



Freedom of Information Policy

Document provenance

This policy was approved: August 2019

Frequency of review:

Unless there are legislative or regulatory changes in the interim, this policy will be reviewed every three years. Should no substantive changes be required at that point, the policy will move to the next review cycle.

ELT Owner: Director of Governance and Strategy

Summary of changes at last review:

- 2.2 clarification of “held” is included
- General revision of process changes to reflect current operational practice
- 4.6 confirms the requirement to annual publish of FOI responses
- Inclusion of sections 7, 8 and 9.

Related documents:

- Subject Access Request Guidance
- Data Protection Policy

Summary of policy:

This policy sets out E-ACTs responsibilities and approach to Freedom of Information (FOI) requests.

Freedom of Information Policy

1. Introduction

- 1.1. E-ACT is committed to complying with the provisions of the Freedom of Information Act 2000 (FOIA) and related legislation. This legislation enables anyone, anywhere in the world to request any recorded information held by, or on behalf of, E-ACT.
- 1.2. Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

2. Scope

- 2.1. This policy applies to all recorded information held by E-ACT or by someone else on behalf of the E-ACT. It does not apply to information which E-ACT only holds on behalf of another person or organisation.
- 2.2. "Held" includes handwritten notes from meetings, as well as anything written in the margins of documents, for example, notes on interviews.

3. Legislation and regulation

- 3.1. E-ACT is under a legal duty to protect personal data as required by the Data Protection Act 2018 (DPA).
- 3.2. E-ACT will carefully consider its responsibilities under the DPA before disclosing personal data about living individuals, including current and former officers, Directors, and users of its services.
- 3.3. This policy is also compliant with the Freedom of Information Act 2000¹, and the Information Commissioners Office (ICO) guidance².

4. Policy statement

- 4.1. All FOI's at E-ACT are handled centrally by the Company Secretary/Governance Manager. Requests should be emailed to FOI@e-act.org.uk
- 4.2. FOIs not received into the FOI inbox should be forwarded to the FOI box as soon as practically possible to allow the FOI to be responded to promptly. Academy or regional staff in receipt of an FOI must immediately notify the FOI inbox of the request.
- 4.3. E-ACT will provide advice and assistance to help people make requests under the FOIA. E-ACT aims to respond to all requests promptly and in accordance with , within the statutory response period of 20 working days following receipt of a valid request.

¹ [Freedom of Information Act 2000](#)

² [ICO FOI Guidance](#)

If in exceptional circumstances it becomes apparent the request requires more time to complete than the 20 working days, E-ACT will enquire whether the requestor will grant a short extension to the deadline.

- 4.4. In addition, this timescale can be extended under specific circumstances. For example, if an exemption applies and E-ACT is considering whether or not it is in the public interest to disclose the information regardless of the exemption.
- 4.5. E-ACT will publish as much information as it can, both proactively and in response to requests under the FOIA; however, exemptions will be applied where appropriate to ensure that information which is not suitable for publication is protected.
- 4.6. In the interests of transparency, E-ACT will publish annually on the Trust website a record of FOIs received and the responses given.
- 4.7. Written requests for information received by E-ACT via post, email or other means will be treated as requests under the FOIA in cases where the information is not already publicly available or routinely disclosed on request.
- 4.8. There is no need for requests to indicate that they are made under the FOIA. However, applicants making requests must provide their real name and an address for correspondence (email or postal). If a request is unclear, we will ask for clarification as soon as we can to enable us to proceed with considering the request.
- 4.9. Where an applicant indicates that they would like the requested information in a particular form i.e. paper, electronic or supervised viewing at an E-ACT office, we will comply with their preference where reasonably practicable, taking into account all the particular circumstances, including cost. E-ACT reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £450, which equates to 18 hours' work at a statutory rate of £25 per hour. Where we estimate that complying with a request will take more than 18 hours of officer time, we will try to assist applicants to make refined requests which are more manageable.

5. Charges

- 5.1. Information will be provided electronically and free of charge where possible. However, there may be circumstances where we need to charge for information for example if it is only available in paper form and there is a large amount of copying involved.
- 5.2. If there will be a charge for disbursements e.g. photocopying or postage in order to provide the information, we will inform applicants as soon as possible to see if they wish to proceed; such charges will usually be waived if they amount to less than £10.
- 5.3. Charges under these circumstances will be calculated at a rate of 10p per sheet of A4 for photocopying; postage will be calculated using Royal Mail's postage rates at the time the request is dealt with. Any other similar charges which may arise for example

larger paper sizes will be reasonable and be calculated on the basis of the actual cost to E-ACT of providing the information to applicants.

6. Complaints about requests for information

- 6.1. Anyone who has made a request for information to E-ACT under the FOIA is entitled to request an internal review if they are unhappy with the way their request has been handled. An internal review can also be sought should the requestor wish to challenge an exemption applied.
- 6.2. Internal reviews will be carried out by a senior member of staff who was not involved with the original decision.
- 6.3. Any internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOIA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of E-ACT's response to their request.
- 6.4. E-ACT aims to respond to internal reviews within 20 working days of receipt.
- 6.5. Anyone who is unhappy with the outcome of an internal review is entitled to complain to the Information Commissioner.

7. Training

- 7.1. Training will be made available as part of the development programme for those involved in responding to FOIs.
- 7.2. The Trust will ensure those with delegated authority for replying to FOI requests have the requisite training and experience, and will make refresher training available to them.
- 7.3. Independent advice and information about the FOIA are available from the Information Commissioner's Office.

8. Responsibilities

- 8.1. Delegated authority for responding to FOI requests has been given to Executive Leadership Team (ELT) and the Company Secretary. They are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and in compliance with this policy.
- 8.2. Regional Coordinators (RCs) are responsible for ensuring their regions provide the information requested in the timeframe stated by the Company Secretary. This ensures that E-ACT can meet the statutory response period of 20 working days.

9. Retention period

- 9.1. FOI responses will be held on E-ACT servers for no more than three academic years, being the current year, the previous year (for which the responses are required in case requested), and the third year is held to allow cross referencing of any thematic or annual requests.
- 9.2. The deletion of FOI responses at three years does not contradict the retention of information set out in the Information Records and Retention Policy.

10. Quality assurance, reporting, compliance

Quality Assurance

- 10.1. Prior to the information being provided to the Company Secretary for the FOI submission, it is the responsibility of the Headteacher to ensure the data or information is accurate.
- 10.2. The Company Secretary will review the information prior to submission to ensure it reflects the questions asked by the requestor.
- 10.3. For media requests or sensitive FOIs, the Director of Communications and Chief Executive Officer (CEO) must review the response prior to the FOI submission.

Reporting

- 10.4. The Regional Operational Directors (RODs) must report at each Regional Performance Board (RPB) on the FOI requests received in the region.
- 10.5. The Company Secretary will annually report to the E-ACT Audit and Risk Committee on the FOI requests made to E- ACT.
- 10.6. The Company Secretary will monitor and evaluate the requests received to identify if there are any specific themes emerging s and report this to ELT and Trustees. The Company Secretary and Director of Governance and Strategy will use this analysis to inform revisions to processes and the policy as well as assessing training needs to support headteachers and regional teams in dealing with FOIs.

Compliance

- 10.7. Internal Audit will review compliance with the policy as part of the audit cycles and report on compliance and quality checking of the impact of the policy.

FLOWCHART: FREEDOM OF INFORMATION (FOI) PROCESS

