



Villa Real School
together we achieve

Freedom of Information and Subject Access Request Policy 2020

Responsibility: L Burns

Date: November 2020

Signed & Adopted by the Governing Body:

Chair of Governors

Date: 03.12.2020

Reviewed: November 2021

Freedom of Information Policy

Villa Real School will comply with:

The terms of the Freedom of Information Act 2000, and any subsequent relevant legislation, to ensure all information held by the school is treated in a manner that is fair and lawful.

This policy should be used in conjunction with Villa Real's Acceptable Use Policy, Privacy Policy, CCTV and Data Protection Policy.

Data Gathering and Storage

Information will only be gathered and stored for specified purposes.

In order to be able to respond to requests for information Villa Real will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

Information held by Villa Real will be regularly reviewed with a view to archiving or appropriate destruction, where appropriate.

Dealing with Requests for Information

Any request for information is a request under the Freedom of Information Act. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests. Villa Real will assist applicants in making their request to have access to information held by the school.

Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, LA, hospital). Villa Real will also exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 30 days including school holidays. If a response will take longer than ten working days to respond an acknowledgement should be sent to the person making the request, informing them when the information will be supplied. This acknowledgement does to allow the school to exceed the overall 30 -day deadline.

The Headteacher will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request recorded.

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

Requests for information about children

Even if a child is too young to understand the implications of subject access rights, it is still the right of the child rather than of anyone else such as a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

For further information on situations where the request has been made by a child, see [guidance on children and the GDPR](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/).
(<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>)

Applying Exemptions

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.

The decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Governors, other Governors, Head teacher.

Even if the group decides information should not be disclosed, a public interest test should 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.

Advice should be sought from Durham County Council Legal Department;
Durham County Council
County Hall
Durham
County Durham
United Kingdom
DH1 5UL

Exemptions

The right to be provided with information requested may be limited by the application of an exemption. Some exemptions are absolute and others are qualified. Where an exemption applies to information requested, the school may also be exempt from having to confirm or deny that the information exists as well as from disclosing the requested information.

Where a qualified exemption applies to information requested from the school, the school will consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The absolute exemptions most relevant to the School are those that relate to:

- (a) Information accessible by other means
- (b) Personal Information
- (c) Confidential Information

- (d) Prohibitions on Disclosure
- (e) Safeguarding Policy

The qualified exemptions most relevant to the School are those that relate to:

- (a) Information intended for future publication
- (b) Prejudice to the Effective Conduct of Public Affairs
- (c) Health and Safety
- (d) Legal Professional
- (e) Commercial Interests

Where the School relies on an exemption in not complying with a request for information, the School will write to the Requester setting out the exemption relied on explaining the reason(s) the School considers that the exemption applies to the information requested and, where appropriate, why it has decided that the public interest in withholding the information outweighs the public interest in disclosing it.

Requests for Personal Data

A request by an individual for their own personal data made subject to the provisions of FOIA will be treated as a subject access request. A request for the personal data of a third party will be refused where the provision of that information will contravene any of the principles of the GDPR, pursuant to Section 40(2) of FOIA.

Repeat Requests

The School will not comply with a request for information which is identical or substantially similar to a previous request made by the Requester unless a reasonable time has elapsed between the current request and the previous request. In considering whether a reasonable time has elapsed the School will take into account the time that has passed between the current request and the previous request and likelihood that the information requested will differ significantly from the information provided in the response to the previous request.

Complaints

Appeals against any decision not to supply information which the School considers exempt should be made to Durham County Council, who will review the original decision. A complaint about the School's Freedom of Information processes, procedures or how a request for information has been dealt with should also be made to Durham County Council. If a requester is unhappy with the outcome of their complaint or the way a request for information has been handled can complain to the Information Commissioner at:
Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545 700.

Logging Requests Received

Villa Real will keep a record (See Appendix 1) 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 30 -day deadline.

