



The Macclesfield Academy
Freedom of Information Policy

Date Approved by Governors:	October 2018
Date Policy Due for Review:	<i>October 2021</i>
<i>Version 2019-1</i>	

Statement of Commitment

The Macclesfield Academy is committed to the Freedom of Information Act 2000 (the Act) which came into force in January 2005. The Academy is committed to the principles of accountability and the general right of access to information, subject to legal exemptions.

Legal Framework

Any person has a legal right to ask for access to information held by an Academy. They are entitled to be told whether the Academy holds the information, and to receive a copy, subject to certain exemptions. The information which the Academy routinely makes available to the public includes information available on the Academy web site. Requests for other information are dealt with in accordance with statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. The Act is fully retrospective, so that any past records which the Academy holds is covered by the Act. It is an offense to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry.

Purpose

The policy outlines our framework for managing requests under the Freedom of Information Act 2000.

Retention of Records The Academy will publish a Retention Schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the Academy as to how long it should keep records.

Dealing with Requests

Requests for information must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. Requests under the Act can be addressed to anyone employed by the Academy. However, all responses are to be cleared with a member of The Senior Leadership Team (SLT) prior to despatch. SLT members will take legal or other professional advice as appropriate. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

Presentation of Information when complying with a request

If the requester has asked for information to be provided in a specific format, the Academy will accommodate this.

If no format has been specified, the Academy can present the information however it deems reasonable. For example, if there is a large amount of information available as a hard copy, the requester could be invited to view this in the Academy.

If a document is already in a digital format, it will be sent electronically.

Minor changes to the FOIA came into force in September 2013, giving members of the public the right to receive datasets in a form in which they are capable of re-use.

This means data must be provided in a format:

- Where software programs can easily read and extract specific data
- Based on 'open standards', meaning it is accessible regardless of the technology it is being viewed on.

Exemptions

Certain information is subject to either absolute or qualified exemptions. When the Academy wishes to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years from the date of the request.

The Act does not give people access to their personal data. If a member of the public wants to information that a public authority holds about him/her, he/she should make a subject access request under the GDPR.

Charging

The Academy reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450. The Academy reserves the right to charge a fee for complying with requests for information under Freedom of Information Act. The fees are calculated according to Freedom of Information Act regulations, and the person notified of the charge before the information is supplied.

Publication Schemes

As a a public authority, the Academy **must** use the ICO's model publication scheme. The model scheme lists the following 7 classes of information that each organisation will make available:

- What the organisation is and what it does
- What it spends and how it spends it
- What its priorities are and how it is doing
- How it makes decisions
- Policies and procedures
- Lists and registers
- The services it offers

In addition, the publication scheme sets out how the information will be made available, and the charges that may be made for it.

Responsibilities

Governors have delegated responsibility for compliance with the Act to the Headteacher. All Academy staff are responsible for following the procedures set out in this policy.

Complaints

Any comments or complaints will be dealt with through the Academy's normal complaints procedure. If, on investigation, the Academy's original decision is upheld, then the Academy has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals

Appeals should be made in writing to the Information Commissioner's Office at:
Freedom of Information and Environmental Information Regulations Complaints Resolution,
Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9
5AF.

Review

This policy will be reviewed every three years.