

## Pewsey Vale School



**Headteacher:** Neil Pritchard

### **DATA PROTECTION & FREEDOM OF INFORMATION POLICY P35/P31**

**Responsibility:** Neil Pritchard - Headteacher

Next Review: June 2020

- Reviewed June
- Implemented by P&S Committee 21 June 2018
- Verified by FGB 5 July 2018

**P&S Approving signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Head Teacher signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Chair of Governors signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

Historical Reviews/Update:

Replaces individual Data Protection & FOIA Policies last reviewed May/June 2017

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## **1. Introduction**

Pewsey Vale School supports both the Freedom of Information Act 2000 (FOIA) and the General Data Protection Regulations 2016 (GDPR). All students and staff are data subjects and both electronic and manual data relating to individuals are managed in accordance with the GDPR. All staff involved in the collection, processing and disclosure of personal data are aware of their duties and responsibilities within this policy. This policy provides a structure to manage and meet data requests

## **2. General Principles**

- Pewsey Vale School recognise that schools have increasing access to a wide range of personal data about pupils, parents and staff, some of which we are legally required to gather and process in order to carry out our duties as a public authority, but also to support the development of pupils (educationally, socially and emotionally), to protect the pupils in our care and to facilitate the efficient running of the school
- Data and records provide evidence for protecting the legal rights and interests of the school and provide evidence for demonstrating performance and accountability.
- Under the General Data Protection Regulations (GDPR) there are strict legal guidelines in place as to how data should be both 'controlled' and 'processed', which the school is fully aware of and complies with
- These regulations apply to 'personal data', 'special categories of personal data' and personal data relating to 'criminal convictions and offences'
- This policy applies to all data and records created, received or maintained by staff of the school in the course of carrying out its functions
- Pewsey Vale School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data is held, the likely recipients of the data, who the data could be shared with and the data subject's rights of access to that data. Information about the use of personal data is detailed on data collection forms used by the school and these forms are sent annually to parents/carers and will be to staff, to be updated, along with an appropriate Privacy Notice

## **3. Key Definitions**

- **Records** are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or maintained in hard copy and/or electronically
- **Personal data** is defined as any information relating to an identifiable person who can be directly or indirectly identified, including by reference to a unique indicator
- **Special categories of personal data** (previously referred to as 'sensitive data') specifically refers to information held about an individual in the following categories:
  - race
  - ethnic origin
  - politics
  - religion
  - trade union membership
  - genetics
  - biometrics

- health

and, as this data, by its very nature could create more significant risks to a person's fundamental rights and freedoms, there are additional safeguards in place

- **Data controllers** determine the purposes and means of processing personal data
- **Data processors** are responsible for processing personal data on behalf of a controller
- **Data protection impact assessments** are required when introducing new technology for the handling and processing of personal data and when data is processed on a large scale. They assess the level of risk involved and the security measures that need to be put in place to protect individuals
- **Personal data breaches** are defined as a security incident that has affected the confidentiality, integrity or availability of personal data. A personal data breach takes place whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation or if the data is made unavailable and this unavailability has a significant negative effect on individuals
- **Subject Access Requests** gives individuals the right to see a copy of the information an organisation holds about them
- **Processing** means any operation or set of operations which is performed on personal data or sets of personal data, by automated or manual means including collecting, recording, organising, structuring, storing, adapting or altering, retrieving, consulting, using, sharing, and erasing or destroying
- **Parent/Carer** refers to the meaning given in the Education Act 1996 and includes any person who has parental responsibility for a child and for the purposes of this policy includes legal guardians (carers)

#### **4. Requirements under the General Data Protection Regulations**

- Under the GDPR, the data protection principles (Article 5) set out the main responsibilities for organisations which require that personal data shall be<sup>1</sup>:
  - a) processed lawfully, fairly and in a transparent manner in relation to the individual
  - b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
  - c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
  - d) accurate and, where necessary, kept up to date with every reasonable step being taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
  - e) kept in a form which permits identification of the data subjects for no longer than is necessary for the personal data are processed, and
  - f) processed in a manner that ensures appropriate security for the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical or organisational measures

#### **5. Responsibilities:**

##### **Pewsey Vale School:**

- has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment and the person with overall responsibility for this policy is the Head Teacher (for more detail see sections below on '**Documentation**' and '**Accountability and Governance**'

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<sup>1</sup> [See Article 5 of the General Data Protection Act for full legal terminology](#)

- is required to appoint a Data Protection Officer to oversee the collection, processing and security of data and the person responsible can be contacted by emailing **FAO Data Protection Officer admin@pewsey-vale.wilts.sch.uk**
- as both a controller and processor of personal data has a responsibility to register with the 'Information Commissioner's Office' and to renew the registration annually
- must inform pupils, parents, staff and governors (through the issuing of **Privacy Notices** – see section below) what data they are required to collect and retain and the lawful basis for processing personal data as defined by Article 6 of the GDPR
- must, through the same Privacy Notices also inform pupils, parents, staff, and governors of any special category data and/or data on criminal convictions or offences, they hold, together with the lawful basis for that processing as defined by Articles 9 and 10 (respectively) of the GDPR

#### **The Data Protection Officer:**

- informs and advises the school and its employees about their legal obligations to comply with the GDPR and other data protection laws
- manages internal data protection activities
- advises on data protection impact assessments
- is the first point of contact for external supervisory authorities as well as those individuals (pupils, staff and parents) whose data the school holds

#### **Individual staff and employees:**

- must ensure that the records for which they are responsible are accurate and are maintained and disposed of in accordance with the school's records management guidelines. This will form part of staff induction procedures.

