



# **FREEDOM OF INFORMATION POLICY & PROCEDURE**

**Reviewed by: Trustees**

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## **PART A**

### **1. Revision**

**1.1** This document will be reviewed biennially.

### **2. Distribution**

**2.1** The Clerk to the Trustees shall retain a hard copy of this procedure and distribute controlled copies as required. Electronic copies of this procedure shall be available via the computer network.

### **3. Implementation**

**3.1** The requirements of this procedure are mandatory and apply from receipt of this document.

## **PART B**

### **4. Purpose**

**4.1** West Norfolk Academies Trust is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005 and which comes to include Academies by the Academies Act 2010, with effect from 1 January 2011. The Academies are committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

**4.2** Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the Academies. They are entitled to be told whether the Academies hold the information, and to receive a copy, subject to certain exemptions.

**4.3** The information which the Academies routinely make available to the public is included in the Publication Scheme. 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.

**4.4** The Act is fully retrospective, so that any past records which the Academies hold are covered by the Act. The Academies have a Retention Schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the Academies as to how long they should keep records. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

**4.5** Requests under the Act can be addressed to anyone employed by the respective Trust to which the request applies. All staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirer's 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. 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.

## **5. Scope**

- 5.1** The Executive Headteacher is responsible for ensuring compliance with Trust Policies and Procedures. This procedure applies to all Trust staff.
- 5.2** Requests for personal data are still covered by the Data Protection Act 18. Individuals can request to see what information the Trust holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.
- 5.3** Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these are covered by the Environmental Information Regulations. Requests under EIR are dealt with in the same way as those under FoIA, but they do not need to be written and can be verbal.

## **6. Associated documents**

- Complaints Procedure

## **7. Abbreviations and Definitions**

- FoIA – Freedom of Information Act 2000
- EIR – Environmental Information Regulations

## **8. Obligations and duties**

- 8.1** The Trust recognises the duty to provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- 8.1** The Trust recognises the duty to tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures.

## **9. Dealing with requests**

- 9.1** We will respond to all requests in accordance with established procedures. We will ensure that staff are aware of the procedures.

## **10. Exemptions**

- 10.1** Certain information is subject to either absolute or qualified exemptions.
- 10.2** When we wish 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.
- 10.3** 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.

## **11. Public interest test**

**11.1** Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

## **12. Charging**

**12.1** We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

**12.2** The Trust reserves the right to charge a fee for complying with requests for information under FoIA. The fees are calculated according to FoIA regulations, and the person notified of the charge before the information is supplied. Fees must be paid before the information is released.

## **13. Responsibilities**

**13.1** The Trust has delegated the day-to-day responsibility for compliance with the FoIA to the Head teacher. A member of staff has been nominated to co-ordinate enquiries and to be a point of reference for advice and training.

## **14. Complaints**

**14.1** Any comments or complaints will be dealt with through the respective Trust's normal complaints procedure.

**14.2** If, on investigation, the Trust's original decision is upheld, then the Trust has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

**14.3** Appeals should be made in writing to the Information Commissioner's Office at:  
FOI/EIR Complaints Resolution, Information Commissioner's Officer  
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

## **15. Records**

Record	Where kept	Retention time (Min)	Disposal authority
Register of Requests	Main Office	Five Years	Head teacher
Original Written Requests	Main Office	Five Years	Head teacher
Response to Requests	Main Office	Five Years	Head teacher
Correspondence Related to Freedom of Information Requests	Main Office	Five Years	Head teacher