

- Consider designating an individual with responsibility for FOIA, to provide a single point of reference, coordinate FOIA and related policies and procedures, take a view on possibly sensitive areas and consider what information and training staff may need.
- Consider arrangements for overseeing access to information and delegation to the appropriate governing body committee.
- Ensure that a well managed records management and information system exist in order to comply with requests within 20 working days excluding school holidays.
- Keep a record of refusals and reasons for refusals as well as appeals, allowing the governing body to review its access policy on an annual basis.

## Further help and other sources of information

The [www.selb.org/foi](http://www.selb.org/foi) site currently contains model publication schemes for schools and a copy of the PowerPoint presentation that was provided for Principals and Governors. Content for this site will be extended as materials become available. SELB Helpdesk support is also available either by phone (028) 3751 2501 or email [foi@selb.org](mailto:foi@selb.org)

The Department for Constitutional Affairs leads on FOI. For further information visit: [www.dca.gov.uk/foi](http://www.dca.gov.uk/foi). The site includes a Code of Practice on the Discharge of Functions of Public Authorities and a Code of Practice on the Management of Records.

The Information Commissioner is the independent authority responsible for administering and enforcing the Act. Visit: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Checklist for action on receipt of a request for information

- ✓ Decide whether the request is a request under DPA, EIR or FOI
- ✓ Decide whether the school holds the information or whether it should be transferred to another body
- ✓ Provide the information if it has already been made public
- ✓ Inform the enquirer if the information is not held
- ✓ Consider whether a third party's interests might be affected by disclosure and if so consult them
- ✓ Consider whether any exemptions apply and whether they are absolute or qualified
- ✓ Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- ✓ If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in the guidance for schools
- ✓ Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- ✓ Consider whether the request is vexatious or repeated

Copies of this leaflet can be requested from [foi@selb.org](mailto:foi@selb.org). This guidance is based on a leaflet produced by the Department for Education and Skills.

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# Freedom of Information Act 2000

## Summary Guidance for Principals & Governors

## Freedom of Information

From 1 January 2005 when the Freedom of Information Act 2000 (FOIA) came fully into force, there has been a legal right for any person to ask a school for access to information that it holds. The aim of the FOIA is to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public authorities (which includes governing bodies of schools) carry out their duties, why they make the decisions they do, and how they spend public money.

The FOI Act is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 1998, and The Environmental Information Regulations 2004.

The Data Protection Act 1998 (DPA) enables individuals to access information about themselves.

The Environmental Information Regulations 2004 (EIRs) enable people to access environmental information.

The FOIA enables people to access all other information and 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.

This leaflet sets out actions that governing bodies need to take in order to comply with the FOI Act. It also includes a checklist which schools may find helpful to follow when a request for information is received.

## Schools' obligations under FOIA

Schools are under a duty to provide advice and assistance to anyone requesting information.

The enquirer is entitled to be told whether the school 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 schools to meet requests.

There are prescribed time limits for responding to requests for information. Requests should be dealt with within 20 working 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.

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

## What action does the governing body need to take?

School governing bodies are responsible for ensuring a school complies with FOIA. It is now more important than ever that a school decides its policies and conducts its day to day operations in a way that stands up to public scrutiny.

Since requests for information can be directed to the school through anyone who works there, the governing body should ask itself whether all staff are aware of FOIA and how the school handles requests for information.

Governing bodies may choose to charge a fee, which must be calculated according to FOI regulations.

### The governing body should:

- Agree the FOI publication scheme and access policy if it has not already done so. The policy will need to set out how the school proposes to deal with requests and state that all staff should be aware of the process.
- Agree a charging policy for complying with requests. DfES recommends that schools respond to straightforward requests for free and charge where costs are significant.
- Delegate to the principal day-to-day responsibility for FOIA policy and the provision of advice, guidance, publicity and interpretation of the school's policy.

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