



# HEARTWOOD

## LEARNING TRUST

### **FREEDOM OF INFORMATION POLICY**

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST (HLT) TRUST BOARD, THE CENTRAL TEAM, AND ALL TRUST SCHOOLS/ACADEMIES

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## Policy Updates

Date	Page	Policy Updates
February 2022	Whole policy	UK GDPR referenced instead of GDPR
February 2022	4	1.1-1.2 - Reference to the Data Protection Act 2018 added and reference to additional guidance added
February 2022	4	2 - Request criteria have been clarified
February 2022	5	3 - Timeframes have been clarified and guidance added for when information is not longer readily available or no longer held
February 2022	5-6	3.3-3.5 - Additional detail added around exemptions, extensions and information that does not fall under FOI. Reasonable format has been clarified
February 2022	7	4 - Guidance on cost limits added
February 2022	7	Detail added to advise what charges may be made for disbursement and additional guidance added regarding fees and fee notices
February 2022	8	Means of communication clarified
February 2022	10	Detail added around vexatious requests, appropriate timeframes and advice and assistance
February 2022	10	<b>New section added:</b> Consultation with third parties
February 2022	10	<b>New section added:</b> Internal reviews
February 2022	11	<b>New section added:</b> Contracts and outsourced services
October 2023	Whole policy	Reformatting and updated inline with the new Scheme of Delegation and approved policy tracker
January 2024	4	1.2 - Legal framework updated to reflect revised legislation
January 2024	4	2.1 - Bullet point amended to reflect an email address can be used for correspondence following an FOI request
January 2024	4	2.5 - Point added to clarify that all requests must be logged centrally and responses approved in by the deputy DPO
January 2024	9	7.15 - Point updated to reflect current process/responsibility for ensuring GDPR updates are recorded
January 2024	10	9.2 - Amended to reflect the contact details for the DPO/deputy DPO in case of a request for internal review

This policy has been approved by:			
Signed			Date
	<i>Chief Operating Officer</i>		

## **Statement of Intent**

This policy applies to Heartwood Learning Trust (HLT), all Trust schools/academies and the Central Services Team. All will be hereafter referred to as 'HLT'.

As an educational provider, HLT has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- HLT policy and procedures for the release and publication of private data and public records.
- HLT policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by HLT in obtaining any requested information, and on charging fees for its provision.

## 1. Legal Framework

- 1.1. This policy has due regard to the following legislation:
  - The UK General Data Protection Regulations (UK GDPR)
  - The Data Protection Act 2018
  - The Freedom of Information Act 2000
  - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- 1.2. This policy also has due regard to guidance, including, but not limited to, the following:
  - Cabinet Office (2018) 'Freedom of Information Code of Practice'
  - Information Commissioner's Office (ICO) (2013) 'Definition document for the governing bodies of maintained and other state-funded schools in England'
  - ICO (2015) 'Model publication scheme'
  - ICO (2016) 'Duty to provide advice and assistance (section 16)'
  - ICO (2023) 'Time limits for compliance under the Freedom of Information Act (section 10)'
- 1.3. This policy will be viewed in conjunction with the Trust's Data Protection (UK GDPR) Policy.

## 2. Accepting Requests for Information

- 2.1. HLT will only accept a request for information which meets all of the following criteria:
  - It is in writing (this includes requests sent to the Trust/school/academy's official social media accounts)
  - It states the name of the applicant (not a pseudonym) and a postal address or email address for correspondence
  - It adequately describes the information requested
- 2.2. A request will be treated as made in writing if it meets all of the following requirements:
  - It is transmitted by electronic means **or**
  - It is received in legible form
  - It is capable of being used for subsequent reference
- 2.3. Where a request is submitted in a foreign language, the Trust/school/academy is not expected to obtain a translation of the request. For the request to be processed, HLT will ask the applicant to provide their request in English.
- 2.4. HLT will publish details of its procedures for dealing with requests for information on the Trust and school/academy websites, which includes the following:
  - A contact address and email address
  - A telephone number
  - A named individual to assist applicants with their requests
- 2.5. Requests that have been sent directly to an HLT school/academy must be registered with the Deputy Data Protection Officer who will monitor and report on this centrally. All responses must be approved, in

advance, by the Deputy Data Protection Officer or the Data Protection Officer; a copy will be retained on file.

