

HADLEIGH INFANT & NURSERY SCHOOL



Statutory Request for Information Policy 2019 - 2020

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Other contributors	IGS
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Other related policies	Data Protection Policy Security Incident Policy Data Handling Security Policy Acceptable Personal Use Policy Privacy Notice Complaints Policy
Other paperwork attached	

Version History Log for this document

Version	Date Published	Details of key changes from previous version
2	Feb 19	Changed references from DPA 1998 to DPA 2018.

Roles within the school

Data Protection Officer (DPO) - L. Almond

Senior Information Risk Owner (SIRO) - Mr. S. Proctor

Information Champion (IC) - Mrs. A. Cain

Information Governance Governor (IGG) - Mr. I. Holroyd

Statutory Requests for Information

Requirements for managing requests for information to comply with the Freedom of Information Act 2000 (FOI), the Environmental Information Regulations (EIR), the Data Protection Act 2018 (DPA).

What I must do	Why I must do it	How I will do it
We must correctly identify the law which applies to the information being requested and manage the request in compliance with that law.	The requestor does not have to specify under what legislation they are making a request. It is our responsibility to correctly identify which legislation applies.	Follow guidance and training to correctly identify whether the request should be handled under FOI, EIR or DPA/GDPR.
Information should be released unless there a strong legal justification for withholding it.	We serve the public. We should not hide information from them. The Acts are intended to make us more accountable to the public, to make our processes more transparent, and to encourage the public to trust us. Information should be released unless we can strongly justify withholding it (embarrassment is not a sufficient reason to withhold information). In some cases, we may have to release non-personal information because it is in the public interest although it might otherwise have been considered exempt. Also, it is a legal offence to deliberately withhold or destroy requested information where there is no legal reason to do so.	By following the points of this policy and accompanying guidance and training.
Whenever we refuse to provide information, we must clearly and fully explain the reasons why.	We will not be obliged to provide all or part of the information requested if a legal justification applies. If we believe a reason does apply then we must help the public to challenge our decisions effectively by giving our reasons and doing so clearly and fully in line with the requirements of the Acts. This is a legal requirement.	Ensure the employee making decisions about what can be released and drafting the response has access to legal guidance in order to make the response full and compliant with the law.

We must provide advice and assistance to people making a request.	The Acts require us to assist requestors, especially where we may be considering refusing a request, in guiding the public on how to clarify or re-scope their request to achieve the best outcome. This is a legal requirement.	Discuss the likely response with the requestor if their request is likely to be refused and explain options that would help them receive as useful a response as possible within the limits of the law. Although we should not ask requestors what they intend to do with the information they have requested, we can explain what we do hold and what is likely to be disclosable to them.
We must always try to reply as quickly as possible, but always within the legal deadline.	The laws provide statutory deadlines for responding to a request; FOI & EIR – 20 working days, DPA – 40 calendar days (but 20 working days under GDPR from May 2018). There are limited reasons to extend the deadlines. The laws expect information to be well managed and accessible, therefore there is an assumption that requests should be routinely responded to well in advance of the deadline.	We must record performance against the statutory deadlines to ensure we are aware of how well we are complying with the law and to help make changes to processes if necessary.
All employees must promptly provide all relevant information to a request co-ordinator if asked for it.	In order to comply with regulator and corporate targets for fulfilling requests, all employees have a role to play in making information relevant to the request available promptly so that a response can be drafted within the timescale.	Make sure the information you manage is accessible and well structured so that you can retrieve it quickly when requested.
If we decide to charge for information, we must do so in accordance with a published policy.	The laws require us to make clear the basis for charging to ensure that charges are fair and un-obstructive. We must tell requestors whether a charge applies before we provide the information and we should tell them what that charge will be.	It is not lawful to charge for information without a published policy explaining the basis for arriving at a fee. In the absence of a published policy, charges are not made.

Where reasonable and practical, we must provide the information in the format requested by the applicant.	The act's duty on us to provide information in a format that the requester would find most convenient to their needs. We may refuse unreasonable demands and charge in certain cases, but in principle the requester should be able to receive the information in the way they specify.	There must be strong prohibitive reasons not to provide information in a format that is within our ability to provide. Conversion to a new format is however different to having to significantly edit and rearrange information to make it legible in the format requested. Under the latter circumstances, a refusal may be valid but advice should be sought if unsure.
When we respond to a request, we must tell the requestor about our internal review process.	It is a requirement of the act to have an internal review process. Where a requestor expresses dissatisfaction with a response, this must be treated as a complaint. The act states that expressing dissatisfaction is enough to require us to treat it as such. The ICO requires us to complete the internal review process before it will accept an escalation of a complaint to their office.	We choose to manage complaints (known as Internal Reviews) within 20 working days. Where a simple error has been made in the response it may be that the issue can be resolved informally. If not, then a full review of how the request was handled is required. This must be undertaken by an employee who was not involved in drafting or approving the original request, although the employee drafting the response may discuss how the original request was handled with those involved.
When responding to a complaint, we must advise the requestor that they may complain to the ICO if they remain unhappy with the outcome.	This is a statutory requirement.	Ensure that the contact details for the ICO are provided to the requestor on any response documentation and explain when it is appropriate to escalate a complaint to the ICO in order to make requestors aware of their rights.

What if I need to do something against the policy?

If you believe you have a valid business reason for an exception to these policy points, having read and understood the reasons why they are in place, please raise a formal request by contacting Mr. S. Proctor (Head Teacher - SIRO - head@hadleigh-inf.essex.sch.uk)

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.

Contacts

If you have any enquires in relation to this policy, please contact Mr. S. Proctor (the school's Head Teacher) on 01702557979 or head@hadleigh-inf.essex.sch.uk . The Head Teacher will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office - www.ico.gov.uk