

St Boniface Federation



Freedom of Information Policy

St Saviour's Catholic Primary School, Totland
St Mary's Catholic Primary School, Ryde
St Thomas of Canterbury Catholic Primary school, Carisbrooke

The policies of the Governors of the St Boniface Federation are intended to ensure that the children rejoice in their dignity as children of God and as a unique creation of God's love. The policies are written so as to support the most effective teaching and learning that we can provide. It is our intention that every aspect of school life will support this fundamental aim.

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| Signed on behalf of Governors: Alexandra Pettitt Chair of Governors Date: November 2025 | To be reviewed by: November 2026 |
| Revisions made | Incorporated St Saviour's details Sent to LA DPO who confirmed no changes required. |

Rationale

The Federation of St Mary's and St Thomas of Canterbury Catholic Primary Schools is committed to transparency in its dealings with the public and the governors are responsible for ensuring that there are procedures in place for the school to handle information requests covered by the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the requirements of those acts and regulations. The School will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

Aims

- To provide clarity on how the school will respond to an FOI request
- To provide clarity on the manner in which the information is or will be published
- To provide clarity on whether the information is available free of charge or on payment.

Timescales

- Freedom of Information requests should be dealt with within 20 working days, excluding school holidays.
- Requests for Data Protection (subject access requests) should be dealt with within one month of receipt.
- Requests for pupil education records should be dealt with within 15 school days.

Scope

This policy applies to all recorded information held by the School that relates to the business of the School.

This includes:

- Information created and held by the School
- Information created by the School and held by another organisation on our behalf
- Information held by the School provided by third parties, where this relates to a function or business of the School (such as contractual information) and
- Information held by the School relating to Governors where the information relates to the functions or business of the School

This policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of "personal data" (as defined in the DPA).

Requesting information

Requests for information must be addressed to the Headteacher or Chair of Governors and submitted in writing or by email to the school office.

The school will acknowledge the information request, in writing or by email, within three working days of receipt. The response will state the progress of the request, any clarification required and/or an indicative timescale to provide the information.

The Clerk to the Governing Body will maintain a log of all information requests. Copies of all FOI responses will be maintained on file.

The release of any information request response must be approved by the Headteacher or Chair of Governors.

For further information on how to make requests, please refer to the government website: <https://www.gov.uk/make-a-freedom-of-information-request>

Charges

The Governing Body may charge a fee for complying with requests, as calculated in accordance with the regulations. If a charge is to be made, the School will give written notice to the applicant before supplying the information requested.

The School will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.

Where the School estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The School is not obliged to comply with such a request but may choose to do so.

The Data Protection Act 1998 permits a charge of up to £10 to be made for responding to requests for personal data. There is a sliding scale of up to £50 for copies of educational records.

Publication

The School has completed the Information Commissioners Office's Model Publication Scheme. This scheme will list categories, or "classes" of information that will routinely be available without the need for a specific information request. The School will indicate in the scheme where it wishes to charge for providing particular categories of information. The scheme is published on the School's website.

The School plans to review this scheme regularly. Whenever any information is provided in response to a recorded Freedom of Information enquiry, the School will assess whether the information is suitable for wider publication and if so add the information to the publication scheme.

Withholding information

The Freedom of Information Act contains a list of exemptions whereby information can be withheld. There are two categories: absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld.

The School will also refuse to supply information under the Freedom of Information Act where the request is considered “vexatious” or “repeated”.

Releasing a third party’s information

Where, in response to a request, information belonging to a third party (either an individual or an organisation) has to be considered for release this will be done so by the Headteacher. The release of third-party information will be considered carefully to prevent actions for breach of confidence (and/or commercial interests for companies) or breaches under the Data Protection Act. Both the Freedom of Information and Environmental Information Regulations permit information to be withheld when its release would breach the provisions of the Data Protection Act.

Complaints

Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the School’s complaints policy and of the right of appeal to the Information Commissioner’s Office. Any complaint received will be dealt with in accordance with the School’s Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

Related policy: Data Protection Policy

Appendix 1 – Guidelines for staff

The ICO website holds all relevant information to support any FOI request directed at the school. <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

- Any Freedom of Information Request directed at the school should be referred to the Headteacher and Clerk to Governors.
- Governors should be made aware of the FOI at the next available opportunity.
- An email or letter acknowledging the request should be sent within 3 working days. All other time scales as listed in the policy should be adhered to. Any exceptions must be communicated to the requestor in a timely manner.
- The request should be logged on the Request for Information log held at school in the policy file.
- The information requested should be checked against school's publication scheme in the policy file.
- If the information should be published, it can be released straight away via letter or email.
- If the information requested is not on the publication scheme it should be considered carefully whether the information should be released.
- Details of information released must be noted in the Request for Information log.

Withholding information

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories: absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information. Certain exemptions also contain a "prejudice test", which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

Complete files or documents will not be withheld just because part of the information is covered by an exemption.

The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a "public interest" exemption is being considered, the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the School will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the School and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the School;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The

applicant will also be given details of the right to challenge the decision through the School's Governing Body and the right of appeal to the Information Commissioner's Office.

Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant.

Releasing a third party's information

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the Headteacher will confer with the Clerk to Governors and the Chair of the Governing Body prior to the release of the information.

The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA.

When the requested information relates to a living individual and amounts to "personal data" as defined in the DPA, its disclosure could breach the DPA. Therefore the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the "third party" provisions of the DPA.

Where appropriate, the School will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused. The School will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party is able to give consent and
- any express refusal of consent

The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the School will be minded to disclose the information, although decisions will be made on a case by case basis.

Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the School's decision whether to release the information. Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the School.

As the DPA only relates to living individuals, the exemption relating to Data Protection under both the EIR and FoIA will not apply to information held about the deceased. Where the request might be controversial,

the staff member will seek input from the FoI officer who will take advice from the Governing Body where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 1998 will not apply. The School will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the School to decide whether an exemption under the Act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the School to make a decision relating to where the public interest lies

Consultation will not be undertaken where:

- the School will not be disclosing the information due to some valid reason under the Act
- the School is satisfied that no exemption applies to the information and therefore cannot be withheld and
- the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure

Where input from a third party is required, the response time for the request remains the same. Therefore it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the School to comply with the statutory time limits dictated by the legislation.

The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

Information held within contracts with the School

Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording may be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The School can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the School intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is

subject to a “public interest” test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.

The School can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the School’s policy on the use of exemptions. All future contracts should contain a clause obliging contractor to co-operate fully and in a timely manner where assistance is requested in responding to an FoIA or EIR request.