Bismilahir-Rahmanir-Rahim

IQRA SLOUGH ISLAMIC PRIMARY SCHOOL (ISIPS)

Freedom of Information Guidance

We Learn, We Lead, We Inspire

Review Date...1st September 2026.....

Approved by the Governing Body

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THE FREEDOM OF INFORMATION ACT 2000
(Including the Environmental Information Regulations 2004)

PRACTICAL GUIDANCE NOTE FOR MEMBERS & OFFICERS

1. Background

The Freedom of Information Act 2000 (the "Act") received Royal Assent on the 30th of November 2000. It establishes a general right of access to information (not just documents) held by public authorities, which includes local authorities.

From 1 January 2005, all information generated and stored in manual and electronic form (including email) by public authorities may be requested by members of the public and organisations (see 'Section 3 "Who can make a Request?"'). The Act is fully retrospective, i.e. requests can be made for any information created before the Act was passed.

The definition of a local authority is adopted by the Act from the Local Government Act 1972. Its scope therefore includes the Members (including the Mayor) and officers acting in their official capacities.

For the purposes of the Act, information is held by the Council if:-

(a) it is held by the Authority, rather than on behalf of another party, or
(b) it is held by another party on behalf of the Council.

Members and Officers should therefore be aware that although information may not be in their actual possession for the purposes of the Act, it may still be deemed to be held by the Council if it is "held by another person on its behalf. For example, information may be held by the Authority where it is in the possession of a contractor.

The Act is regulated by the Information Commission whose responsibility for regulating both Freedom of Information and the Data Protection Act 1998 (the "DPA"), is now combined.

1.6 This Guidance applies generally to requests for environmental information made under the Environmental Information Regulations 2004 ("EIR") which comprises a similar but not identical statutory regime. A flow chart at the end of this note shows which statutory regime applies to a request for information. The differences between the Act and EIR are set out in Appendix 1. EIR applies in the main to the Directorate of the Green and Built Environment. Members and Officers with responsibility/duties for service areas within G&B should familiarise themselves with the EIR.

1.7 This Guidance is based upon current advice from the Government and the Information Commissioner. As the interpretation of the Act is still subject to much debate and discussion this Guidance, and the way that the Council handles information requests, will continue to evolve in light of emerging practice and case law.

2. Publication Scheme

2.1 The Council is required to maintain a Publication Scheme setting out the following:-

(a) what information it publishes or intends to publish as a matter of course,
(b) how this information will be published, and
(c) whether the information is available free of charge or on payment of a fee.

The Publication Scheme is intended to promote an increasing culture of openness by encouraging the proactive publication of material held. The purpose of the Scheme is to make sure that a significant and growing amount of information is easily available without the need for individuals to make a specific request. Much of the material listed in the Scheme will be found on the Council's website or in printed material freely available from the Authority.

2.2 The Council have recently adopted its Publication Scheme which can be found on its website at www.slough.gov.uk (click 'Council & Democracy'). It includes environmental information under the EIR.

2.3 If the Charge to be made is dependent on the format in which the information is provided, this should be made clear in the Scheme. For example, information may be available free of charge on the public authority's website although a charge will be made to provide information in hard copy. Similarly, the Publication Scheme may specify that single copies of a document will be provided free of charge while requests for multiple copies of the same document may attract a fee. It should be noted that the Act does not authorise a public authority to charge for information for which it would not, or could not otherwise, levy a charge.

2.4 It is the view of the Information Commissioner that it is not sufficient to make a general statement that a charge may be made for the provision of information included within a Publication Scheme. Where charges are to be made, they should be stated clearly.

2.5 There is no requirement under the Act to specify a time within which the information will be provided although the Information Commissioner will expect information included in the Scheme to be provided in a timely manner. The nature of the information included in the Publication Scheme is such that it should be available "off the shelf' so that it may be provided to an applicant without delay or simply downloaded by the applicant from the Council's website.

3. Who can make a Request?

3.1 From 1 January 2005, any person can request information held by the Council. This could be an individual, a business, a company, a Councillor, an association; journalists too will be able to request information using the Act.

3.2 A request for information need not specifically mention the Act, nor need the applicant give a reason for wanting to see the information. However the Act only applies to written requests but this includes email and fax. The Council has a duty to assist applicants make such a request if they require help in doing so.

4. What can people ask for?

Requests can be made for any recorded information held by the Council. This includes information in all formats such as paper files, photographs, videos, maps and emails. The Act relates to information irrespective of where that information may be stored.

The applicant can express a preference for communication of the information. There are three options:

(a) A copy of the information in permanent form or another form acceptable to the applicant.

(b) The provision of a reasonable opportunity to inspect a record containing the information

(c) A digest or summary of the information in permanent form or another form acceptable to the applicant.

5. Complying with a Request

Right of Access

5.1.1 The Act provides that any person making a request for information is entitled (a) to be informed in writing by the Council whether it holds information of the description specified in the request (referred to as the "duty to confirm or deny") and (b) if that is the case, to have that information communicated to him.

5.1.2 As indicated above a "request for information" referred to in the Act is any request which is

(a) in writing (which includes e-mail or fax),
(b) in legible form,
(c) capable of being used for subsequent reference,
(d) states the name of the applicant and an address for correspondence and
(e) describes the information requested.

5.1.3 The applicant may express a preference for communication of the information as set out in paragraph 4.2 above. Where the Council communicates information to the applicant it is taken to have complied with the duty to confirm or deny. Information which is subject to this duty is the information held by the Council at the time when the request is received.

5.1.4 If the Council decides that it is not reasonably practicable to comply with the applicant's preference, for example, owing to the cost involved, reasons must be given to the applicant.

5.1.5 It is a criminal offence for the Council (through its Members and/or Officers) to alter, deface, block, erase, destroy or conceal any record held by it once the request for information has been received with the intention of preventing the disclosure of all or part of the information to the applicant. The offence is summary with a maximum fine which currently stands at £5,000.

5.2 Time for Compliance

5.2.1 The Council must comply with a request for information promptly and, in any event, not later than 20 working days following the date of receipt of the request.

5.2.2 However there are four exceptions to the duty to provide the information within the stated time limit namely:-

(a) where the Council has given the applicant a Fee Notice (see paragraph 5.7 below) and the applicant has paid the fee within three months of the date the Fees Notice was given. The working days in the period starting with the day on which the Fees Notice was given to the applicant and ending with the day on which the fee is received by the Council are disregarded for the purposes of calculating the 20 working day period;

(b) where it is possible that one of a number of qualified exemptions applies, and the Council is considering the public interest test, it need not comply with a request until such time as is reasonable in the circumstances. However, the Council should aim to make all decisions within the 20 working day period (for more information on the exemptions see paragraph 7 below);

(c) where the Secretary of State had made regulations that extend the 20 working day period up to a maximum of 60 working days. Such regulations have already been made in relation to schools (where a 20 working day period is not appropriate due to the premises being unoccupied during school holidays).

