

# Freedom of Information Policy

## Policy document provenance

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Policy authors	Head of governance
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Summary of changes since last review:	<ul style="list-style-type: none"><li>• A new section (6) of our right to refuse a request by applying sections 12 and 14 of the Freedom of Information Act</li><li>• New section on applying the public interest test</li><li>• Terminology has changed to reflect that it is a trust wide policy and not a single academy policy as FOI requests are now dealt with centrally</li></ul>
Related policies and documents:	<ul style="list-style-type: none"><li>• The Data Protection policy</li></ul>

Unless there are legislative or regulatory changes in the interim, this policy will be reviewed on an annual basis. Should no substantive change be required at this point, the policy will move to the next review cycle.



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## 1.0 Policy statement

As an education 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.

## 2.0 Scope and purpose

This policy outlines:

- how we will respond to requests from individuals for access to information held by our organisation
- our policy and procedures for the release and publication of private data and public records
- our policy and procedures for providing applicants with advice and assistance throughout the duration of their requests
- clarification of our position regarding the appropriate limit to the costs incurred by us in obtaining requested information and on charging fees for its provision
- how we will apply exemptions to freedom of information requests should this be necessary

## 3.0 Legal framework

3.1 This policy has due regard to the following legislation:

- The General Data Protection Regulation
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

3.2 This policy also has due regard to guidance, including, but not limited to, the following:

- ICO 'Model publication scheme' 2016
- ICO 'Duty to provide advice and assistance (section 16)' 2016

3.3 This policy will be viewed in conjunction with our trust's data protection policy.

## 4.0 Accepting requests for information

4.1 We will only accept a request for information which meets all of the following criteria:

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

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

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

4.3 We will publish details of this procedure for dealing with requests for information on the website.

## 5.0 General right of access to information held by the trust / academy

5.1 Under the act, if we have information in our records that answers your question we will provide it in response to the request. We are not required to answer a question if we do not already have the relevant information in recorded form.

5.2 If the request is ambiguous, with many potential interpretations, or no clear meaning, we will contact the requester as soon as possible for clarification.

5.3 Under the act, we do not have to deal with the request until we have received whatever clarification we reasonably need. However, we will provide the requester with advice and assistance to enable them to clarify or rephrase their request. The time for compliance will not begin until we have received the necessary clarification to allow us to answer the request.

## 6.0 What are the timescales for responding to a request for information?

6.1 Provided that the request complies with section 4 of this policy, we will, no later than 20 school days from receipt of the request, comply with our duty to:

- confirm or deny to any person making a request for information whether we hold the information of the description specified in the request
- provide the documentation, if we have confirmed that we hold the requested information



- 6.2 As we are an academy trust, the standard time limit is 20 school days, or 60 working days if this is shorter. Therefore, if a freedom of information request is received on 31 July the request will be counted from the first day of the new autumn term.

## 7.0 Responding to the request

- 7.1 The information provided to the applicant will be in the format that they have requested, where possible.
- 7.2 Where it is not possible to provide this information in the requested format, we will assist the applicant by discussing alternative formats in which it can be provided.
- 7.3 The information provided will also be in the language in which it is held, or another language that is legally required. If we are required to translate any information, we will do so.
- 7.4 If, under the relevant disability and discrimination regulations, we are legally obliged to provide the information in other forms and formats, we will do so.

## 8.0 Exemptions

- 8.1 Exemptions exist to protect information that should not be disclosed, for example because disclosing it would be harmful to another person or it would be against the public interest.

### 8.2 Exemption: Not holding the information

Under the Freedom of Information Act 2000, there is a right to know if a public authority holds information, and if it does, for a copy to be made available to the requester. It is not a right for new information to be generated, therefore if you would have to generate a new report the request can be refused.

Please see appendix 1 for the standard response letter.

### 8.3 Exemption: Section 12 the appropriate limit

Section 12 can be applied if locating, retrieving and collating the information would exceed 18 hours as this would mean that the cost of complying with the request will exceed £450.00.

Please see appendix 2 for the standard response letter.

### 8.4 Exemption: Section 14 vexatious request

Section 14 can be applied if the request will strain resources and prevent the delivery of mainstream services or answering legitimate requests. The Information Commissioner's Office (ICO) state that these requests can also damage the reputation of the legislation itself.