#### **Parents/carers, pupils and staff:**

- should ensure that the information they provide the school with is accurate and kept up to date

### **6. Rights of individuals on whom data is held**

- The GDPR identified 7 'rights' of individuals on whom data is held, some of which apply to schools and others which are aimed at commercial practices. In this policy we have given guidance regarding each of these rights, but should you wish for more detailed information, this can be found on the ICO website or by clicking on the links below. The 7 rights as outlined by the GDPR are:
  - [right to be informed](#)
  - [right of access](#)
  - [right to rectification](#)
  - [right to erasure](#)
  - [right to restrict processing](#)
  - [right to data portability](#)
  - [right to object](#)
- Some of these rights may not apply, depending on the legal bases on which we hold and process the data
- Much of the data that schools are required to collect and process falls under our duty as a public authority in order for us to fulfil our legal obligations, and this basis is referred to as our 'public task'. In addition, we also hold data on other bases (as outlined in our Privacy Notices) namely, 'contract' (in relation to the staff we employ) 'consent' 'legitimate interests' and 'vital interests'. The table below shows the rights that apply in 3 areas.

LAWFUL BASIS	RIGHT TO ERASURE	RIGHT TO PORTABILITY	RIGHT TO OBJECT
Public Task	X	X	✓
Contract	✓	✓	X
Consent	✓	✓	X
Legitimate Interests	✓	X	✓
Vital interests	✓	X	X

- Right to be informed: (Please also refer to the section below on ‘Privacy Notices’)**  
 At the time of requesting data from individuals (pupils, parents, staff, governors), the individuals must be informed of their rights regarding that data, which should include:
  - the name and contact details of the school’s Data Protection Officer
  - the categories of personal data
  - the school’s purpose and lawful process/es for processing data the categories of personal data being requested
  - the legitimate interests that apply where that is the lawful basis
  - who the data is shared with
  - how long it is held for
  - the right to withdraw consent at any time (where relevant depending on the lawful basis)
  - the right to lodge a complaint with a supervisory authority (the ICO)
  - whether the provision of personal data is part of a statutory requirement and the possible consequences of failing to provide the personal data, and
  - the existence of any automated decision making, including profiling and information about how decision are made, the significance and the consequences
- In addition, there may be times during the school year when we may require further information from you for a specific purpose. At that time, will advise you of any additional information regarding your rights as we are required to do by the GDPR.
- If we are reliant on ‘consent’ as our lawful basis, you will be advised of that and you will be required to give your consent in writing.
- Right of access:** All individuals have the right to access their personal data and supplementary information and this is referred to as a ‘Subject Access Requests (SAR)’. Appendix 9 gives more information on SAR in the form of ‘Frequently Asked Questions’.
  - The right of access allows individuals to be aware of and verify the lawfulness of the processing of their data
  - Individuals have the right to be provided with a copy of the information that is held on them free of any charge unless the request is manifestly unfounded, excessive or repetitive, in which case the school reserves the right to charge a reasonable fee, based on the administrative costs of providing that information
  - A reasonable fee may also be charged for further copies of the same information.
  - Information must be provided without delay and at the latest within one month of receipt of the request, or longer depending on when the request is made (see final bullet point).
  - Where the requests are complex or numerous, the school can extend the compliance period for a further two months as long as the individual requesting the information is informed that this will be the case within one month of the receipt of the request. Pewsey Vale School will, at the same time, explain why this extension in time is necessary

- Whilst it is always our aim to respond in a timely manner, given the nature of Pewsey Vale School's academic year, should a request be received less than one month before the end of any term or within a school holiday period, the school will require an extended period of time in which to comply and this will be explained to the applicant at that time
- Pewsey Vale School reserves the right to refuse to respond to a request when they are manifestly unfounded or excessive, especially in they are repetitive. In such cases, the individual making the request will be informed of the school's decision not to comply together with the reason why, as well as informing them of their right to complain to the supervisory authority without delay and at the latest within one month
- Where the request is made electronically, Pewsey Vale School will provide the information requested in a commonly used electronic format
- Where we hold a large amount of personal data about an individual, we can ask that the request be specific
- **Right to rectification:**
  - Individuals have the right to have their personal data corrected if it is inaccurate or incomplete
  - Where the school has disclosed this information to a third party (e.g. Department for Education or Local Authority) it is responsible for ensuring that the third party also corrects the data in question. The individual will be advised of any third parties to whom the data has been supplied, where appropriate
  - The school must ensure that data is rectified within one month but we may extend this period for a further two months where the request is complex
  - Where the school decides not to take action to rectify data at the request of an individual, we will explain why and inform them of their right to complain and to whom that complaint should be addressed
- **Right to erasure:** Individuals have the right to request that their information is erased/deleted where there is no compelling reason for its continued processing i.e.:
  - where it is no longer necessary for the school to hold that data (bearing in mind the requirement to retain certain documents for a specific period of time<sup>2</sup>)
  - when, if the data is obtained under the basis of 'consent' that consent is subsequently withdrawn
  - where data has been unlawfully processed or where an individual objects to the processing and there is no overriding legitimate interest for the processing to continue
- **Right to restrict processing:** In certain circumstances, individuals have the right to request the restriction or suppression of their personal data, which means that they can limit the way in which any organisation uses their data
  - This right applies when:
    - an individual contests the accuracy of the data being processed
    - an individual believes that data has been unlawfully processed
    - the school no longer needs to keep the data but has been asked to do so in order to establish, exercise or defend a legal claim
    - an individual objects to the processing of the data and the school is considering whether its legitimate grounds override those of the individual in question.
  - Pewsey Vale School can refuse to comply with a request for restriction if we believe the request to be manifestly unfounded or excessive (taking into account whether it