(d) where the Council reasonably requires additional information to locate the information requested and has informed the applicant of this. In these circumstances the 20 working day period will commence the day after it receives the further information. The Council should act promptly in requesting such additional information from the applicant as a deliberate delay would not be acceptable to the Information Commissioner.

5.3 Fees

5.3.1 The Council may elect to charge a fee if the estimated cost of complying with a request for information exceeds the "appropriate limit" of £450. In order to calculate whether the cost of compliance will exceed this amount, the Council must calculate the time to be spent at a rate of £25 per hour per person. Where the estimated cost of compliance is less than this appropriate limit, the Council may only charge for its reasonable expenses, such as photocopying and postage.

5.3.2 If the estimated cost of compliance exceeds the £450 limit, and the Council nevertheless decides to comply with the request, it must notify the applicant, of its intended charges within the time limit for complying with the request by issuing a Fees Notice. Such fees can be set by the Council at any level, provided that they are reasonable. However, the Council is not obliged to charge a fee in such circumstances and where the information requested may be of general interest to the public, the Council should consider publishing it as part of its Publication Scheme.

5.4 Advice & Assistance

5.4.1 It should be noted that the Council is under a duty to provide such advice and assistance, so far as reasonable, to persons who have made, or propose to make, requests for information to it.

6 Refusal of a Request

6.1 General

6.1.1 The Council may only refuse to comply with a request for information in the following circumstances:-

(a) where an exemption to the Act applies (see paragraph 7 below)

(b) where the Council reasonably requires further information to identify and locate the information requested and has requested such information but the applicant has failed to supply it;

(c) where the request is vexatious (as to which see below at paragraph 6.2);

(d) where the Council has previously complied with an identical or substantially similar request from the same applicant and a reasonable time has not elapsed between compliance with the previous request and the making of the current request;

(e) where the Council estimates that the cost of complying with request will exceed the "appropriate limit" of £450.

6.2 Vexatious Requests

6.2.1 The Council may decline to comply with a request for information on the grounds that the request (not the person) is vexatious. A request will not be vexatious simply because it is difficult to understand why the applicant would want it or because considerable effort is required to retrieve the information. The fact that this might cause annoyance or embarrassment to the Council, its Members and Officers is irrelevant.

6.3 Procedure for refusing a Request

6.3.1 Where the Council consider the request to be vexatious, repeated or involving costs exceeding the appropriate limit of £450 it must give the applicant a notice setting

out the reasons for the refusal. This must be achieved within the 20 working days rule.

6.3.2 This does not apply where (a) the Council is relying on a claim that the request is vexatious or repeated; and (b) the Council has already given the applicant a notice in relation to a previous request for information stating that it is relying upon such a claim; and (c) it would, in all the circumstances, be unreasonable to expect the Council to serve a further notice setting out the reasons for the refusal in relation to the current request.

6.4 Procedure where an Exemption to the Act applies

6.4.1 If the Council is relying to any extent upon a claim that one of the exemptions contained in the Act applies (see Appendix 2) it must, within the timescale for complying with the request, give the applicant a notice which states that one of the exemptions relating to the duty to confirm or deny is relevant, or that the information is exempt information. The notice must also specify the exemption in question and state why the exemption is engaged.

6.4.2 If a decision has been made as to the application of the public interest test the notice must state with a reasoned explanation that the public interest in maintaining the exclusion of the duty to confirm or deny, or in maintaining the exemption (as applicable) outweighs the public interest in disclosing whether the Council holds the information, or in disclosing the information (as applicable).

6.4.3 The Council is not obliged to state why an exemption applies, having applied the public interest test, or why it has decided not to disclose or to refuse to confirm or deny if, or to the extent that, a statement would involve the disclosure of information which would itself be exempt information.

6.5 Requirements relating to all Refusal Notices

6.5.1 Where any FOI Officer handling a request considers that one or more of the exemptions applies then s/he should draft a Refusal Notice and then seek advice from the Information Officer within the Resources Department as to the appropriateness of the exemption(s). The information requested must be considered and read prior to any decision that an exemption(s) is/are engaged. A list of all of the Exemptions that may apply are annexed at Appendix 2 with the most commonly used in local government marked with an asterisk.

6.5.2 Templates for a variety of Refusal Notices are annexed at Appendix 3. All the notices referred to above contain particulars of the internal procedure the Council has for dealing with complaints about the handling of requests and of the right for applicants to appeal to the Information Commissioner against the decision. An example of a Refusal Notice relating to the non-disclose of personal data to a third party is attached as Appendix 4.

7. EXEMPTIONS

7.1 Generally

7.1.1 As can be seen from Appendix 2 there are two categories of exemptions; Absolute and Qualified. A summary of the most relevant exemptions to the Council are contained in Appendices 5, (Absolute) and (Qualified).

7.1.2 If a provision of the Act confers an absolute exemption, there is no duty on the Council to consider the public interest test. If the exemption is engaged, the information requested need not be disclosed and, in many cases, the Council is not obliged to comply with the duty to confirm or deny whether it holds the requested information.

7.1.3 If a provision of the Act confers a qualified exemption, the Act requires the Council to consider firstly whether or not the exemption applies, taking into account the prejudice test where applicable, and secondly, if the exemption does apply, the public interest test.

7.2 The Effect of the Exemptions

7.2.1 Where any of the exemptions in the Act states that the duty to confirm or deny does not arise in relation to any information, the effect of the provision is that:

- Where the provision confers an absolute exemption, the duty to confirm or deny does not apply; and

- Where the provision confers a qualified exemption, if the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Council holds the information, the duty to confirm or deny does not apply.

7.2.2 Where any provision of the Act states the information is exempt, the effect of the provision is that where either:-

- the provision confers an absolute exemption; or

- in the case of a qualified exemption the public interest in maintaining the exemption outweighs the public interest in disclosing the information

the duty to communicate i.e. disclose the information does not apply.

7.2.3 In most cases a Council will have a choice as to whether or not to apply an exemption. It is in the public interest that openness and transparency are promoted in the exercise of its public functions and, therefore, the presumption in favour of granting public access to information must be considered before any exemption is applied.

7.2.4 Some of the exemptions refer to information being exempt if prejudice would result from the confirmation or denial of the existence of the information or its disclosure. Such provisions are not to be regarded as blanket exemptions that would justify the withholding of whole categories of information. Where no prejudice is likely to

occur, the information should be disclosed subject to withholding those elements where prejudice is likely to arise.

7.3 The Public Interest Test

7.3.1 The Act provides that, in the case of qualified exemptions, the Council has to decide:-

(a) whether the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Council holds the information; or

(b) whether the public interest in maintaining the exemption from disclosing the information outweighs the public interest in communicating it.

