



# Grace Academy

## Freedom of Information Policy

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## 1. Purpose

The provisions of the Freedom of Information Act 2000 (FOIA) apply to Grace Academy with effect from 1 January 2011. This includes new provisions under section 102 regarding datasets where held. Grace Academy is committed to fulfilling its legal obligations through the processes defined in this policy. Protections of Freedom of Information Act 2012 is also considered.

The FOIA gives the public the legal right to ask for access to information held by a public body, including Grace Academy. Grace Academy must confirm whether the requested information is held and provide a copy, subject to specific legal exemptions.

Grace Academy Publication Scheme details information freely available to the public via Grace Academy website. Requests for other information are processed in accordance with the FOIA as laid out in this policy.

The FOIA is to be read alongside the Data Protection Act and other government documents regulating the use of sensitive information as reflected in the statutory exemptions (see Section 8).

Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. To assist in the processing of requests the enquirer is requested to identify their request by using 'FOI Request' in the subject title field and sending to:

Email: [foi@graceacademy.org.uk](mailto:foi@graceacademy.org.uk)

Post: **Freedom of Information, Grace Academy, The Pavilion, Manor Drive, Coleshill, B46 1DL**

Fax: **01675 435501**

There is a duty to respond within 20 working days of receipt of a request, confirming whether or not the information is held, and supplying any information that is held, except where exemptions apply. Grace Academy is not required to collect data in specific response to an enquiry. Information that is the subject of a request cannot be altered or destroyed except to observe its legal duties in managing data.

The Governing Body has appointed the Director of Corporate Development as the designated Grace Academy representative for both Freedom of Information and Data Protection.

## 2. Scope

This procedure applies to all Academy staff.

Requests for personal data are still covered by the Data Protection Act. Individuals can request to see what information Grace Academy holds about them. This is known as a Subject Access Request, and must be dealt with in accordance with our Data Protection Policy (GA-P111).

## 3. Other Documentation

The Grace Academy Freedom of Information Policy must be read in conjunction with other policies and procedures referred to in this document, and other Grace Academy policies, in particular our Data Protection Policy (GA-P111). (Please visit the 'Access to Information' section of our website for policies published under our Publication Scheme).

## **4. Procedure:**

### **4.1 Obligations and Duties**

The Governing Body recognises the duty to provide advice and assistance to anyone requesting information. All requests must be in writing so that they can be handled under the Act.

Grace Academy is obligated to confirm whether it holds the requested information in line with procedures laid out in this policy at Section 6.

### **4.2 Publication Scheme**

Grace Academy has created a Publication Scheme derived from the Model Publication Scheme for Schools approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be available free of charge from our website [www.graceacademy.org.uk](http://www.graceacademy.org.uk) (individuals may incur costs from their internet provider and/or for printing costs).

### **4.3 Dealing with Requests**

We will ensure that Grace Academy staff are aware of the procedures laid out in this policy.

### **4.4 Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed below at Section 7.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine whether the public interest in applying the exemption, outweighs the public interest in disclosing the information.

We will maintain a register of all requests which we have refused, and the reasons for the refusal. The register will be retained for 5 years from the date of the request.

### **4.5 Public Interest Test**

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied. For further information on applying the Public Interest Test see Section 8.

### **4.6 Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory limit. The Governing Body also reserves the right to charge for our disbursements in accordance with the FOIA. Disbursement costs for hard copies of information will be notified on a request by request basis dependent upon the volume of information requested (for further information see Grace Academy Publication Scheme). Notification of the charge will be given to the enquiring party before the information is supplied.

For more details see Section 9 and our GA Publication Scheme, 'Schedule of Charges'.

#### 4.7 Responsibilities

The Governing Body has delegated the day-to-day responsibility for compliance with the FOIA to the Grace Academy Principals and Directors. A member of staff has been nominated to co-ordinate enquiries and to be a point of reference for advice and training.

#### 4.8 Complaints

Any comments or complaints will be dealt with through Grace Academy's normal complaints procedures.

If, on investigation, Grace Academy's original decision is upheld, it has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals should be made in writing to the Information Commissioner's Office at: FOI/EIR Complaints Resolution, Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### 5. Records:

Record	Retention time (yrs)	Disposal authority
Register of Requests	5	Finance Director
Original Written Requests	5	Finance Director
Response to Requests	5	Finance Director
Correspondence Related to Freedom of Information Requests	5	Finance Director

All records are held centrally at the FOI postal address given in Section 1 above.

### 6. Procedures for Dealing with Requests

Grace Academy will confirm in writing whether it holds the requested information. If the information is held it will provide the information, subject to the statutory exemptions and cost threshold, confirming in writing any disbursement costs to be incurred prior to the release of the requested information.