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<sup>2</sup> [IRMS – Toolkit 6 for schools \(Appendix 7\)](#)

- is repetitive in nature) and we may either refuse to deal with the request or reserve the right to charge a fee in order to deal with it
- We will justify our decision for any action we take in writing. In the event that we do refuse to comply or wish to charge a fee, individuals will be informed within one month of the receipt of the request (with exceptions being made for school holidays) and will advise individuals of our reasons, their rights to make a complaint to the ICO and their rights to seek a judicial remedy
  - Should the school decide it is appropriate to charge a fee or believe that we require additional information to identify an individual, no further action will be taken before that fee is received, after which the school still has one month to respond
  - **Right to data portability:** The right to data portability gives individuals the right to receive personal data they have provided to a controller in a structured, commonly used and machine readable format. It also gives them the right to request that a controller transmits this data directly to another controller
    - The right to data portability only applies when:
      - the lawful basis for processing this information is consent **or** for the performance of a contract; and
      - the school is carrying out the processing by automated means (ie excluding paper files)
  - **Right to object:** Where applicable, individuals have the right to object on “grounds relating to their particular situation”.
    - Where an individual exercises their right to object, we are required to stop processing the personal data we hold unless we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or the processing is for the establishment, exercise or defence of legal claims
      - Individuals are advised on their right to object in our Privacy Notice

## **7. Privacy Notices:**

- The school, in compliance with the requirements of the GDPR, will issue Privacy Notices to all individuals on whom we hold data, at the time that they join our school, namely:
  - pupils (via their parents),
  - parents
  - staff
  - governors
- (See Appendices 1,2,3 and 4 Copies of our Privacy Notices to pupils and parents can also be found on the school website.
- Our Privacy notices will contain the following information:
  - the categories of data that we hold
  - why we collect it
  - the lawful basis on which we process that data
  - who we share the data with
  - how long we retain the data
  - your right to access your data and your right to object

## **8. Documentation**

- The GDPR contains explicit provisions regarding what we are required to document regarding the data we control. Article 30 states that we must document the following



information (available both in electronic form on our website and as a paper copy, which can be obtained by request from the school office :

- the name and contact details of our organisation
- the contact details for our data protection officer
- the purpose of our processing
- descriptions of the categories of individuals and categories of personal data
- who receives the personal data we process
- our retention schedules (which are based on the IRMS Toolkit – Appendix 7)
- a description of our technical and organisational security measures (also see the school's Secure Data Handling Policy - Appendix 5)
- To this end, we have produced and maintained an 'Information Asset Register' (Appendix 6) in which we record the following information:
  - descriptions of the data that we hold (personal data, special category data and data relating to criminal convictions and offences)
  - the lawful basis for our processing with reference to Articles 6, 9 and 10 of the GDPR
  - in what format and how that data is held
  - how long we retain the data for

## **9. Accountability and Governance**

Under the GDPR, Pewsey Vale School is required to demonstrate that we comply with the principles of the accountability and responsibility and in order to do this we must:

- ensure that we implement appropriate technical and organisation measures which will include:
  - publication of this policy
  - on-going training for staff and induction for new staff
  - internal audits of our processing activities, including data protection impact assessments for personal and/or special category data that is processed on a large scale
  - internal audits of all the personal data we hold, including special categories of personal data which include the form that the data is held in, where it is held, who has access to it, the security measures in place and how long it is retained for
- ensure that our records are kept up to date and reflect our current position, and
- in the unlikely event of a data breach, (see 8 below on Personal data breaches) we will ensure that records are kept regarding the breach and the action we took in response to it.

## **10. Personal data breach**

- Personal data breaches can include:
  - access to the data we hold by an unauthorised 3<sup>rd</sup> party
  - deliberate or accidental action (or inaction) by a controller or processor
  - sending personal data to an incorrect recipient
  - computing devices containing personal data being lost or stolen
  - alteration of personal data without permission; and
  - loss of availability of personal data
- The school needs to ensure that there are robust systems in place to detect, investigate and report any breaches of personal data.
- The GDPR makes it clear that when a security incident takes place, we are required, as a matter of urgency, to establish whether a personal data breach has occurred and, if so, promptly take steps to address it. Some data breaches will not lead to risks beyond

possible inconvenience to those who need the data to do their job whilst other breaches can significantly affect individuals whose personal data has been compromised. This needs to be assessed on a case by case basis.

- Under the GDPR we are required to report a personal data breach within 72 hours, when it is felt that as a result of that breach there is a likelihood of a risk to people's rights and freedoms. A breach can have a range of adverse effects on individuals which might include emotional distress and/or physical and material damage. Where it is not felt that this risk is likely, it is not necessary to report the breach but we will still document the breach and justify the decisions that have been taken, together with any subsequent action.
- Where the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms we will inform those individuals without undue delay.
- When reporting a breach, we are required to provide the GDPR with the following information:
  - a description of the nature of the personal data and, where possible, the categories and number of individuals concerned together with the category and number of personal data records concerned
  - the name and contact details of our Data Protection Officer
  - a description of the likely consequences of the personal data breach; and
  - a description of the measures taken, or proposed to be taken, to deal with the personal data breach including, where appropriate, the measures taken to mitigate any possible adverse effects.
- See Appendix 8 for more detailed information on the process of reporting data breaches as well as from the ICO's website.<sup>3</sup>
- We will keep records of any data breach, whether or not we are required to inform the ICO

### **11. Policy review**

- This policy will be reviewed every 3 years or earlier in the event of any changes to legislation.

## **Part 2 Freedom of Information Act (FOIA)**

### **1. Background**

- 1.1 The Freedom of Information Act is an Act of Parliament (UK) that creates a public "right of access" to information held by public authorities. The full provisions of the act came into force on 1 January 2005. Under the FOIA any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds information and to receive a copy subject to exemptions

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all schools, should be clear and proactive about the information they will make public.

