



Freedom of Information, Environmental Information and Information Rights Policy

Responsibility

It is the responsibility of the governing body to ensure that appropriate procedures are in place so that the school handles requests for information covered by the:

- Freedom of Information Act 2000 (FOIA)
- Environmental Information Regulations 2004 (EIR)
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018 (DPA 2018)

The school will also have regard to the **section 45 Freedom of Information Code of Practice** and relevant guidance issued by the Information Commissioner's Office (ICO). The ICO is the UK regulator for data protection and freedom of information law. (Legislation.gov.uk)

Further information is available from the ICO. (ICO)

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This policy should be read alongside the school's Data Protection Policy, Data Breach Procedure, Records Management & Retention Policy, Online Safety Policy, Acceptable Use Policy and Publication Scheme. ([ICO](#))

1. Introduction

Cotsford Primary School is committed to openness and transparency and recognises the public's right of access to recorded information, subject to the exemptions and exceptions set out in law. The school will comply with FOIA, EIR, UK GDPR and DPA 2018, and will regularly review its procedures to ensure that requests are handled lawfully and promptly. ([Legislation.gov.uk](#))

The underlying principle of this policy is that the public has a right to access recorded information held by the school, unless a lawful reason applies to withhold it. Requests for a person's **own personal data** are dealt with under the **right of access** in Article 15 UK GDPR and the DPA 2018, rather than FOIA. ([ICO](#))

2. Background

FOIA provides a statutory right of access to recorded information held by public authorities, including schools covered by the Act. It also requires public authorities to adopt and maintain a **publication scheme**. The ICO provides a model publication scheme and sector guidance for schools in England. ([ICO](#))

The EIR provide a separate right of access to **environmental information** held by public authorities. Environmental information requests must normally be handled under EIR rather than FOIA where the requested information falls within the definition in the Regulations. ([Legislation.gov.uk](#))

Individuals have a right to access their own personal data under UK GDPR and DPA 2018 by making a **subject access request (SAR)**. Parents may also, in some cases, have a separate right to access a child's **educational record** under the Education (Pupil Information) (England) Regulations 2005. ([ICO](#))

3. Timescales

Freedom of information requests must be dealt with **promptly** and, for schools, within **20 school days or 60 working days, whichever is shorter**. ([ICO](#))

Environmental information requests must be dealt with **as soon as possible and no later than 20 working days** after receipt, subject to the Regulations. ([Legislation.gov.uk](#))

Subject access requests must usually be dealt with **without undue delay and within one month** of receipt, or of receipt of any information reasonably required to confirm identity or clarify the request. There is **no special holiday extension** for schools. ([ICO](#))

Requests by a parent for inspection of a maintained pupil's educational record must be met within **15 school days**. Inspection is free, and any copy supplied may be charged at no more than the **cost of supply**. ([Legislation.gov.uk](#))

If clarification is genuinely needed for an FOI request, the school will seek it as soon as possible and within the relevant FOI timescale. ([ICO](#))

4. Delegated responsibilities

The governing body has overall responsibility for ensuring that the school meets its legal duties under FOIA, EIR, UK GDPR and DPA 2018. ([ICO](#))

Day-to-day responsibility for coordinating requests may be delegated to the headteacher and/or a named information rights lead. Where the school appoints a Data Protection Officer, the DPO will advise on data protection compliance, subject access requests and related issues. Any DPO appointment must avoid a **conflict of interests** and allow the DPO to act independently. ([ICO](#))

All staff are responsible for recognising and passing on information requests promptly. Staff should not delete, amend, conceal or destroy information after a request has been received. ([ICO](#))

5. Scope

This policy applies to recorded information held by the school in any format, including paper records, emails, electronic documents, audio, video and information held on the school's behalf by contractors or service providers, where it relates to the school's functions or business. ([Legislation.gov.uk](#))

It includes:

- information created and held by the school;
- information created by the school and held by another organisation on the school's behalf;
- information provided to the school by third parties where it relates to the school's functions; and
- information relating to governors or trustees where it relates to the governance or business of the school.

