



# POYNTON HIGH SCHOOL

## FREEDOM OF INFORMATION GUIDANCE

---

### Our obligations under the Freedom of Information Act:

The Freedom of Information Act and related legislation gives the public the right to be told if information is held (this is the School's duty to confirm or deny) and the right to have access to it. Anyone can make a freedom of information request; they don't need to say why they want information and we cannot ask them.

The Information Commissioners advice is that any written request for information should be dealt with as a freedom of information request; the query should be dealt with as soon as possible with a response sent within a maximum of twenty working days. Requests for environmental information may be made verbally.

The school will deal with requests as soon as possible; they will not be left until the time limit is about to expire.

### What is a request?

Requests should be in writing and give an address to respond to; email and fax are acceptable.

Verbal requests are not covered by FOI. However, we have a duty to provide reasonable assistance and advice. It is considered good practice to offer to help write the person's request down and clarify what information they want if this is necessary.

### What information can be requested?

All information recorded and held by the School can be requested, even if someone else created it and we do not 'own' it.

This might include information about contractors, suppliers and partner organisations, even if they are not defined as 'Public Authorities' under the Act.

Information can be in any format and include computer documents, handwritten notes, videos, photographs; even your emails and diaries – this list is not exhaustive.

### Exemptions

To ensure proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government we may decide we cannot release information but we must explain why we cannot supply it and issue a formal 'refusal notice'. Refusals are limited and must cite one of the exemptions under the terms of the Act.

### Instructions on Handling Requests

If the request is straightforward and there is no problem with releasing the information within the 20 working day period then it should be dealt with at school level and the response sent as soon as possible as you usually would.

A copy of our response will be sent to Cheshire East compliance Team in order that they might keep a record and close the log.

There is a quick guide for responding to FOI requests given at the end of this notice.

We will contact the Compliance Unit: [foi@cheshireeast.gov.uk](mailto:foi@cheshireeast.gov.uk) about any requests that are at all out of the ordinary and need special attention, for example if:

- The request is unusual
- The request quotes the Freedom of Information Act, Environmental Information Regulations or the Data Protection Act
- The information is not readily available
- We think the information may take a long time to collect
- The information requested needs collating across a number of departments
- We are not sure if the information can be disclosed or if an exemption applies
- It involves a lot of photocopying or printing or additional costs.

Where information is not to be released the Cheshire East compliance Team will prepare and issue the refusal notice and act as a point of contact for the requestor.

Once the refusal notice has been drafted; the service holding the information will need to obtain in writing the permission of their portfolio holder to withhold the requested information.

Quick Guide to ...

Responding to a request for information under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIRs)

### **What are they?**

FOIA became law in 2000. It applies to all public authorities. FOIA obliges all public authorities to advise requesters whether information falling within the scope of a request is held; and then to communicate that information to the requester **in writing**. All FOI requests have to be in writing.

The EIRs are EC legislation and became law in 2004. They relate solely to the environment and state of the elements – land, water, and air. The process is broadly the same – but EIR requests do not have to be in writing.

### **What are the deadlines?**

The processes are statutory. A public authority has 20 working days to provide a response. If the requester is unhappy with the response, they can complain and request that an Internal Review be undertaken.

This has to be completed within a maximum of 40 working days.

### **What information do we provide?**

The processing of a request always commences from a presumption that the information will be disclosed. We should provide information which is recorded in any format and held by the authority at the time the request is received.

The information can be recorded on paper, disc or microfiche; and as more common now – electronically. Information which is known – but not recorded is not held information in FOIA terms.

If information has been destroyed before a request is received - then it is no longer held. Information should not be created in order to provide a response. In certain circumstances, requests for information can be refused.

### **Reasons for Refusal**

1. The information isn't held.
2. The request is "vexatious". Considering the context and history of the issue – is the request likely to cause unjustified distress, disruption or irritation without any proper or justified cause.
3. The request is a repeated request. Is the request identical or substantially similar. An authority isn't obliged to comply unless a reasonable timescale between requests has elapsed.

4. The costs of complying with the request are over the Appropriate Limit – this means that it will take over 18 hours to determine, locate, retrieve and extract the information before it is provided to the requester.
5. A Part 2 Exemption applies. This has to be applied by the Compliance Team in a Refusal Notice, which has to be agreed by the relevant service's portfolio holder. The notice should give the reason for refusal, consider the public interest test and offer the next stage – Internal Review.

### **Internal Review**

This is normally completed within 20 working days by someone senior to the original decision maker.

It should be fair and impartial; and a fresh decision based on all evidence.

### **Further Information**

<http://ico.org.uk/>