7.3.2 The public interest test must be considered separately in relation to the duty to confirm or deny and the duty to communicate the information. There are likely to be circumstances in which the Council can confirm or deny the existence of information even thought the information itself is to be withheld from the applicant.

7.3.3 There is a presumption in favour of disclosure where a qualified exemption is engaged. It is only if the public interest factors against disclosure outweigh the factors in favour of disclosure, that a request can be refused. Therefore the Council must carry out a BALANCING EXERCISE based on the factors applying in each situation where a qualified exemption applies.

7.3.4 Public interest is something which serves the interests of the public not something which interests the public. Therefore the question to ask is *"Does it serve the interests of the public better to withhold the information rather than disclose it?"*

What to ignore

It is important to note that when considering what is in the public interest there are certain issues that should not be taken into account:-

- the information may be too technical or complicated for the applicant to understand;
- the information may be interesting to the public. This is different from what is in the public interest and it is important that the distinction is remembered;
- the information is incomplete and may therefore mislead or misinform the applicant. The solution in this situation would be to give some explanation or put the information into a proper context;
- the information would cause embarrassment or a loss of confidence in the Council;
- private interests which reveal e.g. incompetence, corruption or cause embarrassment or loss of confidence;
- the identity or motive of the applicant.

Application of the Test

- if competing public interests are equally balanced, then the Council must disclose the information;

- the public interest in maintaining the exemption is to be assessed in all the circumstances of the case;

- the Council is not entitled to maintain a blanket refusal to disclose all information of a particular type or nature (e.g. minutes of GMT). If the Council has a general policy that the public interest is likely to favour maintaining an exemption in respect of a particular type of information it must be flexibly applied and the Council must be willing to consider whether the circumstances of the case justify a departure from the policy;

- the passage of time will have an important bearing on the balancing exercise. Generally the public interest in preventing disclosure will diminish over time;

- when considering factors that mitigate against disclosure, consider the public interests expressed explicitly or implicitly in the particular exemption itself;

- the less significant the prejudice is shown to be, the higher the chance of the public interest falling in favour of disclosure;

Examples of Public Interest factors

In favour of Disclosure:-

- To promote understanding and debate on current issues.

- To promote transparency and accountability in the spending of public money.

- Improved decision making due to transparency which provides an incentive to decision makers to ensure that their decisions are soundly based on appropriate evidence and on public rather than private interests.

- To allow people and companies to understand the decisions made by the Council.

- To bring to light information affecting public health and safety.

- The information is already easily accessible or substantially in the public domain.

- The disclosure of information by the Council on request is in the public interest, to promote transparency and accountability in relation to the activities of the Authority.

AgainstDisclosure:-

- If companies would become reluctant to do business with the public sector for fear of suffering commercially due to the release of commercially sensitive information.

- If threatened to harm the frankness and candour of future discussion within an organisation.

- If disclosure would be likely to increase criminal activity, cause physical harm or cause some other harm or prejudice.

- The degree of harm, prejudice or inhibition likely to be caused is severe or frequent.

- Prevention of crime including avoiding personal distress to the victims of crime, avoiding damage to property, efficient use of police resources.

- The intrinsic value of the information is great.

- Consideration of options and the exchange of views within a "safe space".

- Maintaining the confidentiality of policy discussions in the interests of good governance and the perceived threat to candour and boldness in the giving of advice.

7.3.5 In a case where the Council withholds information on this basis, there must be a real risk that the interest protected by the exemption would be prejudiced by the disclosure.

8. Information held by Councillors

8.1 Councillors may hold information in one of three ways -

(a) through their political activities,

(b) by virtue of their Ward activities,

(c) in the course of conducting Council business through engagement with Officers and Councillors at meetings, advisory bodies etc.

8.2 Information held in connection with party political activities is outside the scope of the Act.

8.3 Information relating to a Councillor's actions on behalf of their Ward constituents will generally fall under the Data Protection Act 1998 but some may be considered as part of the Council's information.

8.4 All information relating to the business of the Council is within the scope of the Act including;

(a) Information supplied by Officers to Councillors for the purposes of discharging their duties through the Council, its Committees/Sub-Committees and the Cabinet.

(b) Information supplied to Councillors by way of Officer briefings.

(c) Information generated by Councillors that relates to Council business which has been formally submitted through the decision making processes.

(d) Information generated by Officers by way of support to a Councillor (e.g. development of analysis).

(e) Information relating to a decision or resolution once the decision has been taken.

(f) Personal comments made on reports or emails that are formally submitted through the decision making processes or to officers.

8.5 Some of such information may be subject to exemptions within the Act. In respect of briefing reports the Council may be able to rely upon exemptions relating to (i) future planned publication of the information or (ii) its disclosure being likely to inhibit the free and frank provision of advice and (iii) prejudice to the effective conduct of public affairs respectively (see **Appendices 5 & 6).**

8.6 It is considered that comments made for personal usage on reports or emails that are not circulated to others are not considered to be part of the Council's information and are thus outside the scope of the Act.

8.7 Councillors are encouraged to generate and handle information according to accepted best practice including;

(a) being objective and making statements that can be substantiated,

(b) ensuring that information is only retained for as long as it provides value and destroyed thereafter,

(c) knowing how to identify a Data Protection Subject Access Request and what to do with such,

(d) knowing where to get advice when it is needed,

(e) keeping information up to date.

8.8 Officers will not conduct searches on Councillors' PCs, emails or any Councillor maintained systems. Where information sought is considered to be solely held by Councillors, Directors or Assistant Directors will seek the information.

8.9 Councillors will need to decide what information meets the criteria of each request and edit the documents / email they hold accordingly prior to submission to the requesting Director or Assistant Director. Alternatively they may rely upon Officers to perform this task.

8.10 Any requests received by Councillors seeking information should initially be directed to the Information Officer within the Resources Department. The Officer will assess the requests, check if the information is readily available e.g. in the Council's Publication Scheme and whether any exemptions apply.

8.11 Councillors are reminded of their obligations under the Local Code of Conduct within the Constitution. In addition it should be noted that failure to disclose the relevant information may be regarded as an offence under the Act (see section 9 "Enforcement of the Act").

8.12 The scope of the Act and the application of the exemptions dictate that complex information requests will be handled on a case-by-case basis with professional advice from Legal Services where appropriate.

9. Enforcement of the Act

9.1 Compliance with the Act is monitored and enforced by the Information Commissioner, a Crown appointee who reports to Parliament. If the ICO is investigating a public authority, it can ask to see 'unrecorded information', e.g. if the Council replies to a request for information that no record was kept of a particular meeting, the Information Commissioner can ask the Council for information about what was said at the meeting.

9.2 It is a criminal offence for anyone in the Council to tamper, conceal, block or destroy information where a person has made an information request and would be entitled to the information. Individuals can be found personally liable if they commit this offence and a fine of up to £5,000 may be levied.

