



# Data Protection Policy

(in line with The UK General Data Protection Regulations UK-GDPR)

Last Reviewed	December 2021
Next Review Date	December 2023
Ratified by the Trustee Board	December 2022

# HORSFORTH SCHOOL

## DATA PROTECTION POLICY

### 1 Aim

The aim of this policy is to inform all individuals of the Data Protection Act 2018 and General Data Protection Regulation ((EU) 2016/679) (UK-GDPR). The Data Protection Act 2018 gives you the right to see a copy of personal information held about you. If you wish to see information held about you, you can complete a form to request the information from the relevant organisation.

### 2 Context

Horsforth School operates within guidance and procedures set out by the Department for Education (DfE).

### 3 Legal Basis for Processing

The legal basis for processing data for schools is either:

- We need to comply with the law
- We need to use it to carry out a task in the public interest (in order to provide you with an education)

Sometimes, we may also use personal information where:

- We have been given permission to do so
- We need to protect a legitimate interest

### 4 Review

This policy will be reviewed annually by the Board of Trustees to ensure it is still fit for purpose. Circumstances may require more frequent modifications.

### 5 Author

This policy has been updated by LVR/PCB in December 2022

### 6 Procedures

Procedures to support this policy are appended as follows:

Appendix 1 - Procedures

Appendix 2 – Data Breach Reporting Form

Appendix 3 – Guidelines

Appendix 4 – Data Protection Information Request Form

Appendix 5 – Freedom of Information Procedures

# **Appendix I: Procedures to support the Policy**

## **1. Introduction**

Horsforth School is committed to being transparent about how it collects and uses the personal data of its workforce and students, and to meeting its data protection obligations. This policy sets out our commitment to data protection, and individual rights and obligations in relation to personal data and is tailored to comply with the General Data Protection Regulation ((EU) 2016/679) (UK-GDPR) and the Data Protection Act 2018.

Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

This policy applies to the personal data of job applicants, employees, (workers, contractors, volunteers, apprentices) and former employees, and to students and former students of Horsforth School.

Horsforth School believes that protecting the privacy of our staff and students and regulating their safety through data management, control, and evaluation is vital to whole-school and individual progress. The school collects personal data from students, parents/carers, and staff and processes it in order to support teaching and learning, monitor and report on student and teacher progress, and strengthen our pastoral provision.

We take responsibility for ensuring that any data that we collect and process is used correctly and only as is necessary, and the school will keep parents/carers fully informed of the how data is collected, what is collected, and how it is used. National curriculum results, attendance and registration records, special educational needs data, and any relevant medical information are examples of the type of data that the school needs. Through effective data management we can monitor a range of school provisions and evaluate the wellbeing and academic progression of our school body to ensure that we are doing all that we can to support both staff and students. The legal basis for processing data is that it is necessary to carry out these tasks in the public interest.

Within Horsforth School the Director of HR is responsible for data protection compliance and is the named Data Protection Officer (DPO). Questions about this policy, or requests for further information, should be directed to the DPO.

Horsforth School is also committed to ensuring that its staff are aware of data protection policies, legal requirements and ensuring adequate training is provided. The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

## **2. Our promise**

All data within the School shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

In line with the Data Protection Act 2018, and following principles of good practice when processing data, all staff within the School will:

- ensure that data is fairly and lawfully processed
- process data only for limited purposes
- ensure that all data processed is adequate, relevant and not excessive
- ensure that data processed is accurate
- not keep data longer than is necessary
- process the data in accordance with the data subject's rights
- ensure that data is secure
- ensure that data is not transferred to other countries without adequate protection.

### **3. Fair Processing / Privacy Notice:**

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents/carers and students prior to the processing of individual's data. Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as 'Children' under the legislation.

There may be circumstances where the school is required either by law or in the best interests of our students or staff to pass information onto external authorities, for example our local authority, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of the School shall be clearly defined within notifications and details of the basis for sharing given. Data will only be shared with external parties in circumstances where it is a legal requirement to provide such information.

Under no circumstances will the school disclose information or data:

- that would cause serious harm to the child or anyone else's physical or mental health or condition
- indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child
- that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person's name or identifying details are removed
- in the form of a reference given to another school or any other place of education and training, the child's potential employer, or any national body concerned with student admissions.

## 4. Individual responsibilities

Individuals are responsible for helping to keep their personal data up to date. Individuals must let the school know if data previously provided changes, for example if an individual moves house or changes their bank details. Horsforth School will update personal data promptly when are advised that information has changed or is inaccurate.