We may apply section 14(1) if, after taking account of all the circumstances, we believe the request is disproportionate or unjustified. We will consider all the circumstances in reaching a value judgement as to whether the request is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA. This includes the oppressive burden placed on our trust, as a public authority, and our staff.

Please see appendix 3 for the standard response letter.

### 8.5 Exemption: The public interest test

A request for information is exempt under section 2(1)(b) and (2)(b) of the Freedom of Information Act 2000 where we must weigh the public interest in maintaining the exemption against the public interest in the disclosure. Disclosures of information under FOIA are, in effect, to the world at large and not just to the individual requester. The public interest here means the public good or what is in the best interests of society; it is not:

- what is of interest to the public; or
- the private interests of the requester

Please see appendix 4 for the standard response letter.

### 8.6 Exemption: Section 40 personal data

A request for the requester's personal data is exempt from the provisions of the Freedom of Information Act 2000 (s.40(1)). However, whilst this may not be something disclosed under this Act, it most likely would be a subject access request under data protection law and should be dealt with under applicable procedures for such requests.

A request which includes the personal data of third parties (not the requester) may be exempt from disclosure. In order to determine if the information is exempt, the following stages must be followed:

1. would disclosure of the personal data contravene the data protection principles?
2. would disclosure contravene the data subject's right to object?
3. would the information requested be exempt from a subject access request?

If condition (1) or (2) is met then a notice of refusal can be issued. If condition (3) is met, then the public interest test must be considered to determine if the information can be disclosed. Most requests are unlikely to overcome condition (1).



- 8.6.1 Our trust will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.
- 8.6.2 When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the academy will take account only of the costs we reasonably expect to incur in relation to:
- determining whether it holds 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 section 4.2 of this policy on behalf of the academy, are to be estimated at a rate of £25 per person per hour
- 8.6.3 Where multiple requests for information are made to the academy 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 academy of complying with all of them.
- the cost of providing the information exceeds the appropriate limit
  - the request is vexatious – see section 6.0 of this policy
  - the request is a repeated request from the same person made within 60 consecutive working days of the initial one
- 8.6.4 Where information is, or is thought to be, exempt, the academy will, within 20 school days, give notice to the applicant which:
- states the fact
  - specifies the exemption in question
- 8.7 **Exemption: Section 14 of the FOIA**
- The ICO recognises that dealing with unreasonable requests can strain resources and prevent the delivery of mainstream services or answering legitimate requests. The ICO state that these requests can also damage the reputation of the legislation itself.
- 8.7.1 We may apply section 14(1) after taking account of all the circumstances, we believe the request is disproportionate or unjustified. We will consider all the circumstances in reaching a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA. This includes the oppressive burden placed on our trust, as a public authority, and our staff.
- 8.7.2 We do not have to comply with vexatious requests and there is no requirement for us to carry out a public interest test or to confirm or deny whether we hold the requested information. We are not legally obliged to explain why the request is vexatious but as an organisation who values transparency and accountability, we may choose to do so and aim to be as helpful as is practical.
- 8.7.3 We will issue a refusal notice within 20 working days which states that we are relying on section 14(1) and it will include details of our internal review procedures and the right to appeal to the ICO.
- 8.8 **Exemption: the public interest test**
- A request for information is exempt under section 2(1)(b) and (2)(b) of the Freedom of Information Act 2000 where we must weigh the public interest in maintaining the exemption against the public interest in the disclosure. Disclosures of information under FOIA are, in effect, to the world at large and not just to the individual requester. The public interest here means the public good or what is in the best interests of society; it is not:
- what is of interest to the public; or
  - the private interests of the requester
- 8.8.1 The public interest can encompass a wide range of values and principles relating to what is in the best interests of society, including, but not limited to:
- holding public authorities to account for their performance;
  - transparency; and
  - ensuring justice
- 8.8.2 In carrying out the public interest test we will determine if the request is particularly complex and will apply section 10(3) to extend the time we need for public interest considerations. This is known as the ‘public interest extension’ and we will follow the ICO guidelines of not extending the time to consider the public interest for more than a further 20 working days.
- understanding their decisions;

## 9.0 Charging a fee and cost limits

- 9.1 The Act does not allow us to charge a flat fee but we are able to recover communication costs, such as for photocopying, printing and postage. We cannot normally charge for any other costs, such as for staff time spent searching for information, unless other relevant legislation authorises this.