Grace Academy will provide information in electronic form if it is classified as a dataset under section 102 of the Protection of Freedom of Information Act 2012 (in particular section 11 and 19).

If Grace Academy requires further information to identify and locate the information it will confirm in to the requesting party in writing. Grace Academy is not required to release information until the necessary details are supplied.

To handle a request for information the governing body or delegated person will need to ask themselves a series of questions. These are set out below, and summarised on the process maps at 6.15-6.16.

#### 6.1 Is it a Freedom of Information Request?

A request for information may be covered by one, or all, of three information rights:

- Data Protection enquiries or Subject Access requests are ones where the enquirer asks to see what personal information the school holds about the enquirer. These enquires are governed by the procedures in Grace Academy policy 'GA-P111 Data Protection Policy'.

- Environmental Information Regulations enquiries are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These therefore could include enquiries about recycling, phone masts, playing fields, car parking, etc. If the enquiry is about environmental information, follow the guidance on the Information Commission's website or the DEFRA website.
- Freedom of Information enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the Freedom of Information Act. All requests for information that are not data protection or environmental information requests are covered by the FOIA.

## 6.2 Validity of Request

An FOI request should:

- Be in writing, including email or fax;
- State the enquirer's name and correspondence address (email addresses are sufficient);
- Describe the information requested – there must be enough information to be able to identify and locate the information;
  - i) Verbal enquires are not covered by the FOI Act. To avoid disputes over what information was requested, we ask the enquirer to put the request in writing or email.
  - ii) In cases where the enquiry is ambiguous, we will attempt to assist the enquirer to describe more clearly in writing the information requested. Where possible, establish direct contact. The aim is to clarify the nature of the information requested and not to determine the aims or motivation of the enquirer. If we notify the enquirer that we need further information to enable us to answer, we do not have to deal with the request until the further information is received. The response time limit commences from the date the further information is received.)
- Not be covered by one of the other pieces of legislation.

## 6.3 Does Grace Academy hold the information?

"Holding" the information means information relating to the business of Grace Academy which:

- Grace Academy has created, or
- Grace Academy has received from another body or person, or
- Is held by another body on behalf of Grace Academy.

Information means both hard copy and digital information, including emails.

If Grace Academy does not hold the information, we do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before denying that the information is held.

## 6.4 Already Public Information

If the information requested is already in the public domain, for instance through the Publication Scheme, we will direct the enquirer to the information and explain how to access it.

## 6.5 Vexatious, Manifestly Unreasonable or Repeated Requests

The Act states that there is no obligation to comply with vexatious requests. This is taken to mean a request which is designed to cause inconvenience, harassment, or expense, rather than to obtain information, and would require substantial diversion of resources or would otherwise undermine the work of Grace Academy.

We do not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

## 6.6 Third Party Interests Affected by Disclosure

Consultation of third parties may be required if their interests could be affected by the release of the information, and any such consultation may influence the decision. We do not need to consult where we are not going to disclose the information because we are applying an exemption.

Consultation will be necessary where:

- Disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- The views of the third party may assist us to determine if information is exempt from disclosure, or
- The views of the third party may assist us to determine the public interest.

## 6.7 Considering Exemptions

The presumption of the legislation is that we will disclose information unless the Act provides a specific reason to withhold it. There are more than 20 exemptions. They are set out in section 7 of this policy and are mainly intended to protect sensitive or confidential information.

Only where we have real concerns about disclosing the information should we refer to see whether an exemption might apply. Even then, where the potential exemption is a qualified exemption, we need to consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it will be released. Section 8 contains guidance on conducting a public interest test.

## 6.8 Personal Information Relating to the Applicant

Personal information requested by the subject of that information is exempt under the FOI Act as such information is covered by the Data Protection Act. Individuals must make a Subject Access Request under the Data Protection Act if they wish to access information about themselves (see Grace Academy policy GA-P111).

## 6.9 Personal Information

Personal information requested by third parties is also exempt under the FOI where release of that information would breach the Data Protection Act. If a request is made for a document which contains personal information the release of which to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information.



The procedure for redaction, or blocking out information, is to mask the passages which are not to be disclosed and then photocopy the document. Annotate in the margin against each blank passage the exemption and section of the Act under which the passage is exempt. Explain in the covering letter that the relevant exemptions are marked in the attachments and in the case of non-absolute exemptions, how the public interest test has been considered.

Under no circumstances should the document be rewritten, so that the resulting document appears as though it does not contain the exempted passage.

### **6.10 Costs**

The Act allows governing bodies to charge for providing information. Details can be found in section 9 of this policy.