To do this Pewsey Vale School produce a publication scheme, setting out:

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<sup>3</sup> [ICO's guidance to reporting a data breach](#)

- The classes of information which we publish or intend to publish;
  - The manner in which the information will be published; and
  - Whether the information is available free of charge or on payment.
- 1.2 The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available either on our website to download and print off or in paper form.
- 1.3 Some information which we hold cannot be made public, for example personal information.
- 1.4 This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.
- 1.5 As the FOIA is retrospective an appendix has been added to this policy (Appendix A) showing a retention schedule (adopted from IRMS Record Management Toolkit for schools (Toolkit 2016) which is a guide as to how long Pewsey Vale School is required to keep school records. IT is important to note that some of the documents detailed in this schedule are not accessible under the FOIA but may be available via the Data Protection Act for which a subject access request is required.
- 1.6 Requests under FOIA should be addressed to the Headteacher however all staff in school are aware of the process for dealing with such requests. Requests must be made in writing (including email) stating what information is required. Individuals requesting the information are not obliged to say why they want the information
- 1.7 Pewsey Vale School has a duty to respond to all requests advising whether or not we hold the information requested and supply the information (except where're exemptions apply). The school will comply with the time limit of twenty (20) days (excluding school holidays) to respond to the request

## **2. Environmental Information Regulations**

- 2.1 Requests for information about air, water, land, natural resources, health & safety etc. are covered by the Environmental Information Regulations (EIR) and will be responded to in line with the EIR (Appendix C)

### **Introduction: what is a publication scheme and why has it been developed**

#### **3. Holding & Providing Information**

- 3.1 "Holding" information means information relating to the business of Pewsey Vale School which:
- The school has created
  - The school has received from another body or person
  - Is held by another body on the school's behalf
- 3.2 "Information" means both hard copy and digital information, including email

3.3 If we do not hold the information we do not have to create or acquire it in order to answer a query, although a reasonable search will be made before denying that we have information which we might be expected to hold

3.4 Pewsey Vale School are not obliged to comply with “vexatious” requests for information. 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 resources or would otherwise undermine the work of the school. We will also not be obliged to answer repeated, identical or substantially similar requests from the same applicant unless a “reasonable” interval has elapsed between requests

#### **4. Publication Scheme**

4.1 Pewsey Vale School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner  
<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

#### **5. Dealing with Requests**

5.1 Pewsey Vale School will respond to all request in accordance with the procedures laid down in Appendix D.

#### **6. Exemptions**

6.1 Certain information is subject to either absolute or qualified exemptions and these are listed in Appendix E

6.2 When we wish to use a qualified exemption we will apply the “Public Interest Test” procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing it

6.3 We will keep a register of all requests, including where we have refused to supply information and the reason for that refusal. This register will be kept for five (5) years

#### **7. Public Interest Test**

7.1 Unless it is in the public interest to withhold information, it will be released. See Appendix F for more details on public interest test.

#### **8. Charging**

8.1 Crofton Academy reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum which is currently £450

8.2 Information available via our website is free of charge. Single copies of information covered by this publication are provided free unless stated otherwise in Appendix G. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as 11 some printed publications or videos, we will let you know the cost before fulfilling your request. (Where there is a charge this will be indicated by a £ sign in the description box).

8.3 Fees for the provision of information will be calculated according to FOIA regulations and are outlined in Appendix G

#### **9. Internal Responsibilities**

9.1 The day to day responsibility to compliance with the FOIA lies with the Headteacher. In regards to coordinating and processing enquiries the Headteacher has nominated the Bursar to be a point of reference for advice and training.

## 10. Feedback & Complaints

- 10.1 We welcome any comments or suggestions individuals may have about this scheme. If individuals want to make any comments about this publication scheme or require further assistance or wish to make a complaint then initially this should be addressed to: The Headteacher, Pewsey Vale School, Wilcot Road, Pewsey, SN9 5EW
- 10.2 If individuals are not satisfied with the assistance provided, or if we have not been able to resolve their complaint and they feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF OR by telephone (enquiry/Information line): 01625 545 700 OR E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk). The Information Commissioner's Website Address is: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).

## 11. Classes of Information Published

- 11.1 The Publication Scheme gives information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in I of this Scheme.
- 11.2 The classes of information that we undertake to make available are organised into four broad topic areas:
- School Prospectus – information published in the school prospectus.
  - Governors' Documents – information published in the Governors Annual Report and in other governing body documents.
  - Students and Curriculum – information about policies that relate to students and the school curriculum.
  - School Policies and other information related to the school - information about policies that relate to the school in general.

## 12. How to request information

- 12.1 If a paper version of any of the documents within the scheme is required, please contact the school by telephone, email, fax or letter. Contact details are set out below or on our website at: [www.pewsey-vale.wilts.sch.uk](http://www.pewsey-vale.wilts.sch.uk).

Contact Address:  
Freedom of Information Officer  
Pewsey Vale School  
Wilcott Road  
Pewsey  
Wiltshire  
SN9 3EW  
Email: [admin@pewsey-vale.wilts.sch.uk](mailto:admin@pewsey-vale.wilts.sch.uk)  
Tel: 01672 565000

To help us process any request quickly, please clearly mark any correspondence  
**"PUBLICATION SCHEME REQUEST"** (in CAPITALS please)





## **Appendix G    Paying for information**

Information published on our website is free, although the Internet Service Provider may charge. Internet access is also available in the library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If any request means a lot of photocopying or printing or a large postage charge, or is for a priced item such as some printed publications or videos, the cost will be given before the request is actioned. Where there is a charge this will be indicated by a £ sign in the description box.



