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## 1 Introduction

1.1 This policy covers requests for information under the Freedom of Information Act 2000 ("**FOIA**"). It also covers enquiries relating to matters under the Environmental Information Regulations 2004 ("**EIR**"), namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.

1.2 This policy does not cover enquiries or subject access requests under the Data Protection Act 2018 or the UK General Data Protection Regulation, i.e. where the enquirer asks to see what personal information Wootton Park Academy Trust (the "**Trust**") holds about them. These enquiries will be dealt with under the data protection policy which can be found on the Trust's website.

## 2 Responsibilities of the Wootton Park Academy Trust

The Trust understands its responsibilities in relation to FOIA and is committed to applying them. This policy is designed to set out the ways that persons can access their rights to information.

## 3 Definitions

3.1 **ICO** means the Information Commissioner's Office, the UK's data protection regulator.

3.2 **Information** is defined in the **FOIA** as "any item of recorded material held by or on behalf of a public authority in paper or electronic form".

3.3 **FOIA** means the Freedom of Information Act 2000.

3.4 **School Day** means any day on which there is a session, and learners are in attendance. School holidays and inset or training days are excluded from the definition of 'School Day'.

## 4 Publication scheme

The Trust has adopted the ICO model publication scheme. Further details on what the Trust provides access to can be found on the Trust's website: www.woottonparkacademytrust.org.uk

**Right of Access**

4.1 Any person can make a freedom of information request for information that the Trust holds. The request must be in writing (which can include email) and state the requestor's name and correspondence address (including email address). It should clearly describe the information being requested with enough detail to enable us to identify and locate the information. Where a request is for environmental information, which can be released under the EIR, this request can be made verbally. We would request however that any request is made in writing.

4.2 If the freedom of information request is sent to the Trust, a response will be provided as soon as possible but in any event within 20 School Days (or 60 working days if this is shorter). In certain circumstances where the Trust considers that a qualified exemption applies, the Trust may extend

the period for responding to consider the public interest test for a further 20 School Days where it is reasonable to do so.

4.3 When responding to the FOIA request, the Trust must confirm whether or not the information requested is held by the Trust, provide a copy of the information requested (subject to exemptions set out below), provide details of the internal review procedure (see section 13 below) and explain the right to make a complaint to the ICO.

5 There are certain circumstances where the Trust will not be required to provide a response to a FOIA request. These are as follows:

5.1.1 The Trust reasonably requires further information in order to clarify the request and has informed the requester of the need for clarification but has not received a response.

5.1.2 The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

5.1.3 The information requested is exempt from disclosure under the FOIA (see section 7 below).

5.1.4 The cost of providing the information exceeds the appropriate limit (see section 8 below).

5.1.5 The request is vexatious (see section 12 below).

5.1.6 The request is a repeated request from the same person.

5.1.7 A fee notice was not paid (see section 9 below).

**6 Exemptions**

6.1 Where the information requested is held by the Trust, the Trust need to consider whether the information can be released or whether the disclosure is exempt under the FOIA.

6.2 Common exemptions that may be applicable to the Trust include:

6.2.1 Section 21 – the information requested is already publicly available.

6.2.2 Section 22 – the information requested is information which the Trust intends to publish at a later date.

6.2.3 Section 31 – the information requested could prejudice the effective detection and prevention of crime.

6.2.4 Section 36 – the information requested is information which, in the opinion of the chair of trustees of the Trust, would prejudice the effective conduct of the Trust.

6.2.5 Section 38 – the information could prejudice the physical health, mental health, or safety of an individual.

6.2.6 Section 40(1) – the request is for the requester's personal data. This should be dealt with as a 'subject access request' in accordance with the Trust's data protection policy'.

6.2.7 Section 40(2) – the information requested contains personal data of a third party, and the disclosure would breach one of the data protection principles.

6.2.8 Section 41 – the information requested is information which has been provided to the Trust in confidence.

6.3 Some of the above exemptions are 'qualified exemptions. This means that the Trust must consider whether there is an overarching public interest in disclosing the information, even if an exemption applies.

## 7 The appropriate limit

7.1 The Trust is not obliged to provide information where complying with the FOIA request exceeds the cost limit set out by Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The cost limit is currently set at £450, which is equivalent to 18 staff hours.

