



NPAT FREEDOM OF INFORMATION POLICY

Associated Policies:	
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1. POLICY STATEMENT

Northampton Primary Academy Trust (“the Trust”) is subject to the Freedom of Information Act 2000 (“FOI”) as a public authority, and as such must comply with any requests for information in accordance with the principles laid out in the FOI.

2. POLICY REVIEW ARRANGEMENTS

This policy will be reviewed every 3 years, or where required to so in line with changes to guidance, legislation or procedure.

3. WHAT IS A REQUEST UNDER FOI

- 3.1 Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the Information Commissioner’s Office (ICO) has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the FOI.
- 3.2 In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Trust’s Data Protection Officer by Email to: dpo@npatschools.org.
- 3.3 All other requests should be referred in the first instance to the Data Protection Officer, using the contact details above, who may allocate another individual to deal with the request. If the request is received elsewhere within the Trust, it must be forwarded promptly to the Data Protection Officer, and in any event within 3 working days of receiving the request.
- 3.4 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information “confidential” or “restricted”.

4. TIME LIMIT FOR COMPLIANCE

The Trust must respond as soon as possible, and in any event within 20 working days of the date of receipt of the request. When calculating the 20 working day deadline, a “working day” is a school day (one in which pupils are in attendance),

subject to an absolute maximum of 60 normal working days (not school days) to respond.

5. PROCEDURE FOR DEALING WITH A REQUEST

5.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the NPAT Executive Office manager who may re-allocate to an individual with responsibility for the type of information requested.

5.2 The first stage in responding is to determine whether or not the Trust “holds” the information requested. The Trust will hold the information if it exists in computer or paper format. Some requests will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Trust to add up totals in a spreadsheet and release the total figures, this would be information “held” by the Trust.

If the Trust has to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information “held” by the Trust, depending on the time involved in extracting the information.

5.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the FOI applies to the information.

5.4 The FOIA sets out more than 20 exemptions and not all will be relevant in every case. We set out examples of some of the most common exemptions that we may apply to refuse all or part of an FOIA request below.

Absolute exemptions:

5.4.1 Information accessible by other means (Section 21): If information is reasonably accessible to the applicant by another route (e.g. it is available via our website, in our Publication Scheme or if we have previously sent it to the requestor) then it will be exempt from disclosure.

5.4.2 Court records (Section 32): This exemption applies to court records we may hold because it was originally in a document created or used as part of legal proceedings. This may include information served on the Trust in connection with a court case.

5.4.3 Requests for personal data about the requestor (Section 40(1)): If we receive a request for your personal data (or sometimes, if we receive a request from a parent for information about their child) then this information is absolutely exempt from disclosure under FOIA. We will deal with such requests as subject access requests in accordance with the UK GDPR.

5.4.4 Requests for personal data about third parties (Section 40(2)): This exemption covers personal data of third parties (anyone other than the requestor) if complying with the request would breach any of the data protection principles. This is technically an absolute exemption but public interest arguments may still need to be considered when considering if disclosure would breach the data protection principles. Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

5.4.5 Prohibitions on disclosure (Section 44): This applies where complying with a request is not allowed under law or would constitute contempt of court. This may apply if we are subject to ongoing legal proceedings.

Qualified exemptions:

5.4.6 Information intended for future publication (Section 22): This applies where we receive a request for information that we intend to publish in the future. The exemption only applies to the information we plan to publish (and not to any draft or background materials).

5.4.7 Prejudice to the effective conduct of public affairs (Section 36): This exemption applies where complying with the request would prejudice the effective running of the Trust, including where disclosure would inhibit the free and frank exchange of views for the purposes of making decisions.

5.4.8 Environmental Information (Section 39): This applies where the information requested is environmental information. Such requests should be dealt with under the EIR (as opposed to the FOIA). Technically this is a qualified exemption but because information must be handled under the EIR, it is very unlikely to be in the public interest to handle the request under the FOIA instead.

5.4.9 Confidentiality (Section 41): This applies where we have received information from someone outside our organisation and complying with the request would give rise to a legal claim for breach of confidentiality.

5.4.10 Legal professional privilege (Section 42): This applies where complying with the request would reveal information subject to “legal professional privilege” (e.g. advice we have received from our legal advisors).

5.4.11 Prejudice to commercial interests (Section 43): This exemption applies where disclosure would prejudice our own commercial interests or those of a third party (e.g. one of our suppliers or another organisation we are working with).

Vexatious and repeated requests

5.4.12 While not (strictly speaking) an exemption, the FOIA states that there is no obligation to comply with vexatious requests. On occasion, requestors may abuse their rights to access information under FOIA, which can threaten to undermine the credibility of the freedom of information system and divert resources away from more deserving requests and the effective running of the Trust. If we receive a request that is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation, we may refuse to comply on the grounds that it is vexatious.

5.4.13 The FOIA also states that we may refuse requests that are identical or substantially similar to a request that we have previously complied with from the same requester, or someone working with them and a reasonable period has not passed between those requests.

6. RESPONDING TO A REQUEST

6.1 When responding to a request where the Trust has withheld some or all of the information, the Trust must write to the requestor to explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

6.2 The letter should end by explaining to the requestor if they are dissatisfied with the way we handle your request, then you have the right to ask for the decision to be reviewed internally via the Trust’s *Complaints Policy* or by contacting the ICO.

6.3 If refusing a request:

If we are unable to disclose information you have requested because it is subject to an exemption then we will inform you of this in writing in the form of a “Refusal Notice”, which will contain the following information:

- 6.3.1 Confirmation that we hold (or do not hold) the information requested;
- 6.3.2 Confirmation that we cannot provide the information requested;
- 6.3.3 Which exemptions we are applying and why;
- 6.3.4 An explanation of how we have applied the public interest test (where relevant);
- 6.3.5 Details of how you may complain about the way a request was handled (we call this an internal review); and
- 6.3.6 Details of how you may complain to the Information Commissioner’s Office if you are dissatisfied with the outcome of any internal review.

7. CONTACT

7.1 If you have any questions about this policy please direct these in the first instance to:

7.1.1 Email: admin@npatschools.org

7.1.2 Letter: NPAT, c/o Headlands Primary School, Bushland Road, Headlands, Northampton, NN3 2NS.

For further information including; Guide to information available from Northampton Primary Academy Trust, URLs for the trust and school websites and schedule of charges please refer to Trust Freedom of information publication scheme guide.