- 9.2 However, if the cost of complying with the request would exceed the cost limit referred to in the legislation, we can offer to supply the information and recover our full costs (including staff time), rather than refusing the request.
- 9.3 Where a fee is to be charged, we will not comply with section 4 of this policy unless the requested fee is paid within a period of 3 months, beginning with the day on which the fees notice is given to applicant.
- 9.4 However, if the cost and resources required to review and remove any exempt information are likely to be so great as to place our trust under a grossly oppressive burden then we will consider the request under Section 14 of the Act.

## 10.0 Means by which communication is made

- 10.1 Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, we 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

## 11.0 Providing advice and assistance

- 11.1 Our trust will meet our duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information.
- 11.2 We may offer advice and assistance in the following circumstances:
- if an individual requests to know what types of information we hold and the format in which it is available, as well as information on the fees regulations and charging procedures
  - if a request has been made, but we are unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information
  - if a request has been refused, e.g. due to an excessive cost, and it is necessary for us to assist the individual who has submitted the request
- 11.3 We will provide assistance for each individual on a case-by-case basis; examples of how we 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, e.g. 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
- 11.4 In order to provide assistance as outlined above, we 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
- 11.5 We will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.
- 11.6 In circumstances where an applicant has difficulty submitting a written request, we will:
- make a 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 here
  - direct the individual to a different agency that may be able to assist with framing their request
- NB. This list is not exhaustive and we may decide to take additional assistance measures that are appropriate to the case.
- 11.7 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, we, as a matter of good practice, will provide advice and assistance.
- 11.8 We will advise the applicant how and where information can be obtained, if it is accessible by other means.
- 11.9 Where there is an intention to publish the information in the future, we will advise the applicant of when this publication is expected.
- 11.10 If the request is not clear, we will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- 11.11 If we are able to clearly identify the elements of a request, we will respond following usual procedures and will provide advice and assistance for the remainder of the request.



- 11.12 If any additional clarification is needed for the remainder of a request, we will ensure there is no delay in asking for further information.
- 11.13 If an applicant decides not to follow our advice and assistance and fails to provide clarification, we are under no obligation to contact the applicant again.
- 11.14 If the academy is under any doubt that the applicant did not receive the advice and assistance, the academy will re-issue it.
- 11.15 We are 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.
- 11.16 We are 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, we will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- 11.17 A record will be kept by the Governance Department of all the advice and assistance provided.

## **12.0 Publication scheme**

- 12.1 We will meet our duty to adopt and maintain a publication scheme which specifies the information which we will publish on our websites and whether the information will be available free of charge or on payment.
- 12.2 The publication scheme will be reviewed and where necessary updated on an annual basis.
- 12.3 The publication scheme is contained in Appendix 1 of this policy.

## **13.0 Monitoring and review**

- 13.1 Unless there are legislative or regulatory changes in the interim, the policy will be reviewed as by the review cycle. Should no substantive change be required at this point, the policy will move to the next review cycle.
- 13.2 Should new guidance be issued within the cycle period, the policy will be updated to reflect the new guidance.





## Appendix 1 - publication scheme

This scheme follows the model approved by the ICO 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.

### 1. Classes of information

Information that is available under this scheme includes:

- who we are and what we do
- what we spend and how we spend it
- what are our priorities are and how we are doing?
- how we make decisions
- our policies and procedures
- lists and registers
- the services we offer

Information which **will not** be made available under this scheme includes:

- 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, 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. How to request information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by request.

To enable us to process your request quickly, please mark all correspondence:

**“FREEDOM OF INFORMATION REQUEST”**

and send to [DPO@dixonsat.com](mailto:DPO@dixonsat.com)

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

### 3. Charges

Documents contained in this scheme are free to view on the academy website.

Single paper copies are also available free of charge to parents / carers and prospective parents / carers of the academy.

### 4. Feedback

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

Kathryn Berrill, Data Protection Officer, Dixons Academies Trust, Ripley Street, Bradford, BD5 7RR

Email [support@gdprsenry.com](mailto:support@gdprsenry.com)

Phone 0113 8042035

Address: Unit 434 Birch Park, Thorp Arch Estate, Wetherby, LS23 7FG