10. Complaints

10.1 The Council's internal complaints process should be used for handling complaints relating to FOI or EIR. The Internal Review Panel will review any FOI/EIR related complaints. A complaint form is available via the Council's website.

10.2 Individuals will have the right to complain to the Information Commissioner where they believe that their rights under the Act have not been maintained. The Commissioner can issue an enforcement notice requiring the Council to release the requested information. Rights of appeal to the Information Tribunal will exist for both the applicant and the Council.

11. Additional Information Sources

11.1 Information Commissioner's website, www.informationcommissioner.gov.uk
Department of Constitutional Affairs website, http://www.dca.gov.uk/index.htm

APPENDIX 1

DIFFERENCES BETWEEN FOI AND EIR

Background

EIR's will be interpreted in light of the Aarhus Convention and the purpose and wording of the EC Directive, ECJ Decisions on the interpretation of the Directive will apply.

Information Held

EIR's apply to information produced or received by a public authority which is either in its possession or held by a person on its behalf. Information held on behalf of a third party is therefore also included under EIR.

Valid Request for Information

An EIR request can be in any form *including a verbal request.*

Extension of Time Limit for Complying

Under EIR there is no specific extension for consideration of the public interest test. However the 20 working day period can be extended to 40 working days where the request is complex AND voluminous.

Quality of Information Disclosed

Under EIR, where information provided has been complied by or on behalf of a public authority then as far as the public authority reasonably believes, it must be up to date, accurate and comparable.

A public authority can make a reasonable charge for information under EIR.

It must publish a Schedule of Charges and information about circumstances when the charges may be waived.

It cannot charge for accessing public registers or inspecting information at the public authority's offices or other places made available for inspection.

There is no 'Appropriate Limit' threshold therefore all requests must be dealt with regardless of costs.

Public Interest Test

The public interest test must be applied to all exceptions.

Exceptions

The exceptions to disclosure under the EIR are significantly different and generally more restrictive than the exemptions under FOI.

Can be categorised into:-

Regulation 12(4): General exceptions i.e. if information falls within a particular type, it will be accepted.

Regulation 12(5): Specific exceptions i.e. the disclosure of information would adversely affect the interests set out in the exception.

Proactive Dissemination of Information

Under EIR, a public authority must progressively make information available to the public by electronic means and take reasonable steps to organise information with a view to active and systematic dissemination of information to the public.

Complaints

Under FOI, the Code of Practice recommends that a public authority have a complaints procedure. However under EIR, an applicant has a right to make representations to a public authority with 40 working days of the authority's failure to comply with the EIR and the Authority must review whether it has complied and respond within 40 working days of receipt of a complaint.

APPENDIX 2

FREEDOM OF INFORMATION ACT 2000

Exemptions

Section FOIA	Description of Exempt Information	Class or Prejudice Based	Most Relevant to LA
	Absolute Exemptions		
Section 21	Information accessible to applicant by other means.	C	II
Section 23	Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates).	C	
Section 32	Court records, etc.	C	
Section 34	Parliamentary privilege (a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliaments, in respect of the House of Lords is conclusive proof that the exemption is justified).	C	
Section 36	Prejudice to effective conduct of public affairs (only applies to information held by House of Commons or House of Lords).	P	
Section 40	Personal information (where the applicant is the subject of the information. The applicant already has the right of "subject access" under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the Data Protection Principles).	C	II
Section 41	Information provided in confidence.	C	II
Section 44	Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.	C	

Section FOIA	Description of Exempt Information	Class or Prejudice Based	Most Relevant to LA
	Qualified Exemptions		
Section 22	Information intended for future publication	C	../
Section 24	National security (other than information supplied by or relating to named security organisations under section 23, where the duty to consider disclosure in the public interest does not arise).	P*	
Section 26	Defence.	P	
Section 27	International relations	P [s27(1)] C [s27(2) & s27(3)]	
Section 28	Relations with the United Kingdom	P	
Section 29	The economy	P	
Section 30	Investigations and proceedings conducted by public authorities	C	../
Section 31	Law enforcement	P	../
Section 33	Audit Functions	P	
Section 35	Formulation of government policy, etc	C	
Section 36	Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords).	P*	../
Section 37	Communications with Her Majesty, etc and honours	C	
Section 38	Health and Safety	P*	../
Section 39	Environmental information as this can be accessed through the Environmental Information Regulations.	C	../
Section 40	Personal information about third parties where disclosure would be in breach of the Data Protection Act, a Section 10 Notice or where a third party would not have access themselves under the DPA.	C	../
Section 42	Legal professional privilege.	C	../
Section 43	Commercial interests.	P [s43(1)] C [s43 (2)]	../

* Use alternative words for prejudice e.g. inhibit, harm and endanger

APPENDIX 3(A)

ABSOLUTE EXEMPTION

Department: *[Insert Details]*
Contact Name: *[Insert Details]* Your Ref: *[Insert Details]*
Telephone Number: *[Insert Details]* Our Ref: *[Insert Details]*

Dear *[Insert Details]*

Reguest for Information -*[Insert title of request/subject matter/*

I refer to your request for *[insert details and date}.* I now reply to your request as follows:-

1. Formal Decision

The Council are satisfied that the information that has been requested is exempt from disclosure by virtue of Section(s) *[insert relevant exemption(s) reference]* of the Freedom of Information Act 2000 (the "2000 Act"). The relevant statutory provision(s) is/are set out in paragraph 2 below.

2. Relevant Statutory Provision(s)

[Insert relevant statutory provision(s)]

3. Reasons for Decision

[Insert reasons here]

4. Right of Appeal

It is therefore concluded that it would not be in the public interest to disclose the information you seek for the reasons set out above and thus disclosure is refused under Section(s) [insert *details*] of the 2000 Act.

Ifyou disagree with the decision made then you are at liberty to request the Council to have it reviewed by the Borough Secretary and Solicitor. If you wish to exercise this right please write/e-mail *[Insert details]* within the next 14 days.

If after any review you disagree with the decision made then you have a right under Section 50 of the Freedom of Information Act 2000 to appeal against the decision by contacting the Information Commission, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, enquiries@ico.gsi.gov.uk.

Yours faithfully

APPENDIX 3(B)

QUALIFIED EXEMPTION

Department: *[Insert Details]*
Contact Name: *[Insert Details]* Your Ref: *[Insert Details]*
Telephone Number: *[Insert Details]* Our Ref: *[Insert Details]*

Dear *[Insert Details]*

Request for Information - *Onsert title of request/subject matter/*

I refer to your request for *[insert details and date}.* I now reply to your request as follows:-

4. Formal Decision

The Council are satisfied that the information that has been requested is exempt from disclosure by virtue of Section(s) *[insert relevant exemption reference]* of the Freedom oflnformation Act 2000 (the "2000 Act"). The relevant statutory provision(s) is/are set out in paragraph 2 below.

