



## School Policy

# Freedom of Information & Data Protection

March 2017, Issue 4

Document Number: AP-14



## Document Approval

This document was reviewed and approved by the governing body as appropriate and effective.

Signed: \_\_\_\_\_

*If this is one of the 2 official copies the Approver shall write "Copy 1" or "Copy 2" and initial here:*

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

## Document Review

The governing body will review this policy to ensure that it is appropriate and effective whenever necessary, and not less than once every four years.

## Document Control

There is one controlled paper copies of this document in the Policies File in the Junior Building. An electronic version is also available on our website in the policies area.

**All other copies (electronic and paper) are uncontrolled.**

## Document History

Filename: AP-14 Freedom of Info. & Data Protection Policy(1.0).doc				
Issue	Description of Change	Author	Checked	Date
A	Initial	JRE		29-08-07
B	Updated following feedback from the Information Commissioner's Office	JRE	SB/AH	18-09-07
1.0	Approved by the Information Commissioners Office, until 31 <sup>st</sup> December 2008	JRE	SB	21-09-07
2	Updated by J Briggs	JB		12-3-12
3	Updated by J Briggs	JB	CPS	March 16
4	Annual update	JB	Policy committee	March 17

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## **MODEL SCHOOL INFORMATION POLICY**

### **This is North and South Cowton CP School Information Policy**

#### **INTRODUCTION**

This policy will help the school to comply with the Data Protection Act 1998 (DPA), Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation. It addresses dealing with requests for information, records management, security and access to information and use of email and internet.

#### **What is does this policy apply to?**

This policy applies to any recorded information which is held by school, or on their behalf, in any form, whether manual or electronic.

#### **DATA PROTECTION**

Personal Data will be collected, stored, used and disclosed in accordance with the requirements of the Data Protection principles.

The school has notified its purposes for processing with the Information Commissioner.

#### **MAKING INFORMATION AVAILABLE**

The school will make information available in line with the DPA, EIR and FOI and is committed to the spirit of the legislation to promote openness and accountability. Requests will be responded to within the prescribed timescales.

Exemptions will only be applied when absolutely necessary. If an exemption applies individuals will be advised they cannot have the information they have requested and, where appropriate, given the reason why information is being withheld, and/or advised of the complaints procedure and contact details for the Information Commissioner.

The Chair of Governors and the Headteacher will jointly consider all requests where a public interest test is applied, or where there is any doubt on whether or not an exemption should be applied. In applying the public interest test they will:

- ♦ Document clearly the benefits from both disclosing and withholding the requested information; and
- ♦ Where necessary seek guidance on case law in deciding where the balance lies.

Reasons for disclosing/not disclosing the information will be reported to the next governing body meeting.

The school will offer advice and assistance to individuals to help them access information. For example if information is not held by the school but may be held by another public body, the school will advise the individual of this and provide contact details of the relevant public body.

(1) The school has adopted the Information Commissioner's model publication scheme for schools and will publish as much of the information as possible on its website. The



publication scheme will be kept up-to-date and will be subject to an annual review by the Governing Body.

### **Charging for information**

Charging for supplying information will be at the schools' discretion and in line with current regulations. If a charge applies, written notice will be given to the applicant and payment must be received before the requested information is supplied.

- ♦ For **FOI** and **EIR** requests, the school will use the North Yorkshire County Council Charging Policy. Once the individual has been notified that a fee is payable if this not received, within 3 months of the notification, the request will be deemed to have lapsed.
- ♦ For **DPA** or **Education (Pupil Information)(England) Regulations 2005** requests, charges will be made in accordance with current legislation.

### **Complaints**

Expressions of dissatisfaction will be handled through the school's existing general complaints procedure and on completion of the complaints procedure applicants will be notified of their right to complain to the Information Commissioner.

### **Monitoring & Evaluation**

The headteacher will be responsible for periodically monitoring requests received and action taken to ensure that the school is complying with it information legislation and report annually to the **Full Governing Body**.

## **RECORDS MANAGEMENT/SECURITY & CONTROL OF INFORMATION**

The school recognises that the secure and efficient management of its information is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school.

- ♦ Protocols will be in place to ensure the school knows what information is held and by whom.
- ♦ The school will ensure that information is managed in line with the guidance in the NYCC Information Governance advice for schools.
- ♦ The school will adopt the North Yorkshire County Council (NYCC) Record Retention and Disposal Schedule (RRDS) and will inform NYCC of any new records created or of records held by the school which do not appear in the RRDS.
- ♦ The school will ensure that information is held securely with access restricted as appropriate, and in line with the guidelines on security and access in the NYCC Information Governance advice for schools.
- ♦ The school will ensure that use of email and internet is properly controlled in line with the guidance in the NYCC Information Governance advice for schools.
- ♦ The school will periodically review and monitor its information management to ensure standards, procedures, guidelines and security measures are in place and being complied with.

## **TRAINING**

The school will ensure that appropriate guidance and training is given to the relevant staff, governors and other authorised school users on access to information regimes, records management, security and access to information, using email and the internet.



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## **COPYRIGHT**

When providing information, the school will ensure that there is no infringement of copyright legislation.

## **RESPONSIBILITY**

The day-to-day responsibility for implementation of the school Information Policy and the provision of advice, guidance, publicity and interpretation of the policy is delegated to the headteacher. The headteacher is also the Senior Information Risk Owner.

A designated member of staff **Alison Hughes** will be a single point of reference and will:-

- ♦ Oversee all requests for information
- ♦ Ensure systems are in place to deal with requests
- ♦ Be responsible for maintaining a log of all request received and for ensuring they are responded to within the prescribed timescales
- ♦ Ensure a record of refusals and reasons for refusals is kept, allowing the governing body to review the school Information Policy on an annual basis
- ♦ Take a view on possibly sensitive areas
- ♦ Co-ordinate/update the Publication Scheme
- ♦ Consider what training and guidance staff may need

## **GENERAL**

Any user who contravenes this guidance will be dealt with appropriately. This may include disciplinary action and/or informing the Police where appropriate.