## Appendix H

### Classes of Information Currently Published

**School Prospectus** – this section sets out information published in the school prospectus.

Class	Description
<b>School Prospectus</b>	<p>The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion):</p> <ul style="list-style-type: none"> <li>• the name, address and telephone number of the school, and the type of school</li> <li>• the names of the head teacher and chair of governors</li> <li>• information on the school policy on admissions</li> <li>• a statement of the school's ethos and values</li> <li>• details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils</li> <li>• information about the school's policy on providing for pupils with special educational needs</li> <li>• number of pupils on roll and rates of pupils' authorised and unauthorised absences</li> <li>• National Curriculum assessment results for appropriate Key Stages, with national summary figures</li> <li>• GCSE/GNVQ results in the school, locally and nationally</li> <li>• the number of pupils studying for and percentage achieving other vocational qualifications</li> <li>• the destinations of school leavers<sup>4</sup></li> <li>• the arrangements for visits to the school by prospective parents</li> <li>• the number of places for pupils of normal age of entry in the preceding school year and the number of written applications / preferences expressed for those places</li> </ul>

**Governors' Annual Report and other information relating to the governing body**– this section sets out information published in the Governors' Annual Report and in other governing body documents.

Class	Description
<b>Governors' Annual Report</b>	<p>The statutory contents of the governors' annual report to parents are as follows, (other items may be included in the annual report at the school's discretion):</p> <ul style="list-style-type: none"> <li>• details of the governing body membership, including name and address of chair and clerk</li> <li>• a statement on progress in implementing the action plan drawn up following an inspection</li> <li>• a financial statement, including gifts made to the school and amounts paid to governors for expenses</li> <li>• a description of the school's arrangements for security of pupils staff and the premises</li> <li>• information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year</li> <li>• a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils;</li> </ul>

<sup>4</sup> Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

	<p>details of existing facilities to assist access to the school by pupils with disabilities; the accessibility plan covering future policies for increasing access by those with disabilities to the school</p> <ul style="list-style-type: none"> <li>• a statement of policy on whole staff development identifying how teachers' professional development impacts on teaching and learning</li> <li>• number of pupils on roll and rates of pupils' authorised and unauthorised absence</li> <li>• National Curriculum assessment results for appropriate Key Stages, with national summary figures</li> <li>• GCSE/GNVQ results in the school, locally and nationally</li> <li>• GCE A/AS and vocational qualification results in the school and nationally</li> <li>• the number of pupils studying for and percentage achieving other vocational qualifications</li> <li>• the destinations of school leavers<sup>1</sup></li> <li>• a statement of the extent to which proposals in the post- inspection action plan have been carried into effect</li> </ul>
<b>Instrument of Governance</b>	<ul style="list-style-type: none"> <li>• The name of the school</li> <li>• The category of the school</li> <li>• The name of the governing body</li> <li>• The manner in which the governing body is constituted</li> <li>• The term of office of each category of governor if less than 4 years</li> <li>• The name of any body entitled to appoint any category of governor</li> <li>• Details of any trust</li> <li>• If the school has a religious character, a description of the ethos</li> <li>• The date the instrument takes effect</li> </ul>
<b>Minutes<sup>5</sup> of meeting of the governing body and its committees</b>	Agreed minutes of meetings of the governing body and its committees [current and last full academic school year]

**Student and Curriculum Policies** - This section gives access to information about policies that relate to pupils and the school curriculum.

<b>Class</b>	<b>Description</b>
Home – school agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex Education Policy	Statement of policy with regard to sex and relationship education
Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs
Accessibility Plans	Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.

<sup>5</sup> Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

Race Equality Policy	Statement of policy for promoting race equality
Collective Worship	Statement of arrangements for the required daily act of collective worship
Careers Education Policy	Statement of the programmes of careers education provided for Key 4.
Child Protection Policy	Statement of policy for safeguarding and promoting welfare of pupils at the school. <i>(from March 2004)</i>
Pupil Discipline	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.

**School Policies and other information related to the school** - This section gives access to information about policies that relate to the school in general.

<b>Class</b>	<b>Description</b>
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character
Post-Ofsted inspection action plan	A plan setting out the actions required following the last Ofsted inspection and where appropriate an action plan following inspection of religious education where the school is designated as having a religious character
Charging and Remissions Policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips
School session times and term dates	Details of school session and dates of school terms and holidays
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints procedure	Statement of procedures for dealing with complaints
Performance Management of Staff	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum
Annex A - Other documents	Annex A provides a list of other documents that are held by the school and are available on request

## **7. Feedback and Complaints**

We welcome any comments or suggestions about the scheme. Any comments or requests for further assistance should be addressed to the Freedom of Information Officer, Pewsey Vale School, Wilcot Road, Pewsey, Wilts, SN9 5EW. Please contact the Chairman of Governors with any complaints about this scheme or the way it is being implementing.

In the event of dissatisfaction etc, formal complaints need to be made to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

***Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF***

*or*

**Enquiry/Information Line: 01625 545 700**

**E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk).**

**Website : [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)**

Appendix 1

Privacy Notice to Pupils

[Privacy Notice\PVS Privacy Notice Pupils May 2018.pdf](#)

Appendix 2

Privacy Notice to Parents/Carers

[Privacy Notice\PVS Privacy Notice parents May 2018.pdf](#)

Appendix 3

Privacy Notice to School Staff

Appendix 4

Privacy Notice to School Governors



## Appendix 5

Pewsey Vale School recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. This document provides the policy framework through which this effective management can be achieved and audited.