5. Relevant Statutorv Provision(s)

[Insert relevant statutory provision(s)]

6. Reasons for the Decision/Public Interest Test

[Insert reasons and analysis of the public interest test here]

4. Right of Appeal

It is therefore concluded that it would not be in the public interest to disclose the information you seek for the reasons set out above and thus disclosure is refused under Section(s) [insert *details here*] of the 2000 Act.

Ifyou disagree with the decision made then you are at liberty to request the Council to have it reviewed by the Borough Secretary and Solicitor. If you wish to exercise this right please write/e-mail *[Insert details]* within the next 14 days.

If after any review you disagree with the decision made then you have a right under Section 50 of the Freedom of Information Act 2000 to appeal against the decision by contacting the Information Commission, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, enguiries@ico.gsi.gov .uk.

Yours faithfully

Dear Sir/Madam

Request for Information - Residents Petition Relating to Northern Road and Cumberland Avenue Traffic Management

I refer to your recent request for a copy of the residents' petition presented to the Council on 11th January, 2006 and now write to inform you that I have considered your request and decided to refuse to disclose the information requested for the reasons set out below.

1. Formal Decision

We are satisfied that the content of the petition contains personal data and is thus exempt from disclosure under Section 40(2) of the Freedom of Information Act 2000 (the "2000 Act") .

2. Commentary on the Relevant Legal Provisions

The petition referred to in your e-mail dated 8th January, 2009 contains "personal data" as defined in the Data Protection Act 1998 (the "2998 Act") i.e. it contains names and addresses of living individuals. Any disclosure of that information under the 2000 Act would fall within the definition of "processing" data within the 1998 Act.

Therefore, regard must be had to the data protection principles in order to determine whether such personal data can be disclosed. In practice, this requires consideration of the First Data Protection Principle which provides that personal data shall be processed fairly and lawfully and shall not be processed unless one of the conditions in Schedule 1 of the 1998 Act is met.

The concept of fairness for the purposes of the First Data Protection Principle is explained in Part II of Schedule 1. It is concerned essentially with the method by which the information is obtained and in particular with whether the person from whom it was obtained was deceived or misled.

The question of lawfulness is best considered in conjunction with Schedule 2 of the 1998 Act. Condition 1 of that Schedule provides that the processing will be lawful if the data subject has given his consent. The only other relevant condition in the circumstances is Condition 6(1) which provides as follows:-

> *"the processing is necessary for the purposes of the legitimate interest pursued by the data controller or by the third parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedom or legitimate interests of the data subject."*

In order to satisfy Condition 6(1) the legitimate interest of the person to whom the data will be disclosed must outweigh the prejudice to the rights, freedoms and legitimate interests of the data subject.

It is widely accepted that there is no presumption in favour of the release of personal data under the general obligations contained in the 2000 Act. The guiding principle is the protection of the fundamental rights and freedom of persons and in particular their right to privacy with respect of the processing of personal data.

3. Factual Analysis

There is nothing on the face of the petition that suggests that the signatories were aware of their personal details would be put into the public domain by the Council and for that reason alone Condition 1 of Schedule 2 to the 1998 Act does not apply.

The subject matter of the petition is not one where the signatories would expect their personal data to be released into the public domain. It is considered that they would expect the Council to take into account the petition but keep their personal details confidential when the proposed traffic calming measures were discussed and any decision made. It would have been different if the petition related to a planning matter i.e. was submitted as part of the planning process as there is a general expectation that all objections or comments of support form part of a planning file which is open to public inspection by law.

Whilst it is accepted that you have a legitimate interest in seeking to discover the weight of objection and the reasons for those objections from local residents about the proposed traffic cycleway and traffic calming measures in Northern Road and Cumberland Avenue it is not necessary for you to achieve that objective by the public disclosure of the names and addresses of the signatories.

It is therefore concluded that the right to privacy of the signatories outweighs the need for the disclosure of such personal information. Thus, disclosure of the petition (other than the redacted version already sent to you) is refused under Section 40(2) of the 2000 Act.

However, in order to be helpful I can confirm that 57 local residents who signed the petition were from Northern Road and 11 from Cumberland Avenue.

4. Right of Appeal

If you disagree with the decision made then you are at liberty to have it reviewed by he Council's Internal Review Panel. If you wish to exercise your right please write to FOi Officer at *[insert details]* Slough Berkshire as soon as possible.

If you disagree with the decision of the Internal Review Panel then you have a right under Section 50 of the Freedom of Information Act 2000 to appeal against the decision by contacting the Information Commission, Wycliffe House, Water Lane, Wilmslow SK9 5AF enquiries@ico.gsi.gov.uk.

Yours faithfully

APPENDIX 5

RELEVANT ABSOLUTE EXEMPTIONS

1. Information Accessible to the Applicant by other Means (Section 21)

If the information is reasonably accessible otherwise than by virtue of the applicant exercising his right to request information under the Act, it is exempt information. This will be a question of fact in each case and the circumstances of the applicant may have a bearing on whether the exemption applies in a particular case (e.g. is the applicant disabled?)

This exemption applies only to the duty to communicate information; the Council is still required to confirm that it holds the information. Information which the Council has a statutory duty to disclose to members of the public on request is to be taken as reasonably accessible to the applicant. If, however, there is no statutory duty to communicate the information requested, or if the duty is only to make the information available for inspection, the availability of the information from the Council on request can only be regarded as reasonably accessible to the applicant if it is made available under the publication scheme- see paragraph 2 above.

Examples of Information falling under this Exemption:-

- *Information contained in the Publication Scheme (unless the format in which it is made available will mean that it is still not reasonably accessible in the applicant's particular circumstances as they have been brought to your attention).*

- *Information available from the Local Land Charges Registry.*

- *Information available from H M Land Registry.*

- *Information about* a *limited company which could be obtained from Companies House.*

- *Agendas, minutes and reports of council meetings and lists of Council Members accessible under Part VA of the Local Government Act 1972, provide they are in the Publication Scheme.*

2. Personal Information (Section 40) (part Absolute and part Qualified exemption)

The exemption contained in this Section concerns any information which constitutes personal data as defined by the (Data Protection Act 1998).

The importance of this exemption should not be underestimated given the large amount of information held by the Council concerning living individuals. The exemption divides "personal data" into two broad categories:

(a) personal data which relate to the individual who is applying for information ("the Data Subject"); and

(b) personal data which relate to an identifiable living individual other than the applicant ("third party").

These two categories of information attract different levels of exemption as follows :-

Request for Personal Data - The Data Subject

This exemption applies where an applicant makes a request under the Act to the Council for information about himself. This is an absolute exemption and, consequently, there is no need for the Council to consider the public interest with regard to the application of the exemption.