### **3. General Right of Access to Information Held by HLT**

- 3.1. Provided that the request complies with Section 2 of this policy, HLT will comply with its duty to:
  - Confirm or deny to any person making a request for information to HLT, whether it holds information of the description specified in the request.
  - Provide the documentation, if HLT confirms that it holds the requested information.
- 3.2. This will be completed no later than 20 school days, or 60 working days if this is shorter, from receipt of the request. Where a fee is charged, the timeframe within which HLT has to respond to the request begins from the day the fee is received.
- 3.3. HLT will not comply with section 3.1 of this policy where:
  - HLT reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
  - The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
  - A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
  - The cost of providing the information exceeds the appropriate limit.
  - The request is vexatious.
  - The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
  - A fee notice was not honoured.
  - The requested information is not held by HLT for the purposes of the Trust's business.
- 3.4. Where information is, or is thought to be, exempt, HLT will, within 20 school days, or 60 working days if this is shorter, give notice to the applicant which:
  - States the fact.
  - Specifies the exemption in question.
- 3.5. If information falls within scope of a qualified exemption and HLT needs additional time to consider the public interest test, HLT may extend the deadline. In most cases, the extension will exceed no more than a further 20 school days, or 60 working days if this is shorter; however, the actual length of the extension will be decided on a case-by-case basis.
- 3.6. Where a public interest test extension is required, HLT will write to the applicant to inform them of this, stating the following information:
  - Which exemption(s) the extension relies on and why
  - A revised deadline for when the applicant will receive their response
- 3.7. Where a deadline has to be further extended, the HLT will write to the applicant again, stating the information outlined above.

- 3.8. Requests for information that is not recorded by HLT (e.g. requests for explanations, clarification of policy and comments on the Trust's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and HLT will respond to the applicant through other channels as appropriate.
- 3.9. The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, HLT will assist the applicant by discussing alternative formats in which it can be provided. The information provided will also be in the language in which it is held, or another language that is legally required. If, under relevant disability and discrimination regulations, HLT is legally obliged to provide the information in other forms and formats, it will do so.
- 3.10. In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about HLT and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.
- 3.11. Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by HLT with the intention of preventing disclosure following a request.

## **4. The Appropriate Limit**

- 4.1. HLT will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.
- 4.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, HLT will take account only of the costs we reasonably expect to incur in relation to:
- Determining whether it holds the information.
  - Locating the information, or a document which may contain the information.
  - Retrieving the information, or a document which may contain the information.
  - Extracting the information from a document containing it.
  - Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of HLT, are to be estimated at a rate of £25 per person per hour.
- 4.3. HLT is not required to search for information in scope of a request until it is within the cost limit. If responding to one part of a request would exceed the cost limit, HLT does not have to respond to any other parts of the request.
- 4.4. Where multiple requests for information are made to HLT within 60 working days of each other, either by a single person or by different persons who appear to be acting together, the estimated cost of complying with any of the requests is to be taken to be the total costs to HLT of complying with all of them.

## **5. Charging Fees**

- 5.1. HLT may, within 20 school days, or 60 working days if this is shorter, give an applicant who has requested information from HLT, a written notice stating that a fee is to be charged for HLT's compliance.

- 5.2. Charges may be made for disbursements, such as the following:
- Production expenses, e.g. printing and photocopying
  - Transmission costs, e.g. postage
  - Complying with the applicant's preferences about the format in which they would like to receive the information, e.g. scanning to a portable storage device
- 5.3. Fees charged will not exceed the total cost to HLT of:
- Informing the person making the request whether we hold the information.
  - Communicating the information to the person making the request.
- 5.4. Where a fee is to be charged, HLT will not comply with Section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant. Where a fee is paid by cheque, HLT has the right to wait until the cheque is cleared before commencing work. Once a fee is received, HLT will inform the applicant of the revised response deadline, i.e. an additional 20 school days (or 60 working days).
- 5.5. Where HLT has underestimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, HLT will bear the additional costs. HLT will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.
- 5.6. When calculating the 20<sup>th</sup> school day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## **6. Means of Communication**

- 6.1. Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, HLT will, as far as is practicable, give effect to that preference:
- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
  - The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
  - The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.
- 6.2. Where a preference is not stated by the applicant, HLT will communicate by any means which are reasonable under the circumstances. For example, where an applicant uses Twitter to make a request, HLT may respond via an alternative medium as Twitter restricts the length of a response.

## **7. Providing Advice and Assistance**

- 7.1. HLT will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to HLT.
- 7.2. HLT may offer advice and assistance in the following circumstances:
- If an individual requests to know what types of information HLT holds and the format in which it is available, as well as information on the fees regulations and charging procedures.



- If a request has been made, but HLT is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
  - If a request has been refused, e.g. due to an excessive cost, it is necessary for HLT to assist the individual who has submitted the request.
- 7.3. HLT will provide assistance for each individual on a case-by-case basis; examples of how HLT will provide assistance include the following:
- Informing an applicant of their rights under the Freedom of Information Act 2000
  - Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
  - Advising an applicant if information is available elsewhere and how to access this information
  - Keeping an applicant informed on the progress of their request
- 7.4. Where HLT wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.
- 7.5. In order to provide assistance as outlined above, HLT will engage in the following good practice procedures:
- Make early contact with an individual and keep them informed of the process of their request.
  - Accurately record and document all correspondence concerning the clarification and handling of any request.
  - Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
  - Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
  - Remain prepared to assist an applicant who has had their request denied due to an exemption.
- 7.6. HLT will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.
- 7.7. In circumstances where an applicant has difficulty submitting a written request, HLT will:
- Make a note of the application over the telephone and then send the note to the applicant to confirm and return - the statutory time limit for a reply would begin here.
  - Direct the individual to a different agency that may be able to assist with framing their request.
- NB.** This list is not exhaustive and HLT may decide to take additional assistance measures that are appropriate to the case.
- 7.8. Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, HLT, as a matter of good practice, will provide advice and assistance.
- 7.9. HLT will advise the applicant how and where information can be obtained, if it is accessible by other means.

- 7.10. Where there is an intention to publish the information in the future, HLT will advise the applicant of when this publication is expected. If the request is not clear, HLT will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- 7.11. If HLT is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request. If any additional clarification is needed for the remainder of a request, HLT will ensure there is no delay in asking for further information.
- 7.12. Applicants are given two calendar months to provide any requested clarification. If an applicant decides not to follow HLT's advice and assistance and fails to provide clarification, HLT is under no obligation to contact the applicant again.
- 7.13. If HLT is under any doubt that the applicant did not receive the advice and assistance, HLT will re-issue it. HLT is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000. Where HLT has already sent a refusal request in relation to a previous vexatious request, HLT is not obliged to send another notice for future vexatious requests. An ongoing evidence log is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.
- 7.14. HLT is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, HLT will firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view of bringing it within the cost limit. Then HLT will consider whether any information can be provided free of charge if the applicant refuses to pay the fee. If a request is refined, it will be treated as a new request.
- 7.15. A record will be kept by the Deputy Data Protection Officer of all the advice and assistance provided.

## **8. Consultation with Third Parties**

- 8.1. HLT may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:
- When requests relate to persons or bodies who are not the applicant and/or HLT
  - When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or HLT
- 8.2. HLT will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.
- 8.3. Third parties will also be consulted where HLT is proposing to disclose information relating to them or information that is likely to affect their business or private interests.
- 8.4. The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.

- 8.5. It is ultimately HLT's decision as to whether information in scope of a request will be released following any relevant consultation.
- 8.6. Where HLT decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.
- 8.7. Where HLT intends to release information that relates to a large number of third parties, HLT will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, HLT may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Decisions will be made on a case-by-case basis.

## **9. Internal Reviews**

- 9.1. When responding to requests for information, the details of HLT's internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of HLT's internal review.
- 9.2. Requests for an internal review should be made in writing to HLT via the dpo@hlt.academy email account or addressed to the Trust's Head Office (For the attention of the Data Protection Team, Heartwood Learning Trust, Rawcliffe Drive, Clifton Without, York, YO30 6ZS).
- 9.3. For a request for an internal review to be accepted, it must be made within 40 school days from the date HLT issued an initial response to the request.
- 9.4. Upon receipt of an application, HLT will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 20 school days of receipt of the application.
- 9.5. If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, HLT may need to extend the usual response timeframe. In these cases, HLT will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.
- 9.6. Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received. Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision. During a review, HLT will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.
- 9.7. The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.

- 9.8. Within the response to a review, the applicant will be informed again of their right to complain to the Information Commissioner's Office (ICO).

## 10. Publication Scheme

- 10.1. HLT will meet its duty to adopt and maintain a publication scheme (see [Appendix A](#)) which specifies the information which it will publish on HLT website, and whether the information will be available free of charge or on payment.
- 10.2. The publication scheme will be reviewed every three years in line with this policy or, if necessary, updated on an **annual** basis.

## 11. Contracts and Outsourced Services

- 11.1. HLT will make clear what information is held by third party contractors on behalf of HLT. Where a contractor holds information relating to a contract held with HLT on behalf of HLT, this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.
- 11.2. When entering into a contract, HLT and the contractor will agree what information HLT will consider to be held by the contractor on behalf of HLT, this will be indicated in the contract.
- 11.3. Appropriate arrangements will be put in place for HLT to gain access to information held by the contractor on HLT's behalf, in the event that a freedom of information request is made. These arrangements will be set out in a **contract**, and will cover areas including the following:
- How and when the contractor should be approached for information and who the points of contact are
  - How quickly information should be provided to HLT
  - How any disagreement about disclosure between HLT and the contractor will be addressed
  - How requests for internal reviews and appeals to the ICO will be managed
  - The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of HLT
  - The circumstances under which HLT must consult with the contractor about disclosure and the process for doing so
  - The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate
- 11.4. In some situations, HLT may offer or accept confidentiality arrangements that are not set out within a contract with a third party. HLT and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency. Such expectations will only be created where it is appropriate to do so.
- 11.5. Contractors must comply with requests from HLT for access to information they hold on behalf of HLT. Requests for information held by a contractor on behalf of HLT will be responded to by the HLT. If a contractor receives a request, this will be passed onto HLT for consideration.

## **12. Monitoring and Review**

- 12.1. This policy will be reviewed on an **annual** basis, or in light of any changes to relevant legislation, by the Trust's Compliance Officer and will be approved by the Chief Operating Officer.
- 12.2. The next scheduled review date for this policy is recorded on the cover page.

## Appendix A - Heartwood Learning Trust Publication Scheme



### Heartwood Learning Trust Publication Scheme

This scheme follows the model approved by the Information Commissioner's Office (ICO) and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

#### 1. Classes of Information

Information that is available under this scheme includes:

Classes of Information	Examples
Who we are and what we do	Organisational information, locations and contacts, constitutional and legal governance.
What we spend and how we spend it	Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
What are our priorities	Strategy and performance information, plans, assessments, inspections and reviews.
How we make decisions	Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
Our policies and procedures	Current written protocols for delivering our functions and responsibilities.
Lists and registers	Information held in registers required by law and other lists and registers relating to the functions of the authority.
The services we offer	Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form, or notes, documents in older versions, emails or other correspondence.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

#### 2. How to Request Information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting HLT using the below contact details.

To enable us to process your request quickly, please mark all correspondence: **"FREEDOM OF INFORMATION REQUEST"**.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **3. Charges**

Documents contained in this scheme are free to view on the HLT website.

Single paper copies are also available free of charge to parents/carers and prospective parents/carers of HLT.

Any additional information requested under the Freedom of Information Act 2000 will be chargeable as outlined in the Trust's Freedom of Information Policy.

### **4. Feedback**

We welcome any comments or suggestions you may have regarding this scheme. Please contact **Heartwood Learning Trust** via email at: [dpo@hlt.academy](mailto:dpo@hlt.academy) or telephone **01904 560053**.