



# Joseph Leckie Academy

## Information Rights Policy

**Approved by JLA Trust Board:** 09/2021

**Last reviewed on:** 10/2022

**Next review due by:** 10/2023

## **1. Introduction**

1.1 Joseph Leckie Academy is fully committed to transparency, whilst recognising the need for an appropriate balance between openness and maintaining the security and (where necessary) the confidentiality of the information which it holds. It uses an assumption of full disclosure as a starting point for considering all requests for information. Information will only be withheld where there is a genuine and justifiable reason for doing so that can be supported by legislation.

1.2 Joseph Leckie Academy also recognises the rights of individuals in respect of information the Academy holds about them. These rights are:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

1.3 Anyone can make a request for information held by the Academy under the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) 2004. Requests for personal information can also be made by the individual under the Data Protection Act 2018 and the General Data Protection Regulation 2016. The Academy will comply with:

- The terms of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and any other relevant legislation to ensure requests for access to information held by the Academy are treated in a manner that is fair and lawful.
- Walsall Metropolitan Borough Council advice and guidance.
- Information and guidance displayed on the Information Commissioner's Office website: [www.ico.org.uk](http://www.ico.org.uk)

1.4 This policy should be used in conjunction with the Academy's Internet Use Policy and Data Protection Policy.

## **2. Scope**

2.1 This policy relates to all parts of the Academy and all information created and received by the Academy, regardless of media or format. This includes all paper-based records as well as information that exists, or will exist, solely in electronic form, audio/visual records and photographs.

## **3. Freedom of Information (FOI)**

3.1 Under the Freedom of Information Act members of the public have a right to request any recorded information held by a public authority, such as a government department, local council or state school.

3.2 Making an FOI request:

FOI requests can be:

- made by an individual or an organisation.
- sent to/received by any part of the Academy.

To be valid FOI requests must:

- be in writing and be legible.
- clearly describe the information being sought.
- contain a name and a return address (this could be a postal or an email address).

To be valid FOI do not:

- have to be written in a special form.
- need to mention the FOI Act or refer to 'Freedom of Information'.

#### **4. Environmental Information Regulations (EIR)**

4.1 Environmental Information Regulations (EIR) cover the following information:

- a. The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements.
- b. Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a).
- c. Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements.
- d. Reports on the implementation of environmental legislation.
- e. Cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c).
- f. The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

4.2 Making an EIR request

EIR requests can be:

- oral or written.
- made by an individual or an organisation.

sent to/received by any part of the Academy.

- To be valid EIR requests must:
- clearly describe the information being sought.
- contain a name and a return address (this could be a postal or an email address).

To be valid EIR do not:

- have to be written in a special form.
- need to mention the EIR or refer to 'Environmental Information Regulations'

#### **5. Responding to FOI and EIR**

5.1 The Academy recognises that there are many similarities between the two regimes and that requests for "environmental information" must be answered in accordance with the EIRs rather than the FOI Act. Requests made under the Environmental Information Regulations will be handled in the same way as those under FOI, with due reference to the provisions of those Regulations.

5.2 It is possible that in some cases both regimes will be relevant. The Academy will, when responding to such requests for information, endeavour to clearly identify which parts of the

information fall under which regime. The Academy will also seek to ensure that where requests for information are made and form part of everyday service delivery they are treated as 'business as usual' and not considered as valid requests under the EIR/FOI Acts.

## **6. Data Gathering and Storage**

6.1 Information will only be gathered and stored for specified purposes.

6.2 In order to be able to respond to requests for information the Academy will implement effective Records Management policy to enable Academy employees to identify whether data is held and, if it is, locate it quickly and easily.

6.3 The Academy's retention policies will be based on the guidance in the Information and Records Management Society's Records Management toolkit for schools and will be reviewed regularly in line with any updates to this toolkit.

6.4 Information held by the Academy will be regularly reviewed with a view to archiving or destruction, where appropriate.

## **7. Publication Scheme**

7.1 The Academy will adopt and publish the appropriate model publication scheme, as recommended by the DfE, Information Commissioner and Walsall Metropolitan Borough Council, and approved by Academy Trustees.

## **8. Making a request**

8.1 Please contact the Academy by telephone, email, fax or letter. Contact details are set out below or you can visit our website at [www.josephleckieacademy.co.uk](http://www.josephleckieacademy.co.uk)

Email: [postbox@josephleckieacademy.co.uk](mailto:postbox@josephleckieacademy.co.uk)

Tel: 01922 721071

Fax: 01922 641497

Contact Address: Joseph Leckie Academy, Walstead Road West, Walsall, WS5 4PG

To help us process your request quickly, please clearly mark any correspondence "INFORMATION REQUEST" (in CAPITALS please)

5.2 If you require your personal data please make a Subject Access Request to the Academy, for more information visit [www.josephleckieacademy.co.uk/dataprotection](http://www.josephleckieacademy.co.uk/dataprotection)

## **9. Dealing with Requests for Information**

9.1 Theoretically any request for information is a request under the Freedom of Information Act, however this Academy has taken the decision that it will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests.

9.2 The Academy will assist applicants in making their request to have access to information held by the Academy.

9.3 Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, council, hospital).

9.4 The Academy will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

9.5 The Academy will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during Academy holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information will still be dealt with in compliance with the 20 working day deadline, whether they are recorded as Freedom of Information requests or not.

9.6 If a response will take longer than 10 working days, an acknowledgement will be sent to the person making the request, informing them when the information will be supplied. We recognise this does to allow the Academy to exceed the overall 20 working day deadline.

9.7 The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by government statute. If the estimated cost of complying with the request does not exceed this amount the Academy is not entitled to make a charge for fulfilling the request.

9.8 A designated Academy employee will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the Academy's tracking database.

9.9 Persons requesting data will be supplied with a copy of our complaints procedure upon request. Any complaints regarding Freedom of Information requests must firstly be addressed by the Academy. If, once we have had opportunity to reconsider our decision, we believe the initial response was correct the applicant shall be entitled to take the matter to the Information Commissioner's Office and, ultimately, to an Information Tribunal.

9.10 Copies of data supplied will be retained for two years from the date it was put into the public domain.

## **10. Applying Exemptions**

10.1 A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption: absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

10.2 The decision to apply absolute exemptions will not be taken by individual Academy employees but by a constituted group of at least three of the following: Chair of Trustees, other Trustees and the Principal.

10.3 The decision to apply qualified exemptions will not be taken by individual Academy employees but by a constituted group of at least three of the following: Chair of Trustees, other Trustees, the Principal or a member of Senior Leadership Team (SLT). Even if the group decides information should not be disclosed, a public interest test will be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

10.4 Advice will be sought from Walsall Metropolitan Borough Council's Information Governance Team or Legal Services if there is any doubt as to whether information should be disclosed.

### **11. Logging Requests Received**

11.1 The Academy will keep a record of all requests received for monitoring purposes, noting:

- a. The date the request was received.
- b. Name and contact details of the person or organisation making the request.
- c. The date the request was fulfilled or refused.
- d. The reason for any exemption being applied.
- e. The reason for any failure to meet the 20 day deadline.

### **12. Further Information and Linked Policies**

12.1 For further information about Information Governance please visit the ICO website [www.ico.org.uk](http://www.ico.org.uk)

12.2 This policy should be read alongside:

- Information Governance Strategy
- Information Risk and Security Policy
- CCTV Policy
- Data Protection Policy
- Confidentiality Policy
- Freedom of Information Policy
- Records Management Policy and Schedule
- Incident Management Policy
- Subject Access Request Policy
- Consent to Use Personal Data Guidance
- Impact Levels and Protective Marking Guidance