



## **1. About this policy**

- 1.1. This policy outlines the Trust Board's approach to requests made under the Freedom of Information Act 2000 (FOIA).
- 1.2. The Trust complies with the provisions of the FOIA which allows any member of the public or an organisation to request information from public bodies including Academies created under the Academies Act 2010.

## **2. Who is responsible for this policy**

- 2.1. The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for freedom of information.
- 2.2. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Chief Operating Officer, [chiefop@theheathfamily.org.uk](mailto:chiefop@theheathfamily.org.uk).

## **3. Publication scheme**

- 3.1. The Trust Board understands its duties under the FOIA to be transparent and proactive in relation to the information that it makes public.
- 3.2. The Trust's publication scheme is accessible on our website

## **4. Requests**

- 4.1. The FOIA applies to all recorded information held by the Trust and its academies, along with information held by a third party organisation on behalf of the Trust or its academies. It does not extend to information held by the Trust or its academies on behalf of a third party.
- 4.2. Requests must be made in writing and directed to the Chief Operating Officer at the Trusts registered office or via email ([chiefop@theheathfamily.org.uk](mailto:chiefop@theheathfamily.org.uk)). An address for correspondence must also be provided.
- 4.3. When a request is made the requester must provide an adequate description of the information that they are seeking. In the event that an inadequate description is given the Trust will be entitled to seek clarification. For the avoidance of doubt the statutory time period shall not commence until this clarification has been provided by the requester.
- 4.4. In the event that a requester cannot be readily identified from the request or appears to be using a pseudonym the Trust may require the requester to provide information to verify their identity. Until such time as the identification of the requester has been verified the statutory time period for providing a response will not commence.
- 4.5. Any member of staff that receives a freedom of information request (or believes that they may have done so) should forward it without delay to their own academy Principal/Head of School who will then forward it to the Trust Chief Operating Officer. The Trust has a statutory timeframe to adhere to which is 20 school days. In certain circumstances the Trust may extend this period. The requester will be informed and provided with a reason for the need to extend. This may include, but is not limited to, the need to liaise with third parties,



4.6. The Trust will provide a response to a freedom of information request within 20 working days unless the data subject is notified that the statutory timeframe is extended by a necessity to consider the public interest test.

4.7. If an exemption applies to any of the information requested by the requester this will be set out in the response provided.

## **5. Advice and assistance**

5.1. The Trust will provide advice and assistance to requesters in accordance with Section 16 of the FOIA.

## **6. Cost**

6.1. The Trust will be entitled to apply the statutory costs cap of £450 to a request or a linked series of requests made within a period of 60 working days. If the cost of providing the requested information exceeds £450 the Trust Board may charge a fee or refuse to provide the information. If a fee is to be charged it must be with the agreement of the requester and payment will be requested prior to any work being undertaken.

6.2. Costs will be charged in accordance with the Freedom of Information (Appropriate Limit and Fees) Regulations 2014.

## **7. Internal review**

7.1. The Trust operates an internal review procedure for any requester that is dissatisfied with the handling of their freedom of information request. Internal reviews will be carried out by a Trustee who has not been involved in making the original decision or responding to the request.

7.2. As part of the Trust Board's internal review procedure, the Trustee will consider whether or not the request was handled appropriately and in accordance with the requirements of the FOIA.

7.3. Requesters seeking an internal review must write to the Trust Governance Manager within 20 school days of the date of the Trust's response to the original request stating the grounds for the review.

7.4. The Trustee will endeavour to respond to requests for internal review within 20 school days of receipt of the request. Where this is not possible, the Trustee will write to the requester to inform them of the expected date of response to their request for internal review.

7.5. Requesters who are unhappy with the outcome of the internal review may raise a complaint with the Information Commissioner's Office.

7.6. For further information on FOIA requests, exemptions and duties that apply under the legislation please see the guidance maintained on the Information Commissioner's website.

## **8. Refusing a request and withholding information**

8.1 The Freedom of Information Act contains 23 exemptions whereby information can be withheld. The **Trust** will only withhold information if it falls within the scope of one or more of these exemptions;

8.1.1 Where an absolute exemption applies the **Trust** can automatically withhold the information; and,



8.1.2 When the exemption is non-absolute the information can be only be withheld when the **Trust** determines that the public interest is best served by withholding the information.

8.1.3 The Information Commissioner's Office maintains up to date guidance on exemptions which can be applied to a FOI request.

8.2 The **Trust** can also withhold the following information;

8.2.1 contractual information where its disclosure under FOIA could be treated as an actionable breach of confidence; and,

8.2.2 data relating to third parties and whose release would be contrary to the UK GDPR or the Data Protection Act 2018.

8.3 The **Trust** will also refuse to supply information under the FOIA where the request is considered vexatious or repeated.

8.4 The **Trust** will send the Requester a written refusal notice if their request is denied.

## **9. Third party information**

9.1. The release of third party information will be carefully considered to prevent actions for breach of confidence, or, in the case of living individuals, breaches of the DPA and/or GDPR.

9.2. When the requested information relates to a living individual's personal data as defined in the DPA/GDPR, its disclosure within a FOI request could be a breach., 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/UK GDPR.