The first step is to determine if the threshold (currently £450) would be exceeded. Staff costs should be calculated at £25 per hour, regardless of which staff member would be undertaking the work. We can take account of the time it takes to determine if the information is held, the time to locate and retrieve the information or extract the information from other documents. We cannot take into account the costs involved in determining whether the information is exempt.

If a request would cost less than the appropriate limit in force at the time of the request, Grace Academy can only charge for the cost of informing the applicant whether the information is held, and communicating the information to the applicant. This may include photocopying, printing and postage.

If a request would cost more than the appropriate limit in force at the time of the request, the Academy can turn the request down, answer and charge a fee, or answer and waive the fee. If the Academy decides to charge a fee, it can charge on the basis of the costs outlined in section 9.

Grace Academy will wish to consider whether calculating the cost of the fee outweighs the cost of providing the information. Grace Academy will calculate disbursement costs for requests of hard copies of information.

If Grace Academy makes the decision to charge, we will send the enquirer a fees notice and do not have to comply with the request until the fee has been paid.

### **6.11 Time Limit for Responding**

Compliance with a request must be prompt and within the prescribed limit of 20 working days, excluding Grace Academy holidays. Failure to comply may result in a complaint to the Information Commissioner. The response time starts from the time the request is received. Where we have asked the enquirer for more information to enable us to answer, the 20 days start time begins when this further information has been received.

If a qualified exemption applies and we need more time to consider the public interest test, we will reply within the 20 days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made. This should be within a “reasonable” time – in practice, it is recommended by the Department that normally this should be within 10 working days.

Where we have notified the enquirer that a charge is to be made, the time period stops until payment is received and then resumes once payment has been received.

## 6.12 Refusing a Request

If the information is not to be provided, the person dealing with the request must immediately contact the person in Grace Academy with delegated responsibility for FOI to ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, we will send a refusal notice, which must contain:

- i. The fact that the responsible person cannot provide the information asked for;
- ii. Which exemption we are claiming to apply;
- iii. Why the exemption applies to this enquiry if it is not self-evident;
- iv. The reasons for refusal if based on cost of compliance (see section 9);
- v. In the case of non-absolute exemptions, how we have applied the public interest test, specifying the public interest factors taken into account before reaching the decision (see section 8);
- vi. Reasons for refusal on vexatious or repeated grounds
- vii. Details of the internal complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information. Records are to be retained for five years. There are no requirements to keep records where we have supplied the information requested.

## 6.13 What do we do if someone asks a follow up question?

If an applicant requests a follow up question this is treated as a new request.

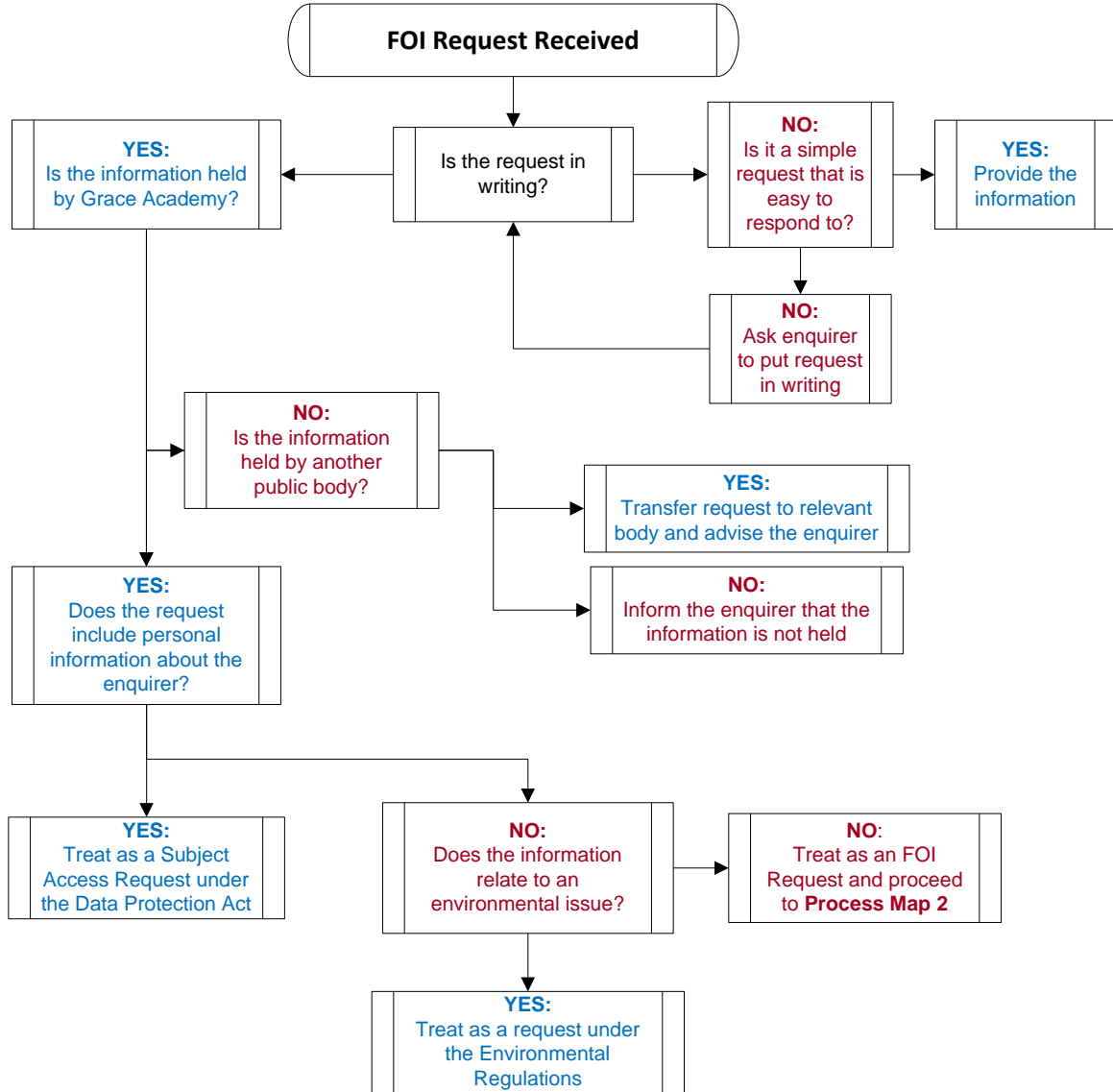
## 6.14 What do we do if someone complains?