Some staff may have access to the personal data of other individuals, other staff and students in the course of their employment or placement. Where this is the case, we expect staff to help meet our data protection obligations.

Staff who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.

Failing to observe these requirements may amount to a disciplinary offence. Significant or deliberate breaches of this policy, such as accessing employee or student data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

Staff personal data gathered during the employment or placement, is held in an individual's personnel file (in hard copy and electronic format), and on HR systems. The periods for which this information is held will be contained in privacy notices. Horsforth School will keep a record of its processing activities in respect of personal data in accordance with the requirements of the Data Protection Act 2018 and UK-GDPR.

## 5. Data Security:

Horsforth School takes the security of personal data seriously. The School has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them. Risk and impact assessments shall be conducted in accordance with guidance given by the ICO performance.

Where we engage third parties to process personal data on our behalf, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## 6. Subject Access Request – Requesting Information

All individuals including students whose data is held by Horsforth School, have a legal right to request access to such data or information about what is held. Any such request will normally be responded to within one month of the date the request was received. Requests should be made in writing to the Director of HR.

### **Educational record**

A student can request, in writing, to see their educational record. This record may include:

- a statement of special educational needs
- their personal education plan (PEP) – the document provided by social care to the school if a child is looked-after
- a record of information kept by the school, for example relating to behaviour or family background, which:
  - is processed by or on behalf of the board of Trustees or a teacher at any maintained or special school
  - relates to a past or present pupil
  - originates from any employee at the LA that maintains the school, or is supplied by or on behalf of them
  - originates from any teacher or other employee at the student’s school or former school or is supplied by or on behalf of them
  - originates from the student to whom the record relates or the student’s parent/carer, or is supplied by or on behalf of them

A parent/carer can request to see their child’s educational record, or request it on behalf of their child, in writing. Parents of students at this school do not have an automatic right to access their child’s educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner’s Office (ICO).

The information will be presented within 15 days of the request. If there is a cost of retrieving the information, for example if a copy must be made, a charge may be made to cover the amount that it will cost but no more. Other than this, there will be no charge for the information requested.

### **Staff**

We are legally obliged to protect certain information on our staff. School staff have a right to see records of their personal information. Staff who wish to access this information can make a subject access request under the Data Protection Act 2018. Disclosure of these records will be made once third-party information has been removed in accordance with the Data Protection Act 2018.

If an individual makes a subject access request, we will provide the following information:

- whether or not the data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
- to whom the data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long the personal data is stored (or how that period is decided);

- their rights to rectification or erasure of data, or to restrict or object to processing;
- the right to complain to the Information Commissioner if they believe Horsforth School has failed to comply with their data protection rights;
- a copy of the personal data undergoing processing.

If a subject access request is manifestly unfounded or excessive, we may choose not to comply with it or alternatively, charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the organisation has already responded. If an individual submits a request that is unfounded or excessive, we will notify them directly that this is the case and whether or not we will respond to it.

## 7. Other rights

Individuals including students have a number of other rights in relation to their personal data. They can require us to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override the legitimate grounds for processing data;
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override our legitimate grounds for processing data.

To ask the Horsforth School to take any of these steps, the individual should send the request to the Director of HR and data protection officer.

## 8. Access to data and disclosure

### Third parties

Personal data about students will not be disclosed to third parties without the consent of the student's parent or carer, unless it is obliged by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

- **Other schools**  
If a student transfers from Horsforth School to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the school. This will support a smooth transition from one school to the next and ensure that the student is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child's academic progress as a result of the move.
- **Examination authorities**  
This may be for registration purposes, to allow the students at our school to sit examinations set by external exam bodies.

The information supplied to the school will be used by the Skills Funding Agency, an executive agency of the Department for Education (DfE), to issue students with a Unique Learner Number (ULN), and to create a Personal Learning Record. For more

information about how information is processed and shared students can refer to the Extended Privacy Notice available on Gov.UK.

- **Health authorities**

As obliged under health legislation, the school may pass on information regarding the health of children in the school to monitor and avoid the spread of contagious diseases in the interest of public health.

- **Police and courts**

If a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

- **Social workers and support agencies**

In order to protect or maintain the welfare of our students, and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.

- **Educational division**

Schools may be required to pass data on in order to help the government to monitor the national educational system and enforce the Education Act.

### **School staff**

School staff will have restricted access to students' personal data and will be given access only on a 'need to know' basis in the course of their duties within the school. All staff are well informed of the Data Protection Act and how their conduct must correspond with this. Staff will use data only for the purpose of which it was collected, and any staff that are found to be acting intentionally in breach of this will be disciplined in line with the seriousness of their misconduct.

## **9. Location of information and data**

Hard copy data, records, and personal information should be stored out of sight and in a locked cupboard no matter what format it is in. The only exception to this is medical information that may require immediate access during the school day.

Electronic records – access will only be given to folders where there is a legitimate business reason to have access.

Sensitive or personal information and data should ideally not be removed from the school site; however, the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings, or are on school visits with students. The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

- Paper copies of data or personal information should not be taken off the school site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places, or left unattended under any circumstances.



- Unwanted paper copies of data, sensitive information or pupil files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or student by name.
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.
- If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.
- If it is necessary to transport data away from the school, it should be downloaded onto a USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB, and saved onto the USB only. USB sticks that staff use must be password protected.
- All documents sent electronically should at least be password protected.

These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

## **10. Photographs and Video:**

Images of staff and students may be captured at appropriate times and as part of educational activities for use in school only. Unless prior consent from parents/students/staff has been given, the school shall not utilise such images for publication or communication to external sources. It is the school's policy that external parties (including parents/carers) may not capture images of staff or pupils during such activities without prior consent.

## **11. Retention of data**

Horsforth School will not keep personal data on students for any longer than is reasonably necessary. Information such as statistical data, and information that is collected to be kept as part of school records, will be kept by the school even after the child leaves.

It is very important that all examination results certificates and records indicating the progress of a student are safely kept by their parents/carers as the school cannot guarantee that this information will be kept indefinitely by the school.

The school cannot guarantee that any information will be kept by the school indefinitely, although records are usually kept for a period of 5 years after the child has left the school. All student and staff records will be retained in line with the Information and Records Management Society Retention Guidelines for Schools.

Horsforth School recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services. All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the

disposal process. Horsforth School has identified a qualified source for disposal of IT assets and collections.

## **12. Data Breaches**

If there has been a breach of personal or sensitive data that poses a risk to the rights and freedoms of individuals, we will report it to the Information Commissioner within 72 hours of discovery. We will record all data breaches regardless of their effect using the form at Appendix 2. Staff must inform the data protection officer of any breach.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken as a result.

## Appendix 2: Data Breach Reporting Form

<b>Date:</b>		<b>Person reporting breach</b>		
<b>Outline of Breach</b>				
<b>Which data subjects were involved</b>				
<b>Data Type involved</b>				
<b>Phone/email sent to DPO</b>	<b>Yes/No</b>	<b>Is this high risk?</b>	<b>Please explain</b>	<b>Report to ICO Yes/No</b>
<b>Date reported to</b>				
<b>Actions Taken</b>				
<b>Preventative actions taken</b>				
<b>Notes</b>				
<b>Signed off by DPO</b>			<b>Date</b>	

## **Appendix 3: Guidelines**

Under the Data Protection Act, you have the right to ask for a copy of the information we hold about you. You are only entitled to make a request for personal information on behalf of another living adult if you have authorisation to do this.

Parents or guardians are allowed to make a request for personal information on behalf of their children, although if the children are aged 12 or over then they must give their permission for this.

We need various information from you to help us find the information you are interested in and to deal with your request as quickly as possible. We also need you to prove who you are, as we have to be sure that we're giving your personal information out to the correct person. The form below sets out exactly what information we need from you and what you have to give us to prove your identity.

Your responsibilities are

- You need to apply in writing (using the form – Appendix 4)
- You need to establish your identity by providing suitable ID
- You should help us to find the information by specifying what data you would like to see.

Our responsibilities are

- To acknowledge your request
- To inform you if we have any personal data about you and provide it if we have;
- To reply within 1 month..

Horsforth School does not charge any fee for a Subject Access Request, unless the request is deemed to be manifestly unfounded or excessive, in which case Horsforth School may charge a reasonable fee (taking into account the administrative costs of providing the information or taking the action requested).

## Appendix 4: Data Protection Information Request Form

### 1. Who is the data subject?

Mr/Mrs/Miss/Ms/other \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone No \_\_\_\_\_

Email Address \_\_\_\_\_

### 2. Has the Data subject ever been an employee of Horsforth School?

Yes

No

Don't know

### 3. What are your Personal Details?

a. Are you the data subject?

Yes  If you answered 'Yes', go straight to Question 5

No  If you answered 'No' please provide the information below and go to Question 4

Data Subject's full name

Mr/Mrs/Miss/Ms/other \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone No \_\_\_\_\_

### 4. If you are NOT the data subject, state your relationship to them?

\_\_\_\_\_

If you are NOT the Data Subject, describe your entitlement to receive details of their Personal Data,

and the written authority enclosed (e.g. from the Data Subject) which supports this entitlement.

Why are you entitled to their Personal Data?

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What written authority have you enclosed?

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### 5. How do you believe we process the Data Subject's Personal Data?

We could hold and use information about you for a variety of purposes; it will help us to deal with your request if we know what information you are seeking.

Describe what information you would like:

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Continue on a separate sheet if necessary. If you are seeking a specific piece of Information please say this as it may enable your request to be dealt with more quickly.

### 6. Proof of Identity

To help us process your request we need to establish your identity by providing suitable ID. To confirm the Data Subject's identity, you must send one of the documents listed below. Please tick the appropriate boxes to indicate which documents you have enclosed.

Full Valid Driving licence issued by a member state of the EU/EEA

Birth Certificate or Certificate of Registry of Birth or Adoption certificate

Full Valid Current Passport

Gas, electricity, water or telephone bill in the Data Subject's name for the last quarter

Council Tax demand in the Data Subject's name for the last quarter

Bank, building society or credit card statement in the Data Subject's name for the last quarter

Letter to Data Subject from solicitor/social worker/probation officer in the last Quarter

## 7. Formal Declaration

In exercise of the right granted to me under the terms of the Data Protection Act 2018, I request that you provide me with a copy of the Personal Data about the Data Subject which you process for the purposes I have indicated above.

I confirm that this is all of the Personal Data to which I am requesting access. I also confirm that I am either the Data Subject, or am acting on their behalf

Signed \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Make sure you have:

- (a) Completed this form
- (b) Signed the declaration above
- (c) Enclosed photocopies of proof of identification document

Please send them to:

Lauren Robinson – Data Protection Request, Horsforth School, Lee Lane East, Horsforth, Leeds LS18 5RF

We recommend that you send your form and documents by secure method e.g. Recorded Delivery  
Note: The period of one month in which Horsforth School must respond to the request will not commence until it is satisfied upon these matters.

Horsforth School does not currently charge any fee for a Subject Access Request, unless the request is deemed to be manifestly unfounded or excessive, in which case Horsforth School may charge a reasonable fee (taking into account the administrative costs of providing the information or taking the action requested).

## **Appendix 5: Freedom of Information Procedures**

### **Background and Core Procedures**

#### **1. Introduction**

Horsforth School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This Policy outlines the School's response to the Act and a framework for managing requests.

#### **2. Background**

The Freedom of Information Act 2000 (Fol Act) came fully into force on 1 January 2005. Under the Act, any person has a legal right to ask for access to information held by the School. They are entitled to be told whether the School holds the information, and to receive a copy, subject to certain exemptions.

The information which the School routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Fol Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

Requests must be made in writing, (including email or fax), and should include the enquirers name and correspondence address, and state what information they require. Horsforth School has a duty to respond to all requests, specifically confirming whether or not the information is held and supplying any information that is held, except where exemptions apply. A response will be provided in 20 days excluding school holidays.

#### **3. Scope**

The Fol Act joins the UK-GDPR (UK-GDPR) and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the School.

Requests for personal data are still covered by the UK-GDPR. (UK-GDPR). Individuals can request to see what information the School holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

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 (EIR). They also cover issues relating to Health and Safety.

If any element of a request to the school includes personal or environmental information, these will be dealt with under UK-GDPR or EIR. Any other information is a request under Fol, and will be dealt with accordingly.



## **4. Obligations and Duties**

The School recognises its duty to

- Provide advice and assistance to anyone requesting information. Horsforth School 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 FoI Act.
- Tell enquirers whether or not the School holds the information they are requesting, and provide access to the information we hold in accordance with the procedures laid down below.

## **5. Publication Scheme**

Horsforth School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. The Publication Scheme and the materials it covers will be readily available on our School website, [www.horsforthschool.org](http://www.horsforthschool.org)

## **6. Dealing with Requests**

We will respond to all requests in accordance with the procedures laid down below.

## **7. Exemptions**

Certain information is subject to either absolute or qualified exemptions.

Should the School wish to apply a qualified exemption to a request, it will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

Horsforth School 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 by the Director of HR for 5 years.

## **8. Public Interest Test**

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.

## **9. Charging**

Horsforth School reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450

Trustees may choose to charge a fee for complying with requests for information under FOI. The fees must be calculated according to FoI regulations and the person notified of the charge before information is supplied.

## **10. Responsibilities**

The Trustees of Horsforth School has delegated the day-to-day responsibility for compliance with the FoI to the Head Teacher. Please note any FoI requests received may be forwarded on to the Information Access Team, Children Services, Leeds City Council, for guidance.

## **11. Complaints**

Any comments or complaints will be dealt with through the School's normal complaints procedure.

Appeals against the outcome of an internal complaint investigation should be made in writing to the Information Commissioner's Office (ICO). They can be contacted at:

FOI/EIR Complaints Resolution  
**Information Commissioner's Office**  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire. SK9 5AF

## Procedure for dealing with requests

To handle a request for information the Trustees or delegated person will ask themselves a series of questions. These are set out below

### Is it a FOI request for information?

A request for information may be covered by one, or all, of three information rights:

- UK-GDPR enquiries (or subject access requests) are ones where the enquirer asks to see what personal information the school holds about the enquirer. If the enquiry is a Data Protection request, follow your existing school UK-GDPR guidance.
- Environmental Information Regulations enquiries are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, follow the guidance on the ICO's website [here](#) or the DEFRA website [here](#).
- FOI enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the FOI Act. All requests for information that are not data protection or environmental information requests are covered by the FOI Act.

### Is this a valid FOI request for information?

An FOI request should:

be **in writing**, including email or FAX; **state the enquirer's name and correspondence address** (email addresses are allowed);

**describe the information requested** - there must be enough information to be able to identify and locate the information; and not be covered by one of the other pieces of legislation.

Verbal enquiries are not covered by the FOI Act. Such enquiries can be dealt with where the enquiry is relatively straightforward and can be dealt with satisfactorily. However, for more complex enquiries, and to avoid disputes over what was asked for, you should ask the enquirer to put the request in writing or email, when the request will become subject to FOI.

### Does the school hold the information?

“Holding” information means information relating to the business of the school: the school has **created**, or the school has **received from another** body or person, or **held by another** body **on the school’s behalf**.

Information means both hard copy and digital information, including email.

### **Has the information requested already been made public?**

If the information requested is already in the public domain, Horsforth School will direct the enquirer to the information and explain how to access it.

### **Is the request vexatious or manifestly unreasonable or repeated?**

The FoI Act states that there is no obligation to comply with vexatious requests. This is taken to mean a request which is designed to cause inconvenience, harassment or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine the work of the school.

### **Could a third party’s interests be affected by disclosure?**

Consultation of third parties may be required if their interests could be affected by release of the information requested, and any such consultation may influence the decision.

Consultation will be necessary where:

- disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- the views of the third party may assist you to determine if information is exempt from disclosure, or
- the views of the third party may assist you to determine the public interest.

### **Does an exemption apply?**

The presumption of the legislation is that you will disclose information unless the FoI Act provides a specific reason to withhold it.

### **Is the request for personal information?**

Personal information requested by the subject of that information is exempt under the FOI Act as such information is covered by the UK-GDPR. Individuals must, therefore, continue to make a ‘subject access request’ under the UK-GDPR if they wish to access such information.

### **Do the details contain personal information?**

Personal information requested by third parties is also exempt under the FOI Act where release of that information would breach the UK-GDPR. If a request is made for a document (e.g. Trustees minutes) which contains personal information whose release to a third party would breach the UK-GDPR, the document may be issued by blanking out the relevant personal information.

## **What is the time limit for replying to the enquirer?**

Compliance with a request must be prompt and certainly within the legally prescribed limit of 20 working days, excluding school holidays. The response time starts from the time the request is received. If further information has been requested by the enquirer, the 20 days start time begins when this further information has been received.

If a qualified exemption applies and more time is required to consider the public interest test, the school will reply within the 20 days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made.

If there is to be a charge made the time period stops until payment is received and then continues again once payment has been received.