Personal data requests made by an individual for their own information are dealt with under UK GDPR / DPA 2018 rather than FOIA. ([ICO](#))

6. Requesting information

6.1 Procedures

The school will recognise and handle requests in line with the correct legal regime. A request for recorded information may fall under FOIA or EIR. A request by a person for their own personal data is a SAR under UK GDPR. A request by a parent for access to a maintained pupil's educational record may fall under the Education (Pupil Information) (England) Regulations 2005. ([Legislation.gov.uk](#))

The school will provide advice and assistance to applicants where required, including helping a requester clarify what information they want if the request is unclear. ([ICO](#))

The school will keep a record of requests received, including the date received, requester details where appropriate, the date answered, the outcome, any exemption or exception relied upon, and any reason for delay. Maintaining records supports accountability and good request handling practice. ([The National Archives](#))

6.2 Charges

Under FOIA, the school may refuse a request if it estimates the cost of compliance would exceed the appropriate limit, which for most public authorities including schools is **£450**. Where permitted, the school may charge in accordance with FOIA and associated regulations. ([ICO](#))

For subject access requests, the school will **not usually charge a fee**. A reasonable fee may only be charged where the request is **manifestly unfounded or excessive**, or where the requester asks for **further copies** of information already provided. ([ICO](#))

For educational records in maintained schools, inspection is free and any copy supplied may be charged at no more than the **cost of supply**. ([Legislation.gov.uk](#))

6.3 Publication scheme

The school will maintain and publish a publication scheme in line with the ICO's model publication scheme and relevant definition document or template guide for schools. The school will review the scheme regularly and will consider whether information disclosed in response to requests should be published more widely. ([ICO](#))

7. Withholding information

The school will only withhold information where a lawful exemption under FOIA or an exception under EIR applies, or where disclosure would breach data protection law or another legal restriction. The school will consider each request on its own facts and will disclose as much information as possible, redacting only the material that is lawfully withheld. ([ICO](#))

Where a qualified FOIA exemption or an EIR exception requires a public interest test, the school will consider whether the public interest in maintaining the exemption / exception outweighs the public interest in disclosure. Under FOIA, the ICO recognises that where a public interest test extension is needed, the response may in some cases be extended by up to a further 20 working days. ([ICO](#))

The school may also refuse a request where FOIA allows refusal of **vexatious** or **repeated** requests, or where EIR allows refusal of requests that are **manifestly unreasonable**. ([ICO](#))

Any significant decision to withhold information should be taken or reviewed by the headteacher and the person responsible for information rights, with legal or specialist advice sought where necessary. If you keep the "group of three" wording, that is a local governance choice rather than a legal requirement. ([The National Archives](#))

8. Releasing a third party's information

Where requested information includes a third party's personal data, the school will consider disclosure in line with UK GDPR and DPA 2018. FOIA and EIR do not require the school to disclose personal data if doing so would breach data protection law. ([ICO](#))

The school may consult a third party where appropriate, but the school remains responsible for the final decision on disclosure and must still meet the relevant statutory time limit. ([ICO](#))

Where information relates to staff acting in an official capacity, disclosure may be more likely to be fair than where the information relates to a genuinely private matter. Each case will be assessed individually. This is an application of general data protection fairness principles rather than a blanket rule. ([ICO](#))

9. Information held within contracts with the school

Information held in contracts with the school, or provided during procurement and tendering, may fall within FOIA or EIR. The school will draft contracts so that suppliers understand the school's legal duties and will cooperate with the school where information requests are received. ([ICO](#))

The school will not agree confidentiality clauses that try to override statutory access rights. If the school believes contractual material may be exempt, for example because disclosure would prejudice commercial interests or breach a duty of confidence, it will consider the relevant exemption or exception and any public interest test required by law. ([ICO](#))

10. Complaints and internal review

Where the school refuses a request in whole or in part, or the requester is dissatisfied with how the request was handled, the school will explain how to seek an **internal review** and how to complain to the ICO. Under EIR, internal review rights are statutory; under FOIA, the section 45 Code of Practice expects a review process. ICO guidance notes that internal reviews should normally be completed within **20 working days**, and in exceptional cases within **40 working days**. ([ICO](#))

11. Requests for personal data and educational records

Requests for a person's own personal data are handled as subject access requests under **Article 15 UK GDPR** and the **Data Protection Act 2018**, not under the Data Protection Act 1998. A SAR can be made verbally or in writing and does not need to use the words "subject access request". ([ICO](#))

The school will respond to SARs within **one month**, subject to lawful extensions in complex cases. In most cases, no fee will be charged. ([ICO](#))

Where a parent asks to see a child's educational record, the school will consider whether the request falls under the **Education (Pupil Information) (England) Regulations 2005** and whether that right applies to the school's category. In England, the separate educational record right applies to **maintained schools and special schools**, not academies or free schools. ([ICO](#))

12. Unlawful alteration, deletion or concealment of records

Staff must not alter, deface, block, erase, destroy or conceal records after a request has been received if doing so would prevent disclosure required by FOIA or EIR. This can amount to a criminal offence. ([Legislation.gov.uk](#))

13. Review of the policy

This policy should be reviewed regularly, and at least every two years, or sooner if there is a significant change in legislation, ICO guidance, school structure or local procedures. Given the volume of outdated material in the previous draft, an **annual review** would be safer. ([ICO](#))