7.2 When estimating how long it will take to comply with a FOIA request, the Trust can only take into account the following activities:

7.2.1 Determining whether or not we hold the information.

7.2.2 Finding the requested information, or records containing the information.

7.2.3 Retrieving the information or records; and

7.2.4 Extracting the requested information from records.

7.3 When estimating the amount of time it will take to comply with a FOIA request, the Trust cannot take into account the time needed to decide whether exemptions apply, to redact exempt information, or to carry out the public interest test.

7.4 Where the costs and resources of removing or redacting exempt information are likely to place a disproportionate burden on staff, the Trust may consider whether the request is vexatious (see section 28 below).

## 8 Charging fees

8.1 In certain circumstances, the Trust is permitted to charge a fee for certain costs in complying with a request. This includes charging for communication costs such as photocopying, printing and postage. The Trust is unable to charge fees for other costs such as staff time.

8.2 Where the Trust wishes to charge a fee, it must send a fees notice to the requester within 20 School Days (or 60 working days if this is shorter) giving the requester notice that a fee is to be charged for the Trust's compliance with the request.

8.3 Where a fee is to be charged, the Trust does not need to comply with the request until the fee is paid.

## 9 Responding to a FOIA request

9.1 The Trust will respond to a FOIA request within 20 School Days (or 60 working days if this is shorter) by:

9.1.1 Confirming or denying whether the Trust holds the information requested.

9.1.2 Providing a copy of the information held by the Trust (unless an exemption applies).

9.1.3 Explaining why any information has been withheld or redacted, quoting the appropriate section number in the FOIA and explaining how the information requested falls within that exemption. If the public interest test has been applied, this should also be explained.

9.1.4 Providing details of the right to an internal review (see section 30 below); and

9.1.5 Providing details of the right to make a complaint to the ICO.

9.2 If the requester asks for information to be provided in a specified format, the Trust will provide a response in that format where it is reasonable to do so.

## 10 Providing advice and assistance

10.1 The FOIA places obligations on the Trust to provide advice and assistance to individuals who make or are thinking of making a FOIA request.

10.2 The Trust may offer advice and assistance in the following circumstances:

10.2.1 Where we have reason to believe the requester has not provided their real name, we will request it.

10.2.2 Where the request is ambiguous, we will seek clarification on the request by asking for further information to help identify and locate the information requested.

10.2.3 Where the request would exceed the appropriate limit, we will provide the requester with advice and assistance to help them reframe the request in a way which would bring it within the appropriate limit.

10.2.4 Where the information requested is available elsewhere, we will direct the requester where to access the information.

10.3 The Trust is not obliged to provide advice and assistance where the request is vexatious or repeated.

## 11 Vexatious requests

11.1 The Trust does not have to comply with a request for information if the request is vexatious.

11.2 Requests will be considered on a case-by-case basis to determine whether they are vexatious. Considerations will include:

11.2.1 The burden on the Trust.

11.2.2 The motive of the requester.

11.2.3 The value or serious purpose of the request; and

11.2.4 Any harassment or distress (of and to staff).

11.3 Where a request is considered to be vexatious, the requester should be notified that the request is being refused, and inform the requester of their right to request an internal review and make a complaint to the ICO. There may be certain circumstances where it would not be appropriate to provide a full explanation of the reasons why the request is being refused, if the response would only encourage follow-up requests or correspondence.

## 12 Internal reviews

12.1 Where a requester is not happy with the response to a freedom of information request that has been made, they will be entitled to ask for an internal review of the decision. The internal review must be requested within two months of the decision notice being sent. The internal review will usually be dealt with by someone more senior than the member of staff that provided the initial response. A requester will in most cases receive the outcome of the internal review within 20 working/School Days; dependent on whether the review is of a Trust or a school response.

12.2 Where a requester wishes to have an internal review of an EIR request, this should be requested in writing within 40 working days of any breach of a requirement under the EIR. Once an internal review request is received, we aim to conclude the review and communicate the outcome of this within 20 working days.

12.3 If a requester is still not happy with the response following an internal review, they can complain to the information commissioner using the following link: FOI and EIR complaints | ICO.

## 13 Review

13.1 This policy is reviewed every 2 years by the data protection officer.

13.2 The next scheduled review date for this policy is February 2028