



## Freedom of Information Policy

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## **CHAUNCY SCHOOL**

### **FREEDOM OF INFORMATION POLICY**

#### **1. Introduction**

1.1 The Freedom of Information Act 2000 (FOIA) came fully into force on the 1st January 2005. The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person(s) to ask for access to information held by the Chauncy School.

1.2 Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

1.3 The FOIA is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 2018 (DPA), and the UK General Data Protection Regulation (UKGDPR) . The GDPR enables individuals to access information about themselves via a subject access request and this is covered in the school GDPR policy. The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under GDPR.

1.4 The Chauncy School welcomes this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the school's response to the FOIA, and the ways in which the requirements of the Act will be enacted on a day to day basis.

1.5 The school must be clear and proactive about the information it makes public. This is achieved by producing a publication scheme, setting out:

- The classes of information which we publish or intend to publish
- The manner in which the information will be published
- Whether the information is available free of charge or on payment

1.6 The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is accessible via the school's website, can be emailed or is available in paper form.

1.7 Some information which we hold may not be made public, for example personal information.

#### **2. Information Held by Chauncy School**

2.1 In general, the information held is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff and governors or regarding any court orders (such information being subject to GDPR

2.2 A comprehensive list of the documents and other information published by / available from the school is provided in Appendix 1 entitled "Model Publication Scheme"

### **3. Requests for Information**

3.1 Any request for information beyond that which is already provided by the school (for example, through the Prospectus, or information about children to which parents already have access) should be made in writing (this includes email) to the Headteacher.

3.2 Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested. If a request is very general, the enquirer maybe contacted for clarification of the request. The person making the request for information can also indicate how they would like to receive the information and where possible these wishes will be complied with. If it is not possible to do so an alternative will be offered.

3.3 Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of school staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request to the Headteacher who may then either sanction a response or refer the request to the relevant person(s) or governing body.

3.4 Under the FOIA the enquirer is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

### **4. Responding to Requests for Information (see checklist at Appendix 2)**

4.1 The Headteacher will respond to the request or assign this responsibility to a senior manager having decided whether the potential outcomes are:

- Agreement to meet the request in full
- Agreement to meet the request in part (with reasons)
- Refusal to meet the request (with reasons)

4.2 The relevant person will respond to the enquirer within 20 school days

4.3 The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the relevant person will keep the enquirer informed of the progress and where possible provide an expected date for a response.

4.4 Should a request be refused under Section 36 of the FOIA 2000 the response will state the relevant exemption which has been applied or that the school does not hold the information, and will explain what public interest test has made if this applies. The application of Section 36 needs to be approved by a qualified person, which in this case is the Headteacher, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition listed in the FOIA. [Note: further guidance on this exemption can be found at [www.ico.gov.uk](http://www.ico.gov.uk)].

4.5 The Act states that requests should not be allowed to cause a drain on the school's time, energy and finances to the extent that they negatively affect normal public functions. The Headteacher can reserve the right to refuse a request if it is likely to be in excess of 18 hours to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.

4.6 Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

4.7 Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the School's Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

\*School days exclude weekends, training days and school holidays.

## **5. Vexatious Requests**

Under section 14 of the FOIA if the school receives several requests from the same person, or a series of requests that appear intended to disrupt its work, these may be treated as repeated or vexatious. Where the school has previously complied with a request for information which was made by any person it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

## **6. Appeals**

6.1 Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision. Any such appeal will be considered by the school's Appeals Committee.

6.2 The school's Appeals Committee will meet in a timely manner such that it can respond to the enquirer within 20 school days of the request being made.

6.3 If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 3 months of the outcome of the internal review. To make a complaint to the ICO (Information Commissioner's Office), you can call their helpline at 0303 123 1113, start a live chat, or submit a form through their website. You can also write to them at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **7. Use of Information Provided**

7.1 The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the school's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.

7.2 The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.

7.3 This permission to reproduce copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

## **8. Record Keeping**

8.1 Records will be entered into a “Freedom of Information Requests Log” kept by the Clerk to the SchoolAcademy / Principal’s PA. They will be collated annually by the SchoolAcademy’s Company Secretary. Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

8.2 The log will include details of:

- The party making the request for information;
- The date upon which the request was received and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (internal/external);
- The nature of the information requested;
- The name of the relevant reporting member of senior staff if not the Headteacher;
- The outcome of deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made to the party requesting the information, including the person nominated to implement the response, the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The date and time of any meeting convened by the school’s Appeals Committee;
- The outcome of the appeals committee’s deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the appeals committee to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

## **9. Charges**

9.1 There is no obligation to disclose information if the total cost exceeds £450. The school reserves the right to refuse a request if the work would exceed a cost of £450 (the 18 hour threshold). Should the school agree to comply with any request exceeding the £450 cost limit, the work will be charged at £25 per hour per person involved in locating, collating and retrieving the information requested.

9.2 All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.