Any written (including email) expression of dissatisfaction – even if it does not specifically seek a review – should be handled through Grace Academy’s normal complaints procedures. Wherever practicable the review should be handled by someone not involved in the original decision. The Governing Body will set a target time for determining complaints and will maintain records of all complaints and their outcomes.

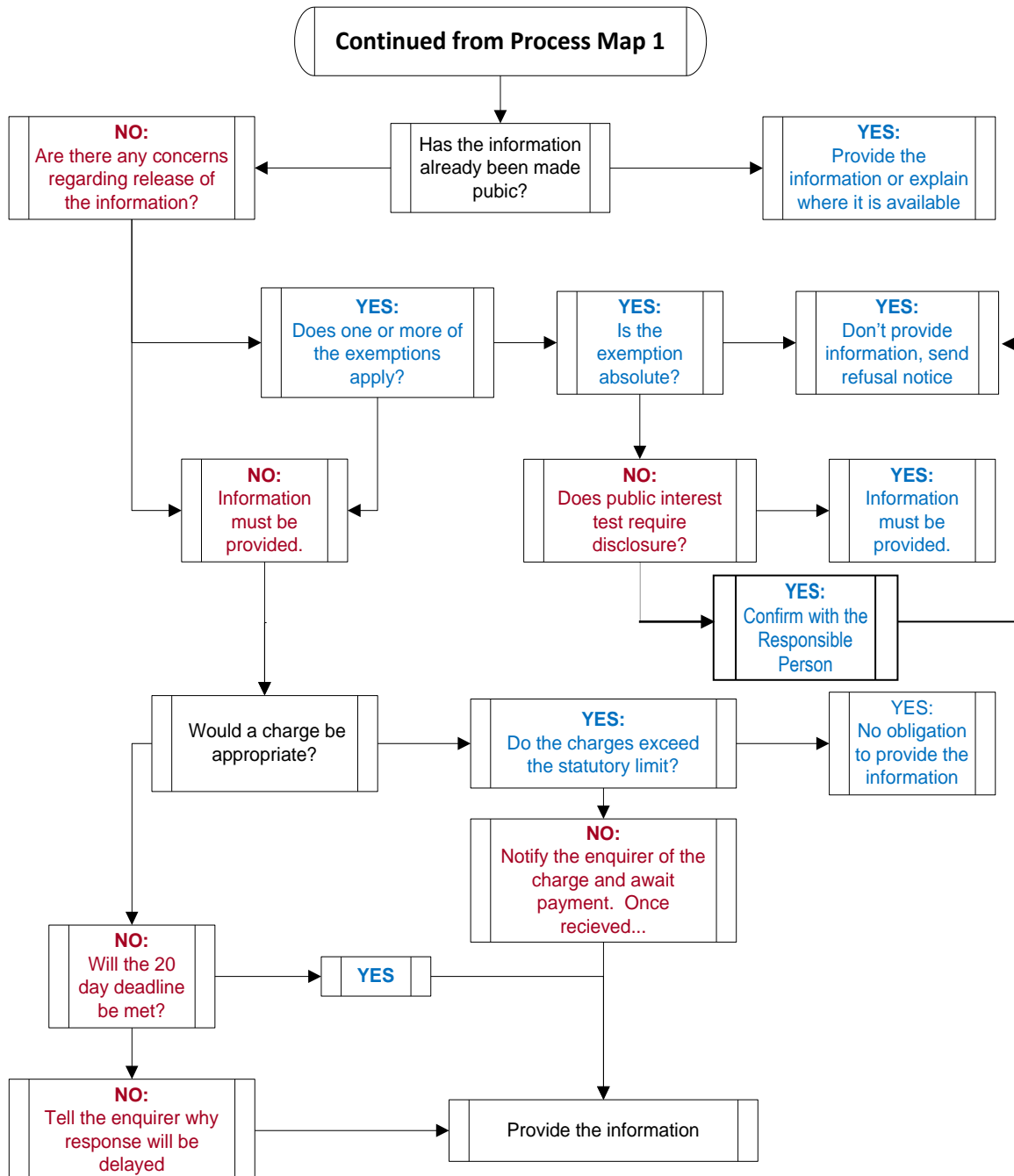
When the original request has been reviewed and the outcome is that the information should be disclosed this should be done as soon as practicable. When the outcome is that procedures within Grace Academy have not been properly followed, it will review procedures to prevent any recurrence. When the outcome upholds Grace Academy’s original decision or action, the applicant will be informed of their right to appeal to the Information Commissioner. The appeal should be made in writing to:

FOI Compliance Team (Complaints), Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

6.15 Process Map 1 for Dealing with FOI Requests



6.16 Process Map 2 for Dealing with FOI Requests



## 7. Exemptions

The FOIA provides exemptions. If applicable, the information covered by the exemption does not need to be disclosed.

Although decisions on disclosure should be made on a presumption of openness, the FOI Act recognises the need to preserve confidentiality and protect sensitive material in some circumstances.

We will not withhold information in response to a valid request unless one of the following applies:

- An exemption to disclose, or
- The information sought is not held, or
- The request is considered vexatious or repeated, or
- The cost of compliance exceeds the threshold (see section 9)

### 7.1 The Duty to Confirm or Deny

A person applying for information has the right to be told if the information requested is held by Grace Academy, and if that is the case to have the information sent (subject to any of the exemptions). This obligation is known and Grace Academy will observe the “duty to confirm or deny” that it holds the information unless:

- The exemption is an absolute exemption, or
- In the case of qualified exemptions, confirming or denying would itself disclose exempted information.

### 7.2 Exemptions

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are specialised in their application, such as national security, and are not normally relevant to Grace Academy. There are more than 20 exemptions but Grace Academy is likely to use only a few of them.

There are two general categories of exemptions:

- Absolute – where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest test, and
- Qualified – where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

#### 7.2.1 What are the Absolute Exemptions?

There are 8 absolute exemptions listed in the Act at the time of writing. Even where an absolute exemption applies:

- It does not mean that we can't disclose in all cases; it means that disclosure is not required by the Act. A decision could be taken to ignore the exemption and release the information taking into account all the facts of the case.
- There is still a legal obligation to provide reasonable advice and assistance to the enquirer.

The absolute exemptions in the Act are set out overleaf. Those which might be relevant to Grace Academy are marked with an \*:

- a. Information accessible to the enquirer by other means\* (FOIA section 21) – If information is reasonably accessible to the applicant by another route than the Act, it is exempt information. This is the case even if the enquirer would have to pay for the information under the alternative route. This exemption includes cases where you are required to give information under other legislation, or where the information is available via the Publication Scheme.
- b. Information dealing with security matters (FOIA section 23) – This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as MI5, MI6, Special Forces, etc.
- c. Court records (FOIA section 32) – This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.
- d. Parliamentary Privilege (FOIA section 34) – This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege.
- e. Prejudice to the effective conduct of public affairs (FOIA section 36) – This relates to the maintenance of the collective responsibility of Ministers.
- f. Personal information\* (FOIA section 40) – Where the enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the Data Protection Act.
- g. Information provided in confidence\* (FOIA section 41) – This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable by that, or another person.
- h. Prohibitions on disclosure\* (FOIA section 44) – Information is exempt where its disclosure; is prohibited under any other legislation by order of a court, would constitute a contempt of court, or is incompatible with any EC obligation.

