



# GMAT POLICIES

*Freedom of Information*

# Revision Information

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| This document has been approved for operation within | Greater Manchester Academies Trust and all establishments |
| Date of last review                                  | 05/01/2023  |
| Date of next review                                  | 05/01/2025  |
| Review Period  | Every 2 years   |
| Date of Trustee Approval                             |   |
| Status   | Approved  |
| Person Responsible for Policy                        | Chief Operating Officer                                   |
| Owner  |   |
| Signature of Approval                                |   |

| Review Date | Changes Made   | By Whom |
|-------------|--|---------|
| 05/01/2023  | <ul style="list-style-type: none"> <li>Updated the link to the model publications scheme</li> <li>Add a section on vexatious requests</li> <li>Added further details about charges for answering FOIR</li> <li>Added the "Record keeping" section</li> <li>Added the "Internal review" section</li> <li>Added the "Exemption" section</li> </ul> | AWO     |

*With you...for you...about you...*

## 1 Introduction

- 1.1 This policy covers requests for information under the Freedom of Information Act 2000 (“FOIA”). It also covers enquiries relating to matters under the Environmental Information Regulations 2004 (“EIR”), namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.
- 1.2 This policy does not cover enquiries or subject access requests under the Data Protection Act 2018 or the General Data Protection Regulation i.e., where the enquirer asks to see what personal information Greater Manchester Academies Trust (the “Trust”) holds about them. These enquiries will be dealt with under the Data Protection Policy which can be found on the Trust’s website.

## 2 Responsibilities of the Trust

The Trust understands its responsibilities in relation to FOIA and is committed to applying them. This policy is designed to set out the ways that persons can access their rights to information.

## 3 Publication Scheme

The Trust’s Publication Scheme reflects the Information Commissioner’s Model Publication Scheme: Definition Document for Schools (England)<sup>1</sup>. More information about publication schemes can be found on the following Information Commissioner’s Office web-site link: [ico.org.uk](http://ico.org.uk). It also incorporates website publications that are statutorily required by the Department for Education.

## 4 Right of Access

- 4.1 Any person can make a freedom of information request for information that the Trust holds. The request must be in writing (which can include email) and state the requestor’s name and correspondence address (including email address). It should clearly describe the information being requested with enough detail to enable us to identify and locate the information.
- 4.2 Please help us to provide your information as quickly as possible by sending the request to **dpo@gmatrust.co.uk** or by post to: Greater Manchester Academies Trust, Manchester Communication Academy, Silchester Drive, Manchester, M408NT.
- 4.3 A response will be provided as soon as possible but in any event within 20 school days.
- 4.4 Where the original request is not clear and we are required to seek further clarity from you, the time for responding to your request will cease until we receive a further response from you. In the event that we do not receive a further response, or the clarification requested within two months of our request for clarification we will assume you no longer wish to pursue your enquiry and close the matter down.

## 5 Exemptions

- 5.1 Requested information may not be provided if one of the following applies:
- The Trust does not hold the information.
  - There is a relevant exemption available; or
  - The request is above the cost limit (being £450 or 18 hours of a staff member's time).
  - The request is considered vexatious or repeated.
- 5.2 The exemptions that may be relevant depend on the request that has been made, but common exemptions include data protection, prejudice to the effective conduct of public affairs and information intended for future publication. There are other exemptions that may also be relevant.
- 5.3 We will inform you if one or more of these apply in any decision notice. Where the cost limit applies, we will explain how to refine the request to bring it within the cost limit and why the costs limit has been exceeded.

## 6 Responding to requests for information

- 6.1 The DPO will respond to the request or assign this responsibility to a senior manager having decided whether the potential outcomes are:
- Agreement to meet the request in full
  - Agreement to meet the request in part (with reasons)
  - Refusal to meet the request (with reasons)
- 6.2 The relevant person will respond to the enquirer within 20 school days (i.e. excluding weekends and school holidays) of the request being made.
- 6.3 The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the relevant person will keep the enquirer informed of the progress and where possible provide an expected date for a response.
- 6.4 Should a request be refused under Section 36 of the FOIA 2000 the response will state the relevant exemption which has been applied or that the school does not hold the information, and will explain what public interest test has been made if this applies. The application of Section 36 needs to be approved by a qualified person, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition listed in the FOIA.
- 6.5 The Act states that requests should not be allowed to cause a drain on the academy or School's time, energy and finances to the extent that they negatively affect normal public functions (in excess of 18 hours). The Trust can reserve the right to refuse a request if it is likely to be in excess of 18 hours to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.

## 7 Vexatious Requests

Under section 14 of the FOIA if the School receives several requests from the same person, or a series of requests that appear intended to disrupt its work, these may be treated as repeated or vexatious. In this case the School may refuse to provide the information requested but would issue a refusal notice within 20 school days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information (Note: this must include information regarding the appeals process).

## 8 Charges

- 8.1 The maximum cost limit cannot exceed £450.00 and will only be charged if the work involved exceeds the 18-hour threshold. Any work involved over 18 hours will be charged at £25.00 per hour per person involved in locating, collating and retrieving information requested.
- 8.2 All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.
- 8.3 If a fee is not received within 3 months of issuing a fee notice we are no longer obliged to respond to the request.

## 9 Record Keeping

Records will be entered into a “Freedom of Information Requests Log” sorted on <https://identity.gdpr.school> . A copy of the data disclosed shall be entered into the disclosure log. Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

The log will include details of:

- The party making the request for information;
- The date upon which the request was received and to whom it was addressed;
- The nature of the information requested;
- The outcome of deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made to the party requesting the information, including the person nominated to implement the response, the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The outcome of the appeals committee’s deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the appeals committee to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

## 10 Internal Review

- 10.1 Where a requester is not happy with the response to a freedom of information request that has been made, they will be entitled to ask for an internal review of the decision. The internal review must be requested within two months of the decision notice being sent. The internal review will usually be dealt with by someone more senior than the member of staff that provided the initial response. A requester will in most cases receive the outcome of the internal review within 20 school days. For further

information on the freedom of information complaints procedure please email [dpo@gmatrust.co.uk](mailto:dpo@gmatrust.co.uk) for a copy of the procedure.

- 10.2 If a requester is still not happy with the response following an internal review, they can complain to the Information Commissioner.