



# Darell Primary and Nursery School

## Freedom of Information (FOI) Policy

### Introduction

The Freedom of Information Act 2000 (FOIA) requires all public authorities, including maintained schools, to be clear and proactive about the information they make public. This policy outlines our commitment to transparency and our procedures for managing requests.

### Responsibilities and Management

- **FOI Management:** The **School Business Manager (SBM)** is responsible for coordinating the school's response to FOI requests.
- **Qualified Person:** The **Headteacher** is the designated 'qualified person' for the purposes of authorizing exemptions under Section 36 of the Act.

### Statutory Timescales

The school will respond to all written requests within **20 school days** (excluding weekends and school holidays) or **60 working days**, whichever is shorter.

### Vexatious and Repeated Requests

Under **Section 14** of the Act, Darell Primary and Nursery School is not obliged to comply with requests that are:

- **Vexatious:** Intended to cause disruption or distress, or where the request is disproportionately burdensome.
- **Repeated:** Identical or substantially similar to a request already answered, unless a reasonable interval has passed.

### Exemptions

#### Absolute Exemptions

Authorities do not need to weigh the public interest; if the information meets the criteria, it is exempt.

Section	Exemption	Brief Explanation
s.21	Information accessible by other means	Information is already public (e.g., on a website).
s.23	Security bodies	Information supplied by or relating to bodies like MI5, MI6, or GCHQ.
s.32	Court records	Information held only in court files, transcripts, or statutory inquiry docs.

s.34	Parliamentary privilege	Information that would infringe on the privileges of either House of Parliament.
s.36	Effective conduct of public affairs	Only for information held by the House of Commons or House of Lords.
s.40(1)	Personal information (Requester)	Your own data (must be requested via a Subject Access Request instead).
s.40(2)	Personal information (Third Party)	If disclosure would breach the UK GDPR or Data Protection Act 2018.
s.41	Information provided in confidence	Information given to the authority that would lead to a legal breach of trust if leaked.
s.44	Prohibitions on disclosure	Disclosure is forbidden by another law, EU obligation, or is contempt of court.

## Qualified Exemptions

Authorities must perform a Public Interest Test to decide if the benefit of knowing the information is greater than the harm caused by releasing it.

Section	Exemption	Brief Explanation
s.22	Future publication	Information planned for release at a future date (even if the date isn't set).
s.22A	Research	Information relating to an ongoing programme of research.
s.24	National security	Required for the purpose of safeguarding national security (not covered by s.23).
s.26	Defence	Would prejudice the effectiveness of the armed forces or national defence.
s.27	International relations	Would prejudice relations with other states or international organizations.
s.28	Relations within the UK	Would prejudice relations between UK admin and devolved governments.
s.29	The economy	Would prejudice the economic or financial interests of the UK.
s.30	Investigations	Relates to specific criminal investigations or proceedings.
s.31	Law enforcement	Would prejudice the prevention of crime, tax collection, or regulatory duties.
s.33	Audit functions	Would prejudice the auditing of other public authorities.
s.35	Government policy	Relates to the formulation of policy or Cabinet proceedings.
s.36	Effective conduct of public affairs	Disclosure would inhibit "free and frank" advice or debate.
s.37	Royal Family & Honours	Communications with the Monarch or relating to the conferring of honours.
s.38	Health and safety	Disclosure would endanger the physical or mental health/safety of any individual.
s.39	Environmental info	Information that should be handled under EIR instead of FOIA.
s.42	Legal privilege	Information subject to legal professional privilege (lawyer-client confidentiality).
s.43	Commercial interests	Trade secrets or info that would damage a company's competitive position.

## 6. Complaints and Internal Review

If dissatisfied, you may request an Internal Review by writing to the Headteacher. If you remain dissatisfied, you may appeal to the Information Commissioner's Office (ICO).

### Appendix A: Guide to Information Available (Publication Scheme)

Class	Description	Method of Access
Class 1	Who we are and what we do	Website / Hard Copy
Class 2	What we spend and how we spend it	DfE Benchmarking / Hard Copy
Class 3	Our priorities and how we are doing	Website / Hard Copy
Class 4	How we make decisions (Minutes)	Hard Copy
Class 5	Policies and procedures	Website / Hard Copy
Class 6	Lists and Registers	Inspection only
Class 7	Services we offer	Website / Hard Copy

### Appendix B: Schedule of Charges

Type of Charge	Description	Basis of Charge
Website Download	Information on school website	Free
Black & White Copy	Hard copy of documents	£0.05 per sheet
Postage	Delivery of hard copies	Actual Royal Mail cost
Statutory Cost Limit	Staff time for locating/extracting	<b>£450 limit</b> (Refusal at 18+ hours)

### Appendix C: Standard Acknowledgment Letter

**RE: Freedom of Information Request** – [Insert Reference Number]

Dear [Name],

Thank you for your request for information received on [Date]. We aim to respond within 20 school days, which is [Insert Date]. If the cost of retrieval exceeds £450 (18 staff hours), we may refuse the request or issue a fees notice.

## **Appendix D: Formal Refusal Notice**

*(To be used when Section 12 or Section 14 applies)*

### **RE: Freedom of Information Request – Refusal Notice**

Dear **[Name]**,

Thank you for your request for information dated **[Date]**.

After careful consideration, Darell Primary and Nursery School is refusing your request under the following provision of the Freedom of Information Act 2000:

#### **[CHOOSE ONE OPTION BELOW]**

- Option 1: Section 12 (Exceeds Cost Limit)

The school estimates that the cost of complying with your request would exceed the appropriate limit of £450 (equivalent to 18 hours of staff time). This is because [Insert brief reason, e.g., the information is not held centrally and requires manual review of archived files].

- Option 2: Section 14 (Vexatious or Repeated)

The school is treating this as a [vexatious / repeated] request. This is because [Insert brief reason, e.g., the request is substantially similar to a previous request answered on (Date) / the request places a disproportionate burden on school resources].

If you are unhappy with this decision, you may request an internal review by contacting the Headteacher. If you remain dissatisfied, you have the right to apply directly to the Information Commissioner for a decision.

Yours sincerely,

**[Name] [Job Title]**