### 7.2.2 What are the Qualified Exemptions?

With qualified exemptions, even if it is decided that an exemption applies, there is a duty to consider the public interest in confirming or denying that the information exists and in disclosing the information. Guidance on carrying out the public interest test is given in section 8 of this policy.

The qualified exemptions in the Act are set out below. Those which might be relevant to Grace Academy are marked with an \*:

- a. Information intended for future publication\* (FOIA section 22) – If, at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended publication date. This could apply to statistics published at set intervals, statutory accounts, and similar information.
- b. National security (FOIA section 24) – Information is exempt for the purposes of safeguarding national security.
- c. Defence (FOIA section 26) – Information is exempt if its disclosure would prejudice the defence of the UK.
- d. International relations (FOIA section 27) – Information is exempt if its disclosure would, or would be likely to, prejudice relations between the UK and any other state.
- e. Relations within the UK (FOIA section 28) – Information is exempt if its disclosure would, or would be likely to, prejudice relations between any administration in the UK.

- f. The economy (FOIA section 29) – Information is exempt if its disclosure would, or would be likely to prejudice the economic or financial interests of the UK.
- g. Investigations and proceedings conducted by public authorities\* (FOIA section 30) – Information is exempt if it has at any time been held by Grace Academy for the purposes of criminal investigations or proceedings such as; determining whether a person should be charged with an offence, whether a charged person is guilty, or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information.
- h. Law enforcement\* (FOIA section 31) – Information which is not exempt under Section 30 may be exempt under this exemption in the event that disclosure would, or would be likely to, prejudice the following among others:
- The prevention or detection of crime
  - The apprehension or prosecution of offenders
  - The administration of justice
  - The exercise of functions such as; ascertaining if a person has acted contrary to the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation to their profession, ascertaining the cause of an accident, or protecting or recovering charities or its properties.
  - Any civil proceedings brought by, or on behalf of Grace Academy which arise out of an investigation carried out for any of the purposes mentioned above.

The duty to confirm or deny does not arise where prejudice would result in any of these matters.

- i. Audit functions (FOIA section 33) – Information is exempt if disclosure would, or would be likely to, prejudice the exercise of an authority's functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.
- j. Formulation of government policy (FOIA section 35) – Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (e.g. Attorney General) and the operation of any Ministerial private office.
- k. Prejudice to the conduct of public affairs (FOIA section 36) – Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.
- l. Communications with the Queen (FOIA section 37) – Information is exempt if it relates to communications with the Queen, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.
- m. Health and Safety\* (FOIA section 38) – Information is exempt if its disclosure would or would be likely to endanger the safety, physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.
- n. Environmental information\* (FOIA section 39) – Information is exempt under FOI when it is covered by the Environmental Information Regulations.
- o. Personal information\* (FOIA section 40) – Where the information concerns a third party, it is exempt if its disclosure would; contravene the Data Protection Act, contravene the data protection principles, or if the person to whom the information relates would not have a right of access to it because it falls under one of the exemptions to the Data Protection Act. The duty to confirm or

deny does not arise in relations to this information if doing so would be incompatible with any of the above.

- p. Legal professional privilege\* (FOIA section 42) – Legal professional privilege covers any advice given by legal advisers, solicitors or barristers. Generally such information will be privileged. If Grace Academy wishes to disclose the information we will need to seek consent from the provider of the advice. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.
- q. Commercial interests\* (FOIA section 43) – Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body, including Grace Academy. The duty to confirm or deny does not arise where prejudice would result to commercial interests but not where the information constitutes a trade secret.

### 7.3 Protective Markings and Applying Exemptions

When considering if an exemption to disclosure should apply, we will bear in mind that the presence of a protective marking (Restricted, Confidential or Secret) does not constitute an exemption and is not, in itself, sufficient grounds on which to prevent disclosure. Each case must be considered on its merits.

### 7.4 Timing

Where information has previously been withheld, it must not be assumed that any subsequent requests for the same information will also be refused. Sensitivity of information decreases with age and the impact of any disclosure will be different depending on when the request is received. Therefore, for each request we will consider the harm that could result at the time of the request, and while taking into account any previous exemption applications, each case should be considered separately.

### 7.5 Next Steps

In all cases, before writing to the enquirer, the person given responsibility for FOI by the governing body will need to ensure that the case has been properly considered, and that the reasons for refusal, or public interest test refusal, are sound. To help ensure this, every case of refusal is reviewed by the Finance Director or the principal of the relevant academy.

## 8. Applying the Public Interest Test

Having established that a qualified exemption definitely applies to a particular case, we must then carry out a public interest test to identify if the public interest, in applying the exemption, outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released. Although precedent and case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

### 8.1 Carrying out the test

It is worth noting that what is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity.

