



## ATLAS Multi Academy Trust

### Freedom of Information Policy

Trust sub-committee: Resources Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: Summer 2021

Next Review: Summer 2022

St Albans Girls' School : Beech Hyde Primary School and Nursery : The Adeyfield Academy

Signed by:  
Margaret Chapman  
*Executive Head Teacher*

Signed by:  
Rachael Kenningham  
*Chair of ATLAS Board of Directors*

1.	<b>INTRODUCTION</b>
1.1	The Trust is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.
2.	<b>WHAT IS A REQUEST UNDER FOI</b>
2.1	<p>Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the Information Commissioner's Office has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.</p> <p>In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Trust Chief Operating Officer.</p> <p>All other requests should be referred in the first instance to the Trust Chief Operating Officer, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.</p> <p>When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information "confidential" or "restricted". In certain circumstances restricted disclosures can be made.</p>

	For an FOI request to be valid under the Act it must be in writing, include the requestor’s real name and address for correspondence, and must make a genuine attempt to describe the information requested
3.	<b>TIME LIMIT FOR COMPLIANCE</b>
3.1	The Trust must respond as soon as possible, and in any event within 20 school days of the date of receipt of the request, or 60 working days if this is shorter. For example, when calculating the 20 school day deadline, a ‘school day’ is one in which pupils are in attendance. This is subject to an absolute maximum of 60 working days (not school days) to respond if this is shorter than 20 school days.
4.	<b>PROCEDURE FOR DEALING WITH A REQUEST</b>
4.1	<p>When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Trust Chief Operating Officer, who may re-allocate to an individual with responsibility for the type of information requested.</p> <p>The first stage in responding is to determine whether or not the Trust “holds” the information requested. The Trust will hold the information if it exists in computer or paper format. Some requests will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Trust to add up totals in a spread sheet and release the total figures, this would be information “held” by the Trust. The Trust will follow the guidance found <a href="https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/">https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/</a> in determining as to whether information is held by the Trust.</p>
4.2	<p>The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:</p> <ul style="list-style-type: none"> <li>• Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the DPA, detailed in paragraph 9 of the DPA policy above;</li> <li>• Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in the DPA policy above;</li> <li>• Section 41 – confidential information that has been sent to the Trust (but not the Trust’s own information) and complying with the request would constitute a breach of confidence that could be upheld in legal proceedings;</li> <li>• Section 21 – information that is already publicly available, even if payment of a fee is required to access that information <i>and it is not reasonable to disclose the information before then</i>;</li> <li>• Section 22 – <i>information that the Trust intends to publish at a future date</i>;</li> <li>• Section 43 – <i>information that would prejudice the commercial interests of the Trust and / or a third party</i>;</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Section 38 – information that would endanger the physical health, mental health or safety of any individual ;</i></li> <li>• <i>Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;</i></li> <li>• <i>Section 36 – information which, in the opinion of the Board of Directors of the Trust, would prejudice the effective conduct of the Trust. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.</i></li> </ul> <p>The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, the Trust also has to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.</p>
5.	<b>CONTACT</b>
5.1	<p>Any questions about this policy should be directed in the first instance to the Trust Chief Operating Officer. <a href="mailto:ATLAS@stags.herts.sch.uk">ATLAS@stags.herts.sch.uk</a></p> <p>The Trust has adopted the ICO model publication scheme which can be found <a href="#">here</a></p> <p>The Trust complies to the Environmental Information Regulations (“EIR”)</p>
6.	<b>RESPONDING TO A REQUEST</b>
6.1	<p>When responding to a request where the Trust has withheld some or all of the information, the Trust must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained. The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by [a governor], or by writing to the ICO.</p>