It covers:

- Scope
- Responsibilities
- Relationships with existing policies

### 1. SCOPE OF THE SCHEDULE

This schedule applies to all records created, received or maintained by staff of the school in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

A small percentage of the school's records will be selected for permanent preservation as part of the institution's archives and for historical research.

### 2. RESPONSIBILITIES

The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Headteacher.

The Data Protection Officer responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

### 3 RELATIONSHIP WITH EXISTING POLICIES

This schedule has been drawn up within the context of: -

- Data Protection and Freedom of Information Policy
- with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school

### 4 RETENTION OF DOCUMENTS

The hyperlink detailed below is the Retention Guidelines for Schools which outlines specific documents that school may hold and the retention period and action required in respect of disposals and which the Academy has adopted

[2016 IRMS Toolkit for Schools v5 Master.pdf](#)

## **Appendix 6**

### **ICO Notification of Security Breaches**

Please see link below for further details

<https://ico.org.uk/for-organisations/report-a-breach/>

## **Appendix 7**

### **Data Subject Access Request**

Please see link below to access full details

[PVS SUBJECT ACCESS REQUEST Form.pdf](#)

## Appendix 8

### Data Protection & FOI staff Guidance

Pewsey Vale School is registered to process data with the Information Commissioner's Office under registration number **Z2739344**

#### **Keeping Personal Information Secure:**

All staff are advised that the protection of personal information is their responsibility at all times. In order to do this, staff are advised:

- To keep passwords secure – change regularly and not share them under any circumstances.
- To lock or log off computers when away from their desks or leaving their classroom unattended.
- To dispose of confidential paper waste and to dispose of personal data they are no longer required or eligible to keep, by either shredding this themselves or placing it in a confidential wastepaper bin.
- To prevent virus attacks by taking care when opening emails on electronic devices, attachments or visiting new websites.
- To work on a 'clear desk' basis - securely storing hard copy personal information when it is not being used.
- That visitors should be signed in and out of the premises, or accompanied in areas normally restricted to staff.
- About positioning computer screens away from windows and other public areas to prevent accidental disclosures of personal information.
- To encrypt personal information that is being taken out of the office if it would cause damage or distress if lost or stolen.
- To keep back-ups of information.
- To use only encrypted USB sticks.

In addition staff are advised to inform the Administrative Team of any changes to personal data that they are made aware of relating to either staff or pupils in order for records to be updated as soon as possible (for example change of address).

#### **Disclosing of information/data:**

Staff are advised that under no circumstances must they disclose personal data. Staff are advised:

- To be aware of people who may trick them into giving out personal information.
- That to prevent these disclosures they should carry out identity checks before giving out personal information to someone making an incoming call and to perform similar checks when making outgoing calls.

- To ensure that data is only communicated after taking account of special instructions on SIMS, for example “quick notes” in respect of pupils who have restricted parental and other contact.
- About limiting the amount of personal information given out over the telephone and to follow up with written confirmation if necessary.

#### **Subject Access/Information Requests under the Data Protection or Freedom of Information Acts**

- Any requests for information should be passed to the Data Protection Officer who will deal with the request.
- No request should be dismissed as time wasting or otherwise, and should be responded to appropriately within given timescales. Staff should ensure requests are passed on immediately in order that Data Protection Subject Access Requests can be responded to within one month, or under the Freedom of Information Act within 20 (twenty) working days.

## Appendix 9

### Environmental Information Regulations

Is the request is FOIA or Environmental Information? “Environmental information” can be summarised as

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites and the interaction between these elements
- (b) factors such as substances, energy, noise, radiation or waste affecting or likely to affect the elements of the environment
- (c) measures such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect or protect the elements of the environment
- (d) reports on the implementation of environmental legislation
- (e) cost-benefit and other economic analyses and assumptions used within the framework of environmental measures and activities
- (f) the state of human health and safety, including the contamination of the food chain, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state

The procedure for issuing information under the FOIA should be followed whilst relating to Environmental Information requests. However under the EIRs there is no “cost limit” for dealing with requests, but requests that cost a disproportionate amount can be refused on the basis that they are manifestly unreasonable, subject to a public interest test. Any charges imposed must be reasonable, and public authorities should publish a schedule of their charges.

#### **EIR Exceptions subject to the public interest test**

- Does not hold that information when an applicant’s request is received
- Is manifestly unreasonable
- Is formulated in too general a manner (provided assistance has been given to the applicant with a view to re-framing the request)
- Relates to unfinished documents or incomplete data
- Would involve disclosure of internal communications

#### **and if disclosure would adversely affect:**

- International relations, defence, national security or public safety
- The course of justice, fair trial, conduct of a criminal or disciplinary inquiry
- Intellectual property rights
- Confidentiality of public authority proceedings when covered by law
- Confidentiality of commercial or industrial information, when protected by law to cover legitimate economic interest
- Interests of the person who provided the information
- Protection of the environment

Appendix 10

FOI Procedures for handling requests

[Process Map for handling FOI Requests and data requests.pdf](#)

## EXEMPTIONS

Note: This Appendix is taken from the DfES Guide for Maintained Schools on Full Implementation from January 2005.

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are very specialised in their application (such as national security) and would not usually be relevant to schools. There are more than twenty (20) exemptions but schools are 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; and Qualified: where, even if an exemption applies, there is a duty to consider the public interest in disclosing information

### ABSOLUTE EXEMPTIONS

1. There are eight (8) absolute exemptions listed in the Act. Even where an absolute exemption applies:
  - it does not mean that we cannot disclose in all cases; it means that disclosure is not required by the FOIA. 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 enquirerThe absolute exemptions in the FOIA are set out below. Those which might be relevant to schools are marked with an \*:

1. Information accessible to the enquirer by other means\* (Section 21) - If information is reasonably accessible to the applicant by another route than the FOIA, it is exempt information. This is the case even if the enquirer would have to pay for the information under that 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.