In most cases it will be relatively straightforward to decide where the balance of the public interest in disclosure lies. However, there will inevitably be cases where the decision is a difficult one.



Applying such a test depends to a high degree on objective judgement and a basic knowledge of the subject matter and its wider impact internally in Grace Academy and possibly externally. Factors that might be taken into account when weighing the public interest include:

For Disclosure	Against Disclosure
Is disclosure likely to increase access to information held by Grace Academy?	Is disclosure likely to distort public reporting, or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues on the internal agenda, or evolving?
Is disclosure likely to improve the accountability and transparency of the school in the use of public funds and help to show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise Grace Academy's legal or contractual position?
Is disclosure likely to increase public participation in decision making?	Is disclosure likely to infringe upon other legislation e.g. Data Protection Act?
Is disclosure likely to increase public participation in the political processes in general?	Is disclosure likely to create a controversial precedent on the release of information, or impair our ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect Grace Academy's proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?

Note also that:

- Potential or actual embarrassment to, or loss of confidence in, Grace Academy, its staff or its governors is NOT a valid factor to consider.
- The fact that the information is technical, complex to understand, and may be misunderstood may not of itself be a reason to withhold information.
- The potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was originally taken.
- The balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions.

- A decision not to release information may be perverse, i.e. would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party.

We will record the answers to these questions and the reasons for these answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. We will decide how important each factor is in the circumstances when making an overall assessment. This assessment will be reviewed by the Finance Director or the principal of the relevant academy. If the reviewer disagrees with the assessment, it will be referred to another reviewer.

## 8.2 Decision for Disclosure

Where the balance of the public interest lies in disclosure, the enquiry will be dealt with and the information required will be made available.

## 8.3 Decision against Disclosure

After carrying out the public interest test if it is decided that the exemption should still apply, we will reply to the request with the appropriate reply under the circumstances.

There will be occasions when it has been decided that a qualified exemption applies but consideration of the public interest test may take longer. In such a case, we will contact the enquirer within 20 working days stating that a particular exemption applies, but we will include an estimate of the date by which a decision on the public interest test will be made. This will be within a reasonable time, normally no more than 10 working days beyond the 20 days.

## 9. Charging

### 9.1 Ability to Charge

FOI does not require charges to be made but we have discretion to charge applicants a fee in accordance with the Fees Regulations, available on the DCA website [www.dca.gov.uk/foi/secleg.htm](http://www.dca.gov.uk/foi/secleg.htm)

### 9.2 Considering Whether to Charge a Fee

Step 1 – Is the information exempt for the purposes of the FOI Act? – If the information is exempt, then fees do not apply. Grace Academy would contact the enquirer to inform them that the information is exempt. There will be no charge.

Step 2 – Do we wish to calculate whether the cost of the request would exceed the appropriate limit (currently £450)? – In many cases, it will be obvious that the request would cost less than the appropriate limit, so we would not make the calculation.

Step 3 – We will calculate the appropriate limit? – Staff costs are calculated at £25 per hour, regardless of which member of staff gathers the information. When calculating whether the limit is exceeded, we take into account the costs of determining whether the information is held, where it is held, retrieving the information and extracting the information from other documents. As per the guidelines, we do not take into account the costs involved with considering whether information is exempt under the Act.

Step 4 – Does the request cost less than the limit? – If a request costs less than the limit, as per the guidelines, we will only charge for the cost of informing the applicant whether the information is held and communicating the information to the applicant (e.g. photocopying, printing and postage costs).

Step 5 – Does the request exceed the limit? – If a request would cost more than the limit, we can turn the request down, answer and charge a fee, or answer and waive the fee. If we choose to comply with a request where the estimated cost exceeds the threshold we will calculate the charge as per step 3, plus the costs from step 4.

Step 6 – For all requests, we have regard to the following points:

- The duty to provide advice and assistance to applicants. If we plan to turn down a request for cost reasons we will contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that it would cost less than the appropriate limit, or
- If we plan to suggest charging the applicant a high fee, we will contact the applicant in advance to discuss the amount of the charge and whether they would prefer the scope of the request to be modified so that it would cost less than the appropriate limit.
- Maximum amount that can be charged. The Regulations set out the maximum amount that can be charged. They do not set out a minimum charge nor prevent Grace Academy from charging no fee.

### 9.3 Aggregating Costs of Multiple Requests

Where two or more requests are made to the Academy by different people who appear to be acting together, or as part of a campaign, the estimated costs of complying with any the requests is to be taken to be the estimated total cost of complying with them all, provided that:

- a. The two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related;
- b. The last of the requests is received by the Academy by the twentieth working day following the date of receipt of the first of the requests, and
- c. It appears to the Academy that the requests have been made in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the appropriate limit.

