public interest test before any qualified exemptions are applied in accordance with guidelines set out in the Act.

## Charging

The Trust reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

The Trust also reserves the right to charge a fee for complying with requests for information under the Act. Fees may include communication costs, such as photocopying, printing and postage and will be calculated according to the statutory regulations. The Trust will notify the enquirer of this, before the information is supplied.

## Review

If a requester is unhappy with the handling of an FOI matter, any comments expressed will be dealt with through the Trust's DPO. If, after review, the requester is unhappy with the response, the requester has the right to make a complaint to the Information Commissioner's Office.

Appeals should be made in writing to:

FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Requests for information under the Freedom of Information Act should be addressed to:

<b>School</b>	<b>Website and email addresses</b>	<b>Contact for FOIA requests</b>
Dobwalls Community Primary School	<a href="http://www.dobwalls.cornwall.sch.uk">www.dobwalls.cornwall.sch.uk</a> <a href="mailto:secretary@dobwalls.cornwall.sch.uk">secretary@dobwalls.cornwall.sch.uk</a>	School Secretary, Dobwalls Community Primary School, Dobwalls, Liskeard, PL14 4LU
Landulph Primary School	<a href="http://www.landulphschool.co.uk">www.landulphschool.co.uk</a> <a href="mailto:secretary@landulph.cornwall.sch.uk">secretary@landulph.cornwall.sch.uk</a>	School Secretary, Landulph Primary School, Landulph, Saltash, PL12 6ND
Liskeard School & Community College	<a href="http://www.liskeard.cornwall.sch.uk">www.liskeard.cornwall.sch.uk</a> <a href="mailto:enquiries@liskeard.cornwall.sch.uk">enquiries@liskeard.cornwall.sch.uk</a>	The Data Manager, Liskeard School & Community College, Luxstowe, Liskeard, PL14 3EA
Looe Community Academy	<a href="http://www.looe.cornwall.sch.uk">www.looe.cornwall.sch.uk</a> <a href="mailto:enquiries@looe.cornwall.sch.uk">enquiries@looe.cornwall.sch.uk</a>	The Business Manager, Looe Community Academy, Sunrising, East Looe, PL13 1NQ
Saltash.net Community School	<a href="http://www.saltash.net">www.saltash.net</a> <a href="mailto:enquiries@saltashcloud.net">enquiries@saltashcloud.net</a>	The Data Manager, Saltash.net Community School, Wearde Road, Wearde, Saltash, PL12 4AY
SMART Multi Academy Trust	<a href="http://www.smart-trust.net">www.smart-trust.net</a> <a href="mailto:CEO@smart-trust.net">CEO@smart-trust.net</a>	PA to the CEO, SMART Trust, CBU Office, Liskeard School & Community College, Luxstowe, Liskeard, PL14 3EA
Trewidland Primary and Pre-School	<a href="http://www.trewidland.cornwall.sch.uk">www.trewidland.cornwall.sch.uk</a> <a href="mailto:secretary@trewidland.cornwall.sch.uk">secretary@trewidland.cornwall.sch.uk</a>	School Secretary, Trewidland Primary and Pre-School, Trewidland, PL14 4SJ

## Appendix 1 – Schedule of charges

Type of charge	Description	Basis of charge
Disbursement cost	Photocopying/printing at 4p per sheet (black and white)	Actual cost
	Photocopying/printing at 20p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard
Statutory fee		In accordance with the relevant legislation (quote the actual statute)
Other		

## Appendix 2 – Flowchart for dealing with FOIA requests