2. Information dealing with security matters (Section 23) (see also qualified exemption under Section 24 on national security) - This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as GCHQ, MI5, MI6, Special Forces and the National Criminal Intelligence Service.

3. Court records (Section 32) – (see also the qualified exemption under Section 30 concerning investigations and proceedings conducted by public authorities) - This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.

4. Parliamentary Privilege (Section 34) - This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege. Parliamentary privilege is an immunity whereby MPs cannot be prosecuted for sedition or sued for libel or slander over anything said during proceedings in the House.

5. Prejudice to the effective conduct of public affairs (Section 36) - see also the qualified exemption part of Section 36. This relates to the maintenance of the collective responsibility of Ministers.



6. Personal information\* (Section 40) - see also the qualified exemption part of Section 40. Where enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the Data Protection Act. Consult your existing school Data Protection guidance.

7. Information provided in confidence\* (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.

8. Prohibitions on disclosure\* (Section 44) - Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.

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

1. Information intended for future publication\* (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 date of publication. This could apply for instance to statistics published at set intervals, for example annually or where information is incomplete and it would be inappropriate to publish prematurely<sup>1</sup>. Remember, you still have a legal duty to provide reasonable advice and assistance.

2. National security (Section 24) (see also absolute exemption 23) - Information is exempt for the purposes of safeguarding national security.

3. Defence (Section 26) - Information is exempt if its disclosure would prejudice the defence of the UK.

4. International relations (Section 27) - Information is exempt if its disclosure would or would be likely to, prejudice relations between the UK and any other state, international organisation.

5. Relations within UK (Section 28) - Information is exempt if its disclosure would or would be likely to, prejudice relations between any administration in the UK ie the Government, Scottish Administration, Northern Ireland Assembly, or National Assembly of Wales.

6. The economy (Section 29) - Information is exempt if its disclosure would, or would be likely to, prejudice the economic or financial interests of the UK

7. Investigations and proceedings conducted by public authorities\* (Section 30) - Information is exempt if it has at any time been held by the school for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or 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.

8. Law enforcement\* (Section 31) - Information which is not exempt under Section 30 Investigations and Proceedings, 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 broken 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 the school 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 to any of these matters.

9. Audit Functions (Section 33) - Information is exempt if its 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.

10. Formulation of government policy (Section 35) - Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (eg Attorney General) and the operation of any Ministerial private office

11. Prejudice to the conduct of public affairs (Section 36) (excluding matters covered by the absolute exemption part of 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

12. Communications with the Queen\* (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.

13. Health and Safety\* (Section 38) - Information is exempt if its disclosure would or would be likely to endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.

14. Environmental information\* (Section 39) - Information is exempt under FOI where it is covered by the Environmental Information Regulations. Environmental information can cover information relating to: air, water, land, natural sites, built environment, flora and fauna, and health. It also covers all information relating to decisions or activities affecting any of these.

15. Personal information\* (Section 40) – see also the absolute exemption part of Section 40 Where an individual seeks information about themselves Data Protection Act powers apply. Where the information concerns a third party, it is exempt if its disclosure would contravene the Data Protection Act, or 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 relation to this information if doing so would be incompatible with any of the above.

16. Legal professional privilege\* (Section 42) - Legal professional privilege covers any advice given by legal advisers, solicitors and barristers. Generally such information will be privileged. A school wishing to disclose the information 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.

17. Commercial interests\* (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 the school). 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.

## PROTECTIVE MARKINGS AND APPLYING EXEMPTIONS

When considering if an exemption to disclosure should apply, bear in mind that the presence of a protective marking (Restricted, Confidential or Secret, with or without descriptors such as Staff, Management, Commercial etc) 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.

## 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, it will be necessary to 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.

## NEXT STEPS

In all cases, before writing to the enquirer, the school governing body will have ensured that the case has been properly considered, and that the reasons for refusal, or public interest test refusal, are sound.

## Appendix 12

### FOI Public Interest Test

#### APPLYING THE PUBLIC INTEREST TEST

Note: This Appendix is taken from the DfES Guide for Maintained Schools on Full Implementation from January 2005.

#### Background

1. Having established that a qualified exemption(s) definitely applies to a particular case, you 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 a developed case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

#### Carrying out the test

2. 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 in the school and possibly wider. 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 the school?	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 still 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?	assist the understanding of existing or proposed policy? Is disclosure likely to seriously jeopardise the school's legal or contractual position?
Is disclosure likely to increase public participation in decision-making?	Is disclosure likely to infringe other legislation e.g. Data Protection Act?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair your ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the school'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?
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3. Note also that:

- potential or actual embarrassment to, or loss of confidence in, the school, staff or governors is NOT a valid factor
- 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?

4. You will need to record the answers to these questions and the reasons for those answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. You need to decide how important each factor is in the circumstances and go on to make an overall assessment.

#### **For Disclosure**

5. Where the balance of the public interest lies in disclosure, the enquiry should be dealt with and the information required should be made available. Where the factors are equally-balanced, the decision should usually favour disclosure (but see 3rd bullet point above).

#### **Against Disclosure**

6. After carrying out the public interest test if it is decided that the exemption should still apply, proceed to reply to the request.

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, you must contact the enquirer within 20 working days stating that a particular exemption applies, but including 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 this decision is made and communicated within the 20 days but where not possible it is suggested that no more than 10 working days beyond the 20 days should be allowed.