If we get multiple requests for the same information, we will often decide to include it in our publication scheme.

### 9.4 Notifying Applicant of the Fee

Where we intend to charge a fee for complying with a request for information, then we will give the person requesting the information notice in writing (the “fees notice”) stating that a fee of the amount specified in the notice is to be charged for complying. The format of the notice can be found in section 10 of this policy.

We require proof of delivery of a fees notice, either signed for in the post or emailed with a return receipt request. Where a fees notice has been given to the person making a request, we do not comply with the request unless the fee is paid within three months of the notice being received.

See also the GA Publication Scheme, ‘Schedule of Charges’.

Note that different charges apply for requests under the Data Protection Act (as dealt with under our Data Protection Policy GA-P111).

## 10. Standard Letters

### 10.1 To inform the enquirer the Academy does not hold the requested information.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_.

We have conducted a thorough search of our records and unfortunately we are unable to locate the information you requested. This may be because the Academy has never held this information or that the information is older than the statutory requirements for retention and has been legally destroyed in accordance with our retention schedule.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Judi Wood at: The Pavilion, Manor Drive, Coleshill, West Midlands B46 1DL.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

{Name}  
{Title}

### 10.3 To inform the enquirer you are transferring the request to another public body.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_. To the best of our knowledge, the requested information is not held within the Academy. However, we believe that {Name and address of organisation} may hold the information that you require. We will therefore need to transfer the request to them.

If you have an objection to this transfer you should let us know as soon as possible by writing to {Address} or telephoning {Number} and asking for {Name of officer dealing with the request}.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Judi Wood at: The Pavilion, Manor Drive, Coleshill, West Midlands B46 1DL.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

{Name}  
{Title}

### 10.2 To seek clarification of a request.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_. From the information described, we have been unable to identify the information you require.

Could you please give us more information relating to: {Include specific information we require, trying to ensure that terms that may be unfamiliar to the requestor are explained}.

The Freedom of Information Act 2000 prescribes the time frame in which we must deal with requests. We are not required to include any time whilst waiting for clarification of a request. We will endeavour to proceed with your request as soon as you supply the information required. If we have not received a reply to this letter within three months, we will treat this request as cancelled.

If you have any comments relating to how your request has been handled by our Academy, please contact {Name and address of contact for complaints procedure at appropriate Academy}.

Yours sincerely,

{Name}  
{Title}

### 10.4 To inform the enquirer that the information they want is available via our Publication Scheme.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_.

The information which you requested is already available to the public via our publication scheme, which is available from the Academy or on our website at \_\_\_\_\_.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Judi Wood at: The Pavilion, Manor Drive, Coleshill, West Midlands B46 1DL.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

{Name}  
{Title}

10.5 To inform the enquirer that the information they want is already publicly available.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_.

The information which you requested is already publicly available. You can access the information at \_\_\_\_\_.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Judi Wood at: The Pavilion, Manor Drive, Coleshill, West Midlands B46 1DL.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Yours sincerely,

{Name}  
{Title}

10.7 To inform the enquirer of any charges to be made for complying with their request where the costs are less than the current threshold.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_. It is estimated that the time to provide this information will be \_\_\_\_\_ hours. The cost of this search will be less than the statutory ceiling of £450 for free searching time allowed under the Freedom of Information Act 2000 (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

To proceed with your request we will require a fee of £\_\_\_\_\_ to cover the cost of photocopying and postage. There will be no charge for the time to find the information. Please make payment by cheque to {Name and address of Academy}. We will continue with the search on receipt of payment, however, if we have not received a reply within three months, we will consider the request cancelled.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Judi Wood at: The Pavilion, Manor Drive, Coleshill, West Midlands B46 1DL.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Yours sincerely,

{Name}  
{Title}

10.6 To inform the enquirer of any charges to be made for complying with their request where the costs are greater than the current threshold.

{Academy Name}  
{Academy Address}

{Applicant Name}  
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on \_\_\_\_\_. It is estimated that the time to provide this information will be \_\_\_\_\_ hours. The cost of this search will exceed the statutory ceiling of £450 for free searching time allowed under the Freedom of Information Act 2000 (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

To proceed with your request we will require a fee of £\_\_\_\_\_ to cover the cost of the search, photocopying and postage. Please make payment by cheque to {Name and address of Academy}. We will continue with the search on receipt of payment, however, if we have not received a reply within three months, we will consider the request cancelled.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Judi Wood at: The Pavilion, Manor Drive, Coleshill, West Midlands B46 1DL.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Yours sincerely,

{Name}  
{Title}