The effect of this exemption ensures that the right of access of an individual to information about himself is exercised under the relevant provisions of the DPA which provides the individual with a right of access to personal data of which he is the data subject (the right of "subject access") and not pursuant to the Act.

It should be noted that those elements of a Subject Access Request which fall under the DPA must be dealt with within 40 days and those elements of the request which fall within the Act must be dealt with within 20 working days.

The duty to confirm or deny does not arise in relation to personal data of which the applicant is the data subject. The data subject can obtain this information under the DPA.

Request for Personal Data - Third Party

Information which constitutes personal information about a third party, will be exempt if disclosure of the third party personal information would:-

- Breach the data protection principles; or

- Breach the third party's right to prevent processing likely to cause damage or distress; or

- Be exempt from disclosure under the subject access provisions of the Data Protection Act if the third party made a request for the information.

Examples

- *Personal information (e.g. name, address, occupation) about anyone other than the applicant e.g. another member of the public, the names of* a *contractor's employee which have been submitted in* a *Tender document.*

- *This may include personal information about an Authority employee, e.g. salary details and in some circumstances, names.*

THIS IS A COMPLICATED EXEMPTION AND ALL DRAFT REFUSAL LETTERS ON THIS GROUND SHOULD BE CLEARED BY A SOLICITOR WITHIN LEGAL SERVICES. (APPENDIX 4 GIVES AN EXAMPLE).

3. Information provided in Confidence (Section 41)

Information is exempt information if it was obtained by the Council from another person, including another public authority, and the disclosure of that information to the public (otherwise than under the Act) by the Council would constitute a breach of confidence actionable by any person.

The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial would constitute an actionable breach of confidence. Information is only exempt information if it is obtained under a duty of confidence. The exemption will not apply where the information passes between different parts of the Council.

It should be noted that this is a narrow exemption that only applies in very limited circumstances and will not automatically apply to all documents marked "confidential". In order for there to be an actionable breach of confidence the following must apply:-

(a) the information must have the necessary quality of confidence about it.

(b) it is not in the public domain and must not have been treated by the disclosing party as non-confidential.

(c) the information must have been imparted in circumstances subject to an obligation of confidence (for example, under an agreement between the disclosing party and the receiving party that it would be kept confidential).

(d) there must be an unauthorised use of the confidential information to the detriment of the disclosing party.

This exemption may be of particular importance to private sector organisations but the Information Commissioner's guidance on this exemption highlights that the courts have recognised a number of situations where a duty of confidence can be overridden, most importantly for the purposes of the Act, where there is an overwhelming public interest in disclosing the information.

Examples of information likely to fall under exemption

- *Profit margins of a supplier under* a *contract to* a *public authority which may have been disclosed in the tendering process.*

- *The content of unsuccessful tender documentation submitted by tenderers.*

APPENDIX &

RELEVANT QUALIFIED EXEMPTIONS

The qualified exemptions subject to the public interest test are as follows:

1. Information intended for future publication (Section 22)

Information is exempt information if it is held by the Council with the intention of future publication (whether or not the date for future publication has been determined) and it is reasonable in all the circumstances that the information should be withheld from disclosure until such time as the information is published by the Council.

The Council is not under a duty to confirm or deny the fact that it holds the requested information if to do so would involve the disclosure of information which falls within the conditions referred to above.

If the Council seek to rely on this exemption it will be expected to be able to produce some evidence to substantiate the claim that there was, at the time the request was made, a settled intention to publish.

Examples of Information falling under this exemption:-

- *Information relating to research projects which would be inappropriate to publish until the project had been completed.*

- *Statistical information which is usually published to* a *specific timetable (annually, quarterly etc.)*

- *Where the release of the information may result in unfairness to others. For example, information regarding* a *service offered on* a *first come first serve basis which would be undermined by premature disclosure.*

- *Where there is a duty to present* a *report in the first instance to* a *particular individual, e.g. in the case of a complaint, before making it generally available.*

2. Investigations and Proceedings conducted by public authorities (Section 30)

Information held by the Council is exempt information if it has, at any time, been held by the Council for the purposes of investigating an alleged commission of an offence or any criminal proceedings which the Council has the power to conduct.

Information held by the Council is exempt information if it was obtained or recorded by the Council for the purposes of its functions relating to any investigations referred to above or criminal proceedings which the Council has the power to conduct and the information relates to the obtaining of information from confidential sources.

The duty to confirm or deny does not arise.

Examples of Information falling under this Exemption:-

- *Reports, minutes of meetings, telephone notes, correspondence relating to investigations into and specific criminal proceedings undertaken by the Council. Theses criminal proceedings could include trading standards and environmental health prosecutions, prosecutions for failure to comply with licences, bye-laws, planning enforcement measures and abatement notices (in relation to nuisances).*

- *Notes of appointments to meet with informers, correspondence from informers relating to criminal proceedings or civil proceedings arising from certain investigations undertaken by the authority. Example of such civil proceedings would be proceedings to enforce planning, to prevent nuisance etc. which have arisen* as a *result of criminal proceedings/investigations.*

3. Information relating to Law Enforcement (Section 31)

Information is exempt information if its disclosure under the Act would, or would be likely to prejudice (amongst other things) the prevention or detection of crime, the apprehension or prosecution of offenders and the administration of justice.

The duty to confirm or deny does not arise if, or to the extent that, compliance with that duty would, or would be likely to, prejudice any aspect of law enforcement described in Section 31.

Description and Examples

Information requested may be exempt if it would or would be likely to prejudice:-

- *The exercise by the Council of its functions in relation to various purposes including:-*

  (a) ascertaining whether someone has breached the law. This could include information held by the authority in relation to whether civil proceedings should be brought;

  (b) whether someone is responsible for improper conduct. This could include internal proceedings such as *disciplinary proceedings against officers;*

  (c) whether regulatory action needs to be taken e.g.. In relation to breaches of environmental health;

  (d) whether a *person is fit to carry on an activity for which he seeks to become authorised. This would include information relating to the Council granting licences for activities e.g., public entertainments licences, licences for private hire vehicles;*

  (e) actions relating to health and safety. This could include an Authority's own health and safety procedures and records;

- *Civil proceedings brought by or on behalf of the Council;*

- *The* assessment *or collection of any tax or duty. This will include the decisions relating to setting bands for council tax and whether* a *house or individual*is *exempt from council tax;*

- *The prevention or detection of crime. This may include lists of where CCTV cameras are situated;*

- *The apprehension or prosecution of offenders. This could include information held by the Council about criminal proceedings brought by other Authorities such* as *the police e.g. social workers may become aware of crimes committed by juveniles which are then prosecuted by the police. Reports recording the information about this gathered by the social worker may fall within this exemption;*

- *The administration of justice. This may cover information held in relation to proceedings being brought against the Council.*

4. Prejudice to the effective conduct of public affairs (Section 36)

A qualified exemption exists in relation to information that is held by the Council and includes information, the disclosure of which would be likely to

(a) inhibit the free and frank provision of advice or

(b) inhibit the free and frank exchange of views for the purposes of deliberation, or

(c) where itwould, or would be likely to, otherwise prejudice the effective conduct of public affairs.

