

St Berteline's C of E (Aided) Primary School

Freedom of Information Act 2000

(Including Subject Access Request)

Introduction

St Berteline's School is committed to openness and transparency in the provision of information to all persons or organisations who request it.

We will provide information promptly, subject to the conditions based on our duties under the Freedom of Information Act 2000. This policy outlines our response to the Act and provides a framework for managing requests.

Scope

This policy applies to all information held by school regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically. The Act's powers are fully retrospective and thus information is accessible under the Act. It should be noted that access to personal information (that is information from which a living individual can be identified) is still governed under the Data Protection Act 1998. Requests for access to such information will be governed in line with the requirements of this legislation.

Dealing with Requests

St Berteline's School will offer advice and assistance to anybody wishing to make a request for information. We are committed to dealing with requests within statutory guidelines, which means that a response will be made no more than 20 working days from the date of request and more speedily if possible. Any request in writing will be considered a Freedom of Information request including those received by email or fax. If you require a paper version of any of the documents within the scheme, please contact the school:

St Berteline's C of E (Aided) Primary School

Norton Lane

Norton

Runcorn

Cheshire

WA7 6QN

Tel: 01928 719847

www.stbertelines.org.uk

We may be unable to provide the information you request for the following reasons:

- We do not hold the information;
- We are applying an exemption to the disclosure; and
- The cost of locating, retrieving and editing (where necessary) the information would exceed the statutory maximum amount (currently £450). This figure is set by Government and is based on the work exceeding 18.5 man hours to gather the information. If we are unable to provide the information we will do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep the cost down.

The school will seek advice from the Local Authority's Information Governance Manager as necessary to clarify any points or to help resolve any disputes over information requests.

Adopting and Maintaining Publication Schemes

St Berteline's School has adopted a Publication Scheme (see below) in accordance with Section 19 of the Freedom of Information Act and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains many of the documents, policies, plans and guidance which are regularly asked for. Material contained within the publication scheme, and a copy of the scheme itself, will be readily available. The scheme can be assessed in school on request. School staff will give advice and assistance on how to use the scheme as appropriate.

Relationship with the Data Protection Act 1998

St Berteline's School is under a legal duty to protect personal data under the Data Protection Act 1998. We will carefully consider our responsibilities under this Act before releasing personal information about living individuals, including current and former employees and pupils.

Responsibilities

St Berteline's School has a responsibility to make information available in accordance with the Freedom of Information Act. Responsibility for compliance with this and related policies will rest with the Governing Body and the Head Teacher. Complaints regarding the use of this policy should be directed to the Governing Body. All school staff has a responsibility to ensure that any request for information they receive is dealt with under the Act and in compliance with this policy. They are also responsible for good information handling practice and for implementing records management policies and procedures as appropriate to their post.

Contact Details

If you do not accept our reasons for declining to disclose the information requested you should write to the Chair of Governors at the school in the first instance. If you are not happy with their response, you may wish to contact the Information Commissioner at:

The Information Commission Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: (01625) 545700 – Helpline is open from 9am to 5pm, Monday to Friday

Fax: (01625) 524510

Email: mail@ico.gsi.gov.uk

St Berteline's C of E (Aided) Primary School

Publication Scheme

Introduction: What a publication scheme is and why it has been developed

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce 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; and whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form. Some information which we hold may not be made public, for example personal information. This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

Categories of Information Published

The published scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as "classes". The classes of information that we undertake to make available are organised into four broad topic areas:

School/Website – Our website contains all the information currently required by the D of E Statutory Guidelines as well as further information about our school.

Governors' Documents - Information published in the governing body documents.

Pupils & Curriculum – information about policies that relate to pupils and the school curriculum.

School Policies and other information related to the school – information about policies that relate to the school in general.

Charges

The general charge for photocopying, printing and faxing or emailing information as an attachment is 10p per sheet. Postage charges will be at the appropriate rate. For more substantial items, the fee charged depends on whether we estimate that it would cost more or less than £450.00 to provide the information. In the vast majority of cases the cost will be under £450.00 and we will then charge only for photocopying, printing, faxing and postage. We may also charge for any work required to put the information into the required format, which could involve, for example:

- Summarising the information;
- Putting the information onto CD, video or audio cassette;
- Translating the information into a different language.

We will not normally charge for providing information in an alternative format where this is requested on grounds of disability.

Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Chair of Governors at St Bertelines' C of E Primary School.

St Berteline's C of E Primary School

Procedure for Access to Personal Information (Subject Access Request)

Rights of access to information

There are two distinct rights of access to information held by schools about pupils. The GDPR clarifies that the reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing

1. Under the Data Protection Act 1998 / GDPR 2018, a pupil has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).
2. The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

These procedures relate to the above mentioned rights.

Dealing with a request

1. Requests for personal information must be made in writing and addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any personal information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of, eg

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand. As a general rule, a child of 13 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

The Headteacher should discuss the request with the child and take their views into account when making a decision.

4. The school must provide a copy of the information **free of charge**. However, the school can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

The school may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean the school can charge for all subsequent access requests.

The fee must be based on the administrative cost of providing the information.

5. The response time for subject access requests, once officially received, is a **calendar month**.

6. There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. Therefore all information must be reviewed prior to disclosure.

7. Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, such as the Police, Local Authority, Health Care professional or another school.

Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the calendar month timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought from the school's Data Protection Officer.

10. Where redaction (information edited/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be viewed at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service must be used.

Complaints

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding access to records or the Data Protection Act, then please contact the school's Data Protection Officer.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk