

Pembrokeshire County Council  
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## Freedom of Information

## Guidance for Schools

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### Document Revision History

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## **Freedom of Information**

The Freedom of Information Act 2000 provides public access to information held by public authorities, including Schools.

The Act does this in two ways:

### **1. Publication Scheme**

The Freedom of Information Act requires every public authority to have a publication scheme. The scheme must set out your commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information. You must publish information proactively.

Most public authorities will make their publication scheme available on their website under 'freedom of information', 'guide to information' or 'publication scheme'. If you are asked for any of this information, you should be able to make it available quickly and easily, so you should make your staff aware of the information available through your publication scheme.

The Publication Scheme must be approved by the Information Commissioner's Office (ICO), who is the regulator of the Act. The ICO has developed a model publication scheme for Schools to use: [Definition document for Schools](#)

The information you release in accordance with the publication scheme represents the minimum you must disclose. If a member of the public wants information not listed in the scheme, they can still ask you for it.

### **2. Written request for information**

The Act says that any person can request information from a public body and have that information provided to them within 20 working days, subject to certain exemptions. The Act covers any recorded information that is held by a public authority. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. The Act does not give people access to their own personal data (information about themselves) such as their School record.

#### **2.1 Receiving a request**

A valid FOI request must be made in writing, clearly describing the information being requested, along with the name of the requestor and an address to reply to. The ICO has published guidance on [Receiving a request](#).

#### **2.2 Refusing a request**

A requester may ask for any information that is held by a public authority. However, this does not mean you are always obliged to provide the information. In some

cases, there will be a good reason why you should not make public some or all of the information requested.

You can refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

In addition, the FOI Act contains a number of exemptions that allow you to withhold information from a requester. You can automatically withhold information because an exemption applies only if the exemption is 'absolute', however, most exemptions are not absolute but require you to apply a public interest test. This means you must consider the public interest arguments before deciding whether to disclose the information. So you may have to disclose information in spite of an exemption, where it is in the public interest to do so.

If you are refusing all or any part of a request, you must send the requester a written refusal notice. You will need to issue a refusal notice if you are either refusing to say whether you hold information at all, or confirming that information is held but refusing to release it. The ICO has published guidance on [Refusing a request](#)

### 2.3 Internal Review

If an individual is not satisfied with the response they receive they can request an Internal Review, which looks at the request afresh. You should create an Internal Review Policy, Pembrokeshire County Council's [Internal Review Policy](#) can be used as a template.

### 2.4 Appeal to the ICO

If an individual is not satisfied following the review response, they can make a complaint to the Information Commissioner's Office. You have a duty to provide the ICO's contact details to the individual:

Information Commissioner's Office  
2<sup>nd</sup> Floor,  
Churchill House  
Churchill Way  
Cardiff  
CF10 2HH  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

For information on how the ICO handles a complaint, please see their [website](#).