



POLICY DOCUMENT FRONTPAGE

POLICY NAME: Freedom of Information Policy and Procedures

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DATE GOVERNORS AGREED POLICY: February 2016

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FREEDOM OF INFORMATION POLICY AND PROCEDURES

Alec Hunter Academy is committed to openness and transparency in the provision of information to all persons or organisation who request it.

We will provide information promptly, subject to the following conditions, which are based on our duties under the Freedom of Information Act 2000 and Data Protection Act 1998:

1. Copies of reference documents, such as policy statements and procedural guidance will be provided either free of charge or as published in our Publication Scheme, which is itself available from the school office or on our website at ("<http://www.alehunter.com>")
2. We will normally confirm within **five** school days whether or not we hold the information you request and will either provide it immediately or within the **15 working days** required in respect of information contained in a student's educational record (see below); or within the **40 calendar days** as required by the Data Protection Act (with reference to other personal information); or **within 20 working days** required by the Freedom of Information Act (in respect of non-personal information). "Working Days" refers to term time only. It may not be possible to deal with requests received shortly before a holiday period until after the holiday, though the school will make every effort to provide the information as quickly as possible.
3. Where a request for information is made in person or over the telephone and is reasonably straightforward, we will respond without formality. In more complex cases we will ask you to put the request in writing (letter, email or fax) to ensure that we have a clear statement of what is requested and/or to verify identity and your right to the information.
4. Where appropriate, we will provide information in redacted (that is, edited) form in line with any exemptions that we wish to apply under the legislation.

Example: You ask for a document that includes details of other children beside your own. We agree to provide the document with references to other children edited out.

5. If you do not accept our reasons for declining to disclose information requested you should write to the Chair of Governors, c/o the school office in the first instance. If you are not happy with his response, you may wish to contact the Information Commissioner whose contact details are shown at the end of this document.
6. Whilst we will provide most information free of charge, we may charge a fee for photocopying/printing/faxing/postage of longer documents where the required information is not listed in our [Publications Scheme](#) as being available either free of charge or at a stated

charge. If you ask for information in an expensive alternative format, we may charge for this, subject to legislation such as the Disability Discrimination Act. (see “Charges” below).

7. Please note that special regulations apply to charging for information contained in a student’s educational record. These are explained under “Charges” below.
8. If we intend to charge for the provision of information, we will tell you in advance what the charge will be (through a fees notice) and will provide the information when we receive the payment (cash or cheque)
9. The time allowed for us to provide the information – 15 or 20 working days or 40 calendar days (see 2 above) – does not include the period between the issuing of the fees notice and the receipt of the payment.
10. We may be unable to provide the information you request for any of the following reasons:
 - We do not hold the information
 - We are applying an exemption to the disclosure
 - It would cost the school more than £450 to provide the information (this figure is set by the Government)

If we are unable to comply with your request, we will do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep down the costs.

11. The school will seek advice from the Local Authority’s Information Governance Manager as necessary to clarify any points or help resolve any disputes over information requests.

Charges

The general fee for photocopying, printing and faxing or emailing information as an attachment is 10p per sheet. Postage costs will be at the appropriate rate. For more substantial items, the fee charges depends on whether we estimate that it would cost more or less than £450 to provide the information. This figure is set by Government.

Charges for meeting requests for **personal information** are subject to separate arrangements as also determined by Government – see “Requests for personal information” below.

In the vast majority of cases the cost will be **under £450** and we will then charge only for photocopying, printing, faxing and postage. We may also charge for any work required to put the information into the required format, which could involve, for example:

- summarising the information;
- putting the information on to a disc or other storage device;
- translating the information into a different language.

We would not normally charge for providing information in an alternative format where this is requested on grounds of disability.

Where we estimate that the cost of meeting a request is likely to be **over £450**, and we agree to provide the information, we will apply the same kinds of charges but in addition we will charge for staff time at £25 per hour. If staff time is costed at less than £5 we will waive that part of the fee.

Requests for Personal Information

Most requests for personal information are about children’s records and can be responded to promptly. Parents have a right, under the Data Protection Act 1998, to see their child’s educational record. They do not have an automatic right to see other personal information held about their child, though they can request it on behalf of their child with his or her agreement (in the case of secondary-aged students). Information that does not fall within the educational record would include:

- information held on computer (or other automated means);
- information held in structured files;
- unstructured information, for example, held in loose correspondence.

The following summary is intended as a guide to what an educational record includes; and the process of requesting personal information from the school. A full statement of the position is set out in a document published on the Information Commissioner’s website and entitled [“Accessing pupils’ information.”](#)

What is an educational record?

The Regulations provide a legal definition of an “educational record” (mirrored in Schedule 11 of the Data Protection Act 1998, with the addition of any statement of special educational needs and any personal education plan). The definition is wide and includes, regardless of its form, any information about current and past pupils that is processed by or for the school’s governing body or teacher. It includes a “curricular record”, defined as a formal record of a student’s academic achievements, other skills and abilities and progress in school.

The educational record is confined to information that comes from a teacher or other employee of the Academy Trust, the student or his or her parents. Communications about a particular child from the Headteacher, senior leaders and teachers at the school, and other employees of the Academy Trust, will therefore form part of that child’s official educational record, as will correspondence from an educational psychologist engaged by the governing body under contract of services. It may also include information from the child and his or her parents, such as information about the health of the child. **Information kept by a teacher solely for his or her own use does not form part of the official educational record.**

Response times for personal information

Requests for information from students, or parents, for information that contains, wholly or partly, an educational record must receive a response within **15 working days**. Unless a parent simply asks to see the official educational record under the Regulations, rather than have a copy made, the school is entitled to receive any fee first (see below).

Most requests for information are likely to ask for at least some information in the educational record. However, should a request be made just for personal information outside the educational record, a response must be made promptly and at most within **40 calendar days**. However, the 40 days period does not begin until after the fee (see below) and any further information about identity or the location of the information is received.

Charges for personal information from the student’s educational record

If a student or parent acting on their behalf makes a request for personal information containing, in whole or part, the “educational record”, the amount that can be charged depends on the number of pages provided. The fees, which are set by Government, work on a scale basis as shown below:

Number of pages	Maximum fee	Number of pages	Maximum fee
1-19	£1.00	100-149	£10.00

20-29	£2.00	150-199	£15.00
30-39	£3.00	200-249	£20.00
40-49	£4.00	250-299	£25.00
50-59	£5.00	300-349	£30.00
60-69	£6.00	350-399	£35.00
70-79	£7.00	400-449	£40.00
80-89	£8.00	450-499	£45.00
90-99	£9.00	500+	£50.00

If a student, or parent acting on the student's behalf, makes a request which does not include any information from the educational record, the maximum fee which can be charged is **£10**.

If a parent exercises their independent right under the Regulations simply to view the educational record, then this should be free of charge. If a copy of the educational record is supplied under the Regulations, a fee can be charged by the governing body. This fee must not exceed the cost of supplying the information.

Contacts Information Commissioner

The Information Commissioner
Information Commissioner's Office,
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 08456 306060 or 01625 545745. Helpline is open from 9am to 5pm, Monday to Friday

Email: <mailto:mail@ico.gsi.gov.uk>

Fax: 01625 524510

<http://www.ico.gov.uk>