## Appendix 13

### FOI Charging

Note: This Appendix is based on the guidance from the DfES and the Department for Constitutional Affairs. A summary of the DCA guidance can be found at: [www.dca.gov.uk/foi/feeguidesum.htm](http://www.dca.gov.uk/foi/feeguidesum.htm) Important: Different charges apply for requests under the Data Protection Act

#### MAY I CHARGE A FEE?

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

#### WHAT STEPS SHOULD WE TAKE IN CONSIDERING WHETHER TO CHARGE?

##### Step 1

Is the information exempt for the purposes of the FOIA? If information is exempt, then fees do not apply. You may not know if information is exempt until it has been located and checked. However, there are many instances, for example information in your publication scheme, when it is automatically exempt. If you wish to charge for information in your publication scheme, this should be made clear in the scheme itself. The school would need to contact the enquirer to inform them that the information is exempt, and how to obtain it.

##### Step 2

Do you 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 there would be little point in making the calculation.

##### Step 3

Calculate the appropriate limit Staff costs are calculated at £25 per hour. When calculating whether the limit is exceeded, schools can take account of the costs of determining whether the information is held, locating and retrieving the information, and extracting the information from other documents. They cannot take account of the costs involved with considering whether information is exempt under the Act.

##### Step 4

Requests costing less than the limit. If a request would cost less than the limit, schools can 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

Requests exceeding the limit. If a request would cost more than the limit, the school can turn the request down, answer and charge a fee, or answer and waive the fee. If you choose to comply with a request where the estimated cost exceeds the threshold you should calculate the charge as outlined in Step 3, plus the costs of informing the applicant whether the information is held, and communicating the information to them (e. printing and postage costs)

##### Step

6 For all requests, schools should have regard to the following two points:

- The duty to provide advice and assistance to applicants. If planning to turn down a request for cost reasons, or charge a high fee, you should contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, 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. However there is nothing to stop schools charging a lesser or no fee. Governing bodies should develop a consistent policy on charging.

#### MAY I AGGREGATE THE COSTS WHERE THERE ARE MULTIPLE REQUESTS?

Where two or more requests are made to the school by different people who appear to be acting together or as part of a campaign the estimated cost of complying with any of 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 school before the twentieth working day following the date of receipt of the first of the requests; and
- (c) it appears to the school 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 you get multiple requests for the same information, it is good practice to include the information in your publication scheme.

#### HOW DO I INFORM THE APPLICANT OF THE FEE?

1. Where you intend to charge a fee for complying with a request for information then the school must 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.
2. Where a fees notice has been given to the person making the request, you do not need to comply with the request unless the fee is paid within three months of the notice being received.

## Appendix 14

### FOI Classes of Information Published

#### 1. SCHOOL PROSPECTUS/WEBSITE:

This section sets out information published in the school prospectus/on the school website. The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion):

- the name, address and telephone number of the school, and the type of school
- the names of the Headteacher and Chair of Governors
- information about the school's Admissions Policy
- a statement of the school's ethos and values
- details of any affiliations with a particular religion or religious denomination; the religious education provided; parents' right to withdraw their child from religious education and collective worship; and the alternative provision for those pupils
- information about the school's policy on providing for pupils with special educational needs
- details of the number of pupils on roll and rates of pupils' authorised and unauthorised absences
- National Curriculum assessment results for appropriate Key Stages 3 and 4, with national summary figures
- the school's GCSE/GNVQ and equivalent results together with a summary of local and national results
- the number of pupils studying for and percentage achieving other vocational qualifications
- the destinations of school leavers
- the arrangements for visits to the school by prospective parents
- the number of places for pupils of normal age of entry in the preceding school year and the number of written applications/preferences expressed for those places

#### 2. GOVERNORS' INFORMATION PUBLISHED IN THE SCHOOL PROFILE AND IN OTHER GOVERNING BODY DOCUMENTS INCLUDING THE INSTRUMENT OF GOVERNMENT AND GOVERNORS' CONSTITUTION

This section sets out information published in the school profile and in other governing body documents:

- The name of the school
- The category of the school
- The name of the governing body
- The manner in which the governing body is constituted
- The term of office of each category of governor if less than 4 years
- The name of anyone entitled to appoint any category of governor
- Details of any trust
- If the school has a religious character, a description of the ethos
- The date the instrument takes effect

Minutes of meetings of the governing body and its committees

- Agreed minutes of meetings of the governing body and its committees current and last full academic school year.

#### PUPILS & CURRICULUM POLICIES:

This section gives access to information about policies that relate to pupils and the school curriculum



Class	Description
Admissions Policy	Policy detailing the school's procedures on admitting pupils to the school
Behaviour Policy	Statement detailing expectations of pupils' behaviour and consequences of acting outside of these requirements
Careers Education Policy	Statement of the programmes of careers education provided for Key 4.
Child Protection Policy	Statement of policy for safeguarding and promoting welfare of pupils at the school. (from March 2004)
Collective Worship	Statement of arrangements for the required daily act of collective worship
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Emergency Care in Schools Policy	Policy detailing first aid in school, the handling of medication and the treatment of pupils with medical conditions.
Equal Opportunities policy	Which incorporates the Disability Equality, Gender Equality and Race Equality Policies
Home School Agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
Pupil Discipline	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying
Safeguarding Policy	Statement of policy for the safeguarding of pupils and the procedures in place to ensure their safe wellbeing whilst in school care
Sex Education Policy	Statement of policy with regard to sex and relationship education
Special Education Needs	Policy Information about the school's policy on providing for pupils with special educational needs

School Policies and other information related to the school – this section gives access to information about policies that relate to the school in general

Class	Description
Charging & Remissions	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips
Complaints Procedure	Statement of procedures for dealing with complaints
Health & Safety	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy

Performance Management of Staff	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
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There are a number of other policies held by school which are available upon request