## **What if a request is refused?**

If the information is not to be provided, the person dealing with the request must immediately contact the person in the school with delegated responsibility for FOI to ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, a refusals notice will be issued confirming the following:

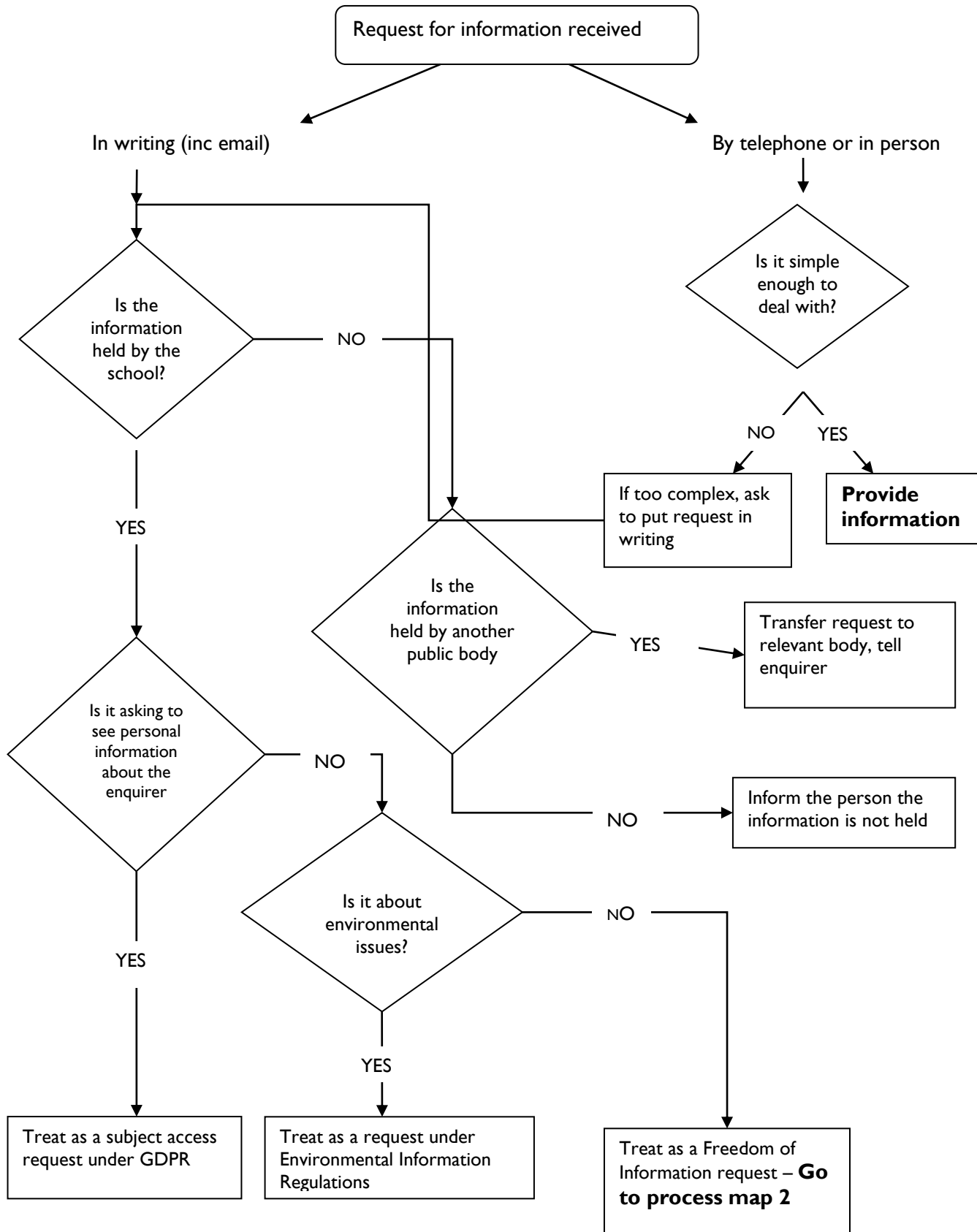
- the fact that the responsible person cannot provide the information asked for;
- which exemption(s) you are claiming apply;
- why the exemption(s) apply to this enquiry (if it is not self-evident);
- reasons for refusal if based on cost of compliance
- in the case of non-absolute exemptions, how you have applied the public interest test, specifying the public interest factors taken into account before reaching the decision
- reasons for refusal on vexatious or repeated grounds
- the internal complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person will keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information. Records will be retained for 5 years. Records will not be retained where you have supplied the information requested.

## **Feedback and Complaints**

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at FOI Compliance Team (complaints), Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

# Process Map (1) for Dealing with Requests



## Process Map (2) for Dealing with Requests

