



**Bridgwater
College Trust**

Freedom of Information Policy

Version 1.0

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Policy Created Date: November 2017

Signature:

Signature:

Governing Trust Approval Date:

Policy Review Date:

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Freedom of Information Policy 2016

1) Introduction

- a) Bridgwater College Trust (the “Trust”) is an independent charitable organisation established by Bridgwater College, a Department for Education approved academy sponsor, to support local schools. The Trust’s schools include Bridgwater College Academy, Brymore Academy, Hamp Academy and West Somerset College. You will be employed by the Trust or one of these schools (and the employer entity is referred to hereafter as “the Trust”) and each entity must comply with the terms of this policy document. The Trust actively seeks and is legally required to share information about itself and its activities, subject to the constraints of Data Protection legislation and certain sensitive matters explicitly addressed by the Freedom of Information Act 2000. In this Policy, all references to “we” and “our” in this Policy refer to the Trust, unless distinguished in the text.
- b) The Trust believes that the freedom of information is a ‘fundamental value’.

2) Definitions

- a) The main legislation covering freedom of information is the Freedom of Information Act 2000 (“the Act”). Under the Act, each Institution is classed as a “public authority” and has a legal obligation to provide information through an approved publication scheme and in response to valid requests made by individuals to the Institution under the Act.
- b) Information that is held by the Trust in a recorded (paper or electronic) format can be requested under the Act and, subject to any relevant exemptions, will need to be disclosed. Disclosures under the Act are disclosures into the public domain. This includes recorded information, printed documents, computer files, letters, emails, photographs and sound or video recordings.
- c) The Act does not give people access to their own personal data (information about themselves). Access to personal data is covered under the Data Protection Act 1998 (“the DPA”), our separate policy in relation to how the Trust deals with its obligations under the DPA can be found on the website: www.bridgwatercollegetrust.org.uk

3) Related Policies and Documents

- a) Accessing Information under the Freedom of Information Act guidance;
- b) Safeguarding Policy;
- c) Public Interest Disclosure (Whistleblowing) Policy;
- d) Data Protection Policy;
- e) Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

4) Rationale

- a) The Trust is a separate public authority covered by the Act and has produced this policy to ensure employees and agents of the Trust comply with their respective obligations under the Act.

5) Core Principles

- a) The Trust will publish the information set out in the Model Publication Scheme for Academies and will ensure that documents containing the information are available on request.

- b) The Trust will give access to information not covered by the Model Publication Scheme, except for any exempt information, following a valid request and the payment, where appropriate, of the fee within 20 school days or 60 working days, whichever is shorter.
- c) There will be occasions where the Trust does not hold the information requested or when it can refuse to give access to the requested information. If a refusal is made the Trust will give reasons for the refusal and list any applicable exemptions (providing reasons for the public interest test being better served by non-disclosure (than by disclosure) where necessary).
- d) The Trust will publish details of an appeals procedure against refusal to give access.

6) Implementation, Monitoring and Review

- a) Publication of information listed in the Publication Scheme will be the responsibility of the manager named in the publication scheme.
- b) The Publication Scheme and the materials it covers will be readily available from the Trust and published on the Trust website.
- c) In addition to the information listed in the Publication Scheme, the Trust will share any other information that it holds, as quickly as possible and without charge, unless it is properly exempt under the Act, for example where it:
 - i) is not held by the Trust;
 - ii) is information reasonably accessible through another route (i.e. already within the public domain);
 - iii) is information in respect of an investigation that relates to criminal proceedings, either current or potential;
 - iv) relates to the prevention or detection of crime;
 - v) relates to Court records, including information relating to legal proceedings;
 - vi) is personal information;
 - vii) is information provided in confidence; is planned to be publically disclosed in the future;
 - viii) is likely to endanger health and safety;
 - ix) is covered by legal privilege;
 - x) would prejudice commercial interests, or
 - xi) is vexatious or repeated.
- d) This is not an exhaustive list and should a request be received it should be forwarded immediately to the **Trust Data Protection Officer**. The statutory timescale starts to run as soon as it is received by a school (no matter who within the school received it).
- e) Access to information held by the Trust under the Act will be overseen by the **Trust Data Protection Officer**.
- f) The **Trust Data Protection Officer** will:
 - i) publish on the Trust website and in printed form the Model Publication Scheme;
 - ii) provide assistance to persons wishing to access information but who are unclear about the process;
 - iii) acknowledge access requests within 5 working days of receipt;
 - iv) where further details of the information requested are needed before the access request can be dealt with, send a letter or email requesting that information within 5 working days of receipt of the access request;
 - v) where a fee is to be paid, send a letter or email setting out details of the fee to be paid within 5 working days of the receipt of the access request or, where applicable, further details of the information request are received;

