

Fol FAQs for Schools

What does this mean for my school?

To handle a request for information you will need to ask yourself a series of questions:

- *Are all staff aware of FOI and how you deal with requests for information?*

All staff need to be aware of FOI. Consider designating an individual with responsibility for FOI, to provide an expert point of reference, coordinate FOI and related policy and procedure, and arbitrate on decisions.

- *Is this a valid FOI request for information?*

Any written request, which can mean email or fax or Twitter, that describes the information requested and gives the enquirer's name and address, is a valid FOI request.

- *Do we hold the information?*

'Hold' means any information relating to the business of the school which the school has created, has received from another body or person, or is held by another body on the school's behalf.

- *Can we transfer the request?*

If the information is held by another public authority, such as your local authority, first check with them they hold it, then transfer the request to them.

You may need the consent of the enquirer. You must notify the enquirer that you do not hold the information and to whom you have transferred the request. You should answer any parts of the enquiry in respect of information your school does hold.

- *Has the information already been made public?*

If it has, through your school publication scheme or website for example, it is exempt information. Explain to the enquirer how to access it.

- *Is this request a vexatious or repeated one?*

You do not have to comply with manifestly unreasonable requests.

- *How much will it cost to comply with this request?*

If the estimated cost exceeds the appropriate limit [£450] you do not have to comply.

- *Could this affect a third party's interests?*

If it might, consult them, unless you already know you will apply an exemption and not disclose the information.

- *Does an exemption apply?*

The presumption is that you will disclose information unless the Act provides a specific reason to withhold it. So you need to check whether an exemption applies. There are more than 20 exemptions to protect confidentiality and sensitive material. Schools are likely to use perhaps, only a few of them regularly.

- *Is an exemption overridden by the public interest?*

If the exemption is a qualified one, you need to carry out a public interest test, and tell the enquirer how much extra time (up to five working days) you will need. Unless it is in the public interest to withhold the information, it has to be released. Embarrassment is not, of itself, a valid factor.

- *How much can we charge?*

We expect that items in your publication scheme will be free or in line with your charging policy. If you are going to charge you must send the enquirer a fees notice and do not have to comply with the request until the fee has been paid. You may want to consider whether the cost of collecting the fee outweighs the income from it.

- *Have we sent the necessary notifications?*

Subject to exemptions, the enquirer is entitled to be told whether or not you hold the information; to be directed to previously published material; to be sent a fees notice, if you are going to charge; to receive a refusals notice setting out the reasons (such as which exemption and how the public interest test has been applied) for refusal, if you withhold information; an explanation of the appeals procedure (first to the school, ultimately to the Information Commissioner).

- *Have we met the time limits?*

You have 20 working days [excluding school holidays, which are not counted as “working days”] to respond to requests.

- *Have we kept appropriate records?*

You will need to keep records of all enquiries received, how they were handled, any appeals, the reasons for any non-disclosure, and how long it took to deal with requests, so that you can monitor and review your procedures. Your records management arrangements can help reduce compliance costs through speedy and efficient access to information.