For example, the disclosure of confidential advice given to a local authority could mean that the person giving this advice is less likely to do so which would inhibit the free and frank provision of advice to that authority. (Note: You must consult the Monitoring Officer if you wish to apply this exemption).

5. Health and Safety (Section 38)

Information is exempt if its disclosure would, or would be likely to endanger, the physical or mental health or the safety of any individual.

The duty to confirm or deny does not arise if, or to the extent that, compliance with that duty would, or would be likely to, endanger the physical or mental health or the safety of any individual.

Examples of information falling under this exemption

- *Disclosure of information about the possible closure of* a *residential mental health facility to either* a *resident of the facility or someone who*is *likely to* pass *this information to them, which would be likely to cause harm to the resident's mental health.*

- *Information such* as a *person's identity, views or whereabouts where it would make that person vulnerable to violence by others, e.g. the identity of* a *Council employee involved in* a *decision which* has *been challenged by an individual*

6. Environmental Information (Section 39)

This section of the Act provides that the Secretary of State may make regulations to implement the Convention on the Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (the "Aarhus Convention") in so far as the Aarhus Convention relates to the provision of access to environmental information. The Environmental Information Regulations 2004 have been made by the Secretary of State which came into force on 1 January 2005.

This Act provides that information is exempt information if the Council is obliged to make it available under the Regulations, or if the Council would be obliged to make it available but for any exemption in the Regulations.

The duty to confirm or deny does not arise in relation to information which is exempt information by virtue of the above.

The Regulations are the subject of separate guidance by the Information Commissioner, available at www.informationcommissioner.gov.uk .

7. Personal Information (Section 40) - (part qualified)

This exemption is examined in detail in Appendix 5.

8. Legal Professional Privilege (Section 42)

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.

The duty to confirm or deny does not arise if, or to the extent that, compliance with that duty would involve the disclosure of any information in respect of which such a claim could be maintained in legal proceedings.

Examples of Information falling under this exemption

- *An internal memo or e-mail from an internal legal dept or a letter from an external solicitor providing legal advice to the Authority.*

- *Documents, reports and evidence gathered or produced on instruction of an internal solicitor or an external solicitor in contemplation of legal proceedings.*

NB - Reports produced prior to the contemplation of legal proceedings or without the involvement of the legal department or an external solicitor may not be legally privileged.

9. Commercial Interests (Section 43)

This is one of the key qualified exemptions for the business sector and applies to information that constitutes a trade secret or information, the disclosure of which under the Act would, or would be likely to, prejudice the commercial interests of any person, which includes the public authority holding it i.e. the Council.

The duty to confirm or deny does not arise if, or to the extent that, compliance with that duty would, or would be likely to, prejudice the commercial interests of any person, which includes the Council holding the information.

Requests for the information should be considered on a case by case basis. The application of this exemption may vary depending upon the time when the request for information is received. The expression "trade secret" is not defined in the Act but it is an expression which is understood as being something that a business would consider as giving it a commercial advantage over its competitors. The availability of the information must be restricted and it must not already be in the public domain. The information also must be definite in character.

The second part of the exemption is wider and could be used, for example, to exempt from disclosure information about tenders submitted for the award of a contract where this would harm the commercial interests of the entity providing the information. However, the extent to which the Information Commissioner interprets this exemption to include interests of public authorities in internal markets remains to be seen.

Examples of Information falling under this exemption

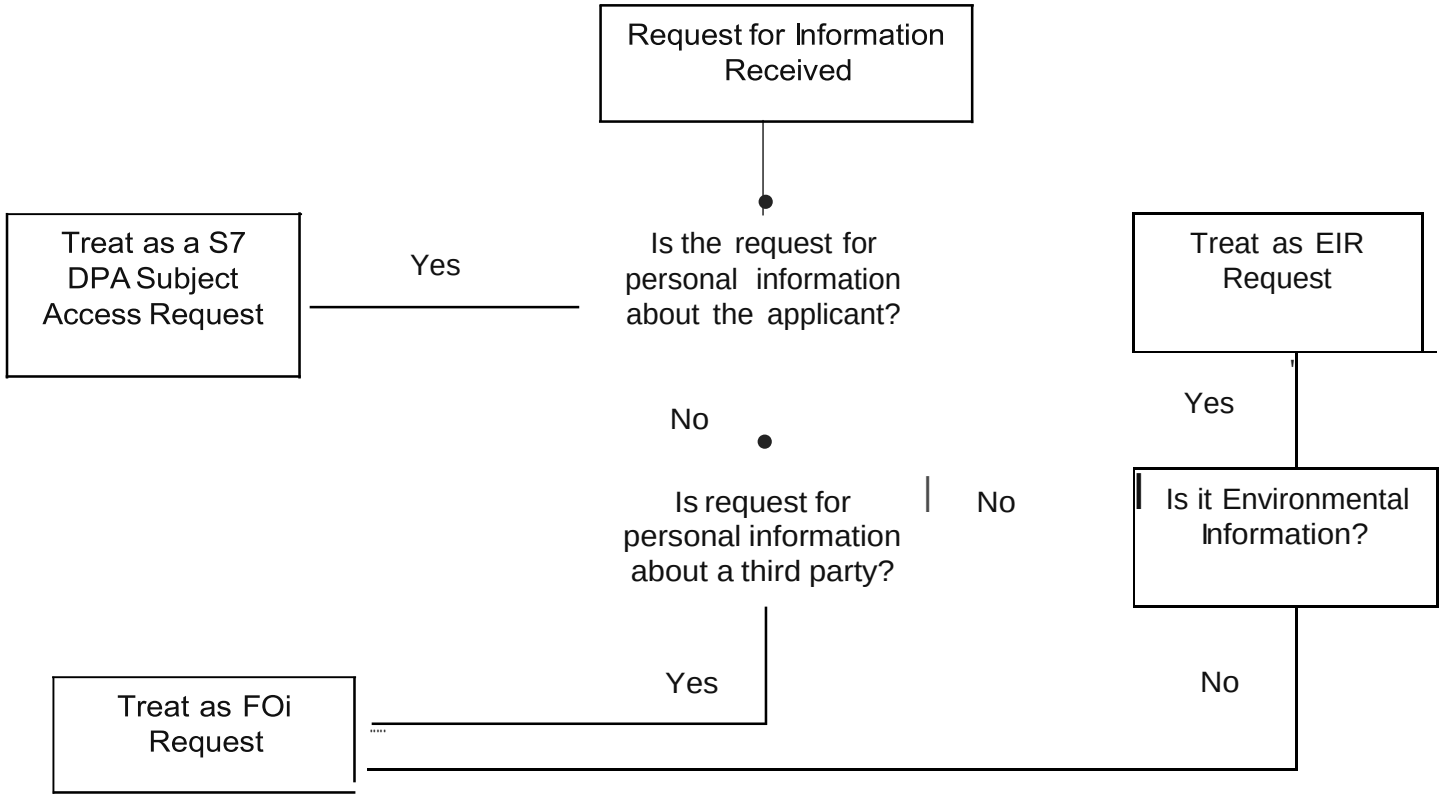
- *Trade Secrets*

  Could include the price of a tender up to the time the tender is awarded, current pricing strategy, otherwise unavailable product information, trade practices or processes which would be harmful if it fell into the hands of competitors, information relating to sales, prices and customers which would be advantageous to other companies.