- vi) make the information accessible in the form which the applicant requests within 20 school days of receipt of the original request (or 60 working days, whichever is shorter) or within 20 school days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter);
 - vii) in some instances, an extension to the timescale may be required either due to the length of time that is required to consider the public interest arguments under the Act in respect of possible disclosure of the requested information. The Trust is to notify the person requesting the information of the extension which should be completed as promptly as possible and in any event within an additional twenty working days;
 - viii) where the information is exempt or the access request is vexatious or repeated, the Trust Data Protection Officer will send a refusal notice to the applicant setting out the reason for refusal with, where necessary, the category of exemption claimed, any public interest test considerations and drawing attention to the appeals procedure;
 - ix) where the information is exempt, the Trust Data Protection Officer will decide whether to confirm/deny or not in the refusal notice the existence of the information following the guidance in the Act;
 - x) where the refusal is on the grounds that the information is available elsewhere, the Trust Data Protection Officer will, in the refusal notice, guide the applicant on where to access the information;
 - xi) the Trust Data Protection Officer will direct appeals to the Chief Executive Officer within two days of receipt, and
 - xii) the Chief Executive Officer will complete the appeals process.
- g) The Trust Data Protection Officer will present a termly report to the Chief Executive officer and an annual report to the Trust Board detailing access requests received. For each individual request, the report will give:
- i) The date of the request;
 - ii) The subject(s) of the request;
 - iii) Whether the request was made by an individual or a legal person, such as a company or corporation;
 - iv) The Trust response to the request;
 - v) Where the response to the request was to give access:
 - (1) - the time taken to satisfy the request, and
 - (2) - the marginal cost of providing access and any fee charged.
 - vi) Where the response to the request was to refuse access:
 - (1) - the reason for the refusal including the category of the exemption cited where applicable, and
 - (2) - the response of the applicant to the refusal.
 - vii) Where an appeal against a refusal has been made and the outcome of the appeal.
 - viii) The report will not give names or other personal details of the applicants, however it will where refusal to give access has been made on the grounds of 'repeated requests' which will then include a note showing which requests were made by the same person.
- h) This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

Appendix 1

Freedom of Information - Appeals Procedure

1. Introduction

The Act places a duty on public authorities to put a process in place to ensure that applicants are able to appeal to the public authority for an internal review if they are not content with the public authority's decision on the release of information. This provides a first review stage for the applicants.

2. Appeal Process

a) Principles

If the Trust refuses to supply the information requested, or the applicant is dissatisfied with its response or feels that a fee has been applied unfairly they may ask for an internal review of that decision. The following principles will apply when considering an appeal request:

- i. The review will be undertaken by an individual who was not involved in the original request for information.
 - ii. If the applicant has not received a response to a request for information within 20 school days or 60 working days (whichever is shorter) it may be regarded that the Trust has refused the request; the individual therefore has a right of appeal.
 - iii. All reviews will make an assessment of the information released against the information requested and make a full review of the information associated with the original application.
 - iv. The reviewer will discuss the decisions made with the staff members concerned with the original request in order to gain a full picture of how decisions were made.
 - v. The reviewer may contact the applicant at their own discretion.
 - vi. The reviewer may obtain advice from external sources including legal advice.
 - vii. Conclusion will be summarised and handed to the **Trust Data Protection Officer** who will log them centrally for future reference.
- i) An internal review must be completed before an appeal can be made to the Information Commissioner.

b) Timescales

- i) The Trust will aim to deal with complex appeals within 20 working days of the receipt of the appeal.
- ii) If it becomes clear at any stage of the appeal that the above timescales cannot be met the Trust will inform the applicant in writing and give a revised deadline for completion of the review.

c) Outcomes

An internal review may have three outcomes:

- i. The original decision is reversed.
- ii. The original decision is amended.
- iii. The original decision is upheld. Whatever the outcome of the appeal the complainant will be informed in writing with appropriate information about what will be provided should a decision be reversed or amended.

d) Requesting an Internal Review:

- i) Requests for internal review should be submitted in writing to the **Trust Data Protection Officer**
- ii) If the applicant is not happy with the outcome of the internal review they have the right to request a review externally to the Trust.

Requests for such an external review should be made in writing to: The Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Appendix 2

Additional information

1) Information Commissioner Office

- a) Guide to Freedom of Information published 14 August 2017

<https://ico.org.uk/media/for-organisations/guide-to-freedom-of-information-4-9.pdf>

- a) Model Publication Scheme published 23 October 2015

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

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