- *Likely to prejudice commercial interests*

  Could include product information submitted in unsuccessful tenders such as a description of the manner in which prices are calculated as disclosure would be likely to reduce a company's competitiveness in any future tender processes.

WHICH REGIME APPLIES TO A REQUEST FOR INFORMATION?



Bismilahir-Rahmanir-Rahim

IQRA SLOUGH ISLAMIC PRIMARY SCHOOL (ISIPS)

Freedom of Information Policy

We Learn, We Lead, We Inspire

Review Date.....Oct 2014.....

Signature.....

Frequency of Review.....Annual.....

Next Review Date.....Oct 2015.....

IQRA SLOUGH ISLAMIC PRIMARY SCHOOL

FREEDOM OF INFORMATION POLICY

1. The Freedom of Information Act 2000 (FOIA)

The primary object of the legislation is to confer a right on individuals to obtain disclosure of information held by public bodies, including schools, rather than leaving public bodies to confer access to the information they hold as a favour. This is achieved in two ways:

- by imposing on public authorities a positive duty to make information available through the publication of schemes setting out what information it has decided to make routinely available and how/where the information is available to an interested individual.
- by giving the individual who makes a request for information the right to be told whether the body holds such information, and if it does, the right to have that information communicated to them, subject to exemptions.

2. Model Publication Schemes

A new model publication scheme is being adopted because of the launch of the school's new website which provides the facility for information to be accessible on the website. This is based on the 'model' publication scheme for a maintained primary school approved by the Information Commissioner.

Changes may not be made to the model without the approval of the Information commissioner, save as provided in the model by the use of square brackets.

3. What adopting the model publication scheme commits the school to do

A school has to make its publication scheme available and publish information in accordance with that scheme.

As new information is produced which falls within a class definition, it should be prepared for publication and made available.

4. How the information should be made available under the publication scheme

The scheme provides for all the information to be available on the school's website. A copy of the information will also be in paper form to be available on request as not everyone has access to the internet. See below under paragraph 9 for responsibilities.

The FOIA does not introduce any new requirements for making documents available in another language. However, account should be taken of the need to ensure accessibility to the information and conform with existing legal requirements e.g. Disability Discrimination Act.

The Freedom of Information Act aims to develop a culture of openness amongst public authorities. Schools should raise awareness of the existence and contents of the scheme among the general public and parents in particular. To do this a paragraph along the following lines will be included in the school's newsletter and website.

The Freedom of Information Act requires publicly funded bodies, including schools, to be clear about the information they publish. We have produced a publication scheme setting out all the information we publish on a regular basis and where to find it. Ask the school office to let you see the scheme or provide you with a copy free of charge.

5. The Duration of the Model Scheme

A review of the model scheme is presently underway by the information Commissioner's Office and others and if necessary a new model scheme will be adopted.

6. Freedom of Information and the Data Protection Act

Personal information is exempt under the FOIA. However individuals may continue to make a 'subject access request' under the Data Protection Act. If a request is made for a document e.g. Governing Body minutes which contains personal information, the minutes may be issued by blanking out the relevant personal information.

7. Right to request information under FOIA

There is a legal right for any person to make a request to a school for access to information held by that school. Schools are under a duty to provide advice and assistance to anyone requesting information. Enquirers do not have to say why they want the information and the request does not have to mention FOIA. The request must be in writing, which includes fax or email. All requests for information that are not covered by the Data Protection Act 1998 (i.e. from individuals to see their own personal information) or Environmental Information Regulations 1992 are covered by FOIA.

The following summary is extracted from guidance issued by the DCFS to help schools i.e. governing bodies, headteachers and school staff understand the requirements of FOIA and to handle requests for information under the Act and reference should be made to this guidance.

- Under the FOIA the governing body of every maintained school needs to ensure that employees at the school are able to comply with requests for information under FOIA.
- The FOIA adds to the framework of legislation on disclosure of information held by schools. Any request for information in writing is either a request under FOIA, environmental legislation, the Data Protection Act, or a combination of any of them.
- Schools have a duty to provide advice and assistance to anyone requesting information.
- The FOIA presumes openness. But it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. Even where certain exemptions apply, information must still be released if it is in the public interest to do so.
- DCFS advises that governing bodies and those with delegated responsibilities adopt a straight-forward approach to meeting the presumption of openness that underlies the FOIA.
- Governing bodies may choose to charge a fee for complying with a request for information. The fee must be calculated according to FOIA regulations and the person notified of the charge before supplying the information. DCFS recommends that schools respond to straightforward enquiries free of charge and charge where the costs are significant.
- There are prescribed time limits for responding to requests for information and a well managed record and information system will enable the school to reply promptly to requests.

8.Fees

The head teacher shall determine the scale of charges to be applied to the provision of information under the FOIA.

Charges will be notified to persons seeking information prior to supply.

If the request requires a lot of photocopying or large postage costs a school will need to make clear to enquirers that there could be a handling charge in line with any existing policy on charging.

9. Responsibilities

The head teacher shall be responsible for dealing with requests for information under the FOIA (including under the scheme) and for keeping a record of requests and refusals.

The head teacher will ensure that all records and information which may be supplied under the FOIA is maintained and accessible.

10. Review

This policy will be reviewed in 2012 or earlier if the Information Commissioner's Office publishes a revised model scheme to be adopted by maintained primary schools.

Further Help and Assistance

For further information contact the Public Enquiry Unit at the DCFS on 0870 000 2288 or the LBS which will be able to provide advice and support.

General enquiries about FoI, publication schemes, the FOIA or the submission process and subsequent operation of the scheme once adopted should be addressed to the FoI compliance team at the Information Commissioner's Office (see below)

To submit a bespoke scheme the procedure is detailed in the Commissioner's booklets; Publication Schemes - Approval Documentation and Guidance & Methodology. These are available on the Commissioner's website at www.informationcommissioner.gov.uk or by telephoning 0870 901 4291

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or Enquiry/Information Line: 01625 545 700, www. informationcommissioner. QOV. uk}