



FREEDOM OF INFORMATION POLICY

Mount St Mary's Catholic High School Freedom of Information Policy

Adopted by Mount St Marys' Governing Body on 20 September 2022

Signed

Chair of Governors

Review date: 20 September 2025

It is the responsibility of the Governors to ensure procedures are in place to ensure that Mount St Mary's Catholic High School (MSM) handles information requests covered by the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the provisions laid out therein and that MSM satisfies the standards set out in the Lord Chancellor's Code of Practice on satisfying public authorities obligations under the FOIA, produced under section 45 of that Act. There exists both a right to be told if the requested information exists and a right to receive the information if it is not exempt from the FOIA Regulations

Introduction

MSM is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 and the access provisions of both the General Data Protection Regulations of The European Union (GDPR) and the subsequent Data Protection Act 2018 (DPA). MSM will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The FOIA places 2 obligations upon public authorities, of which MSM is one, to:

- Proactively publish certain information about their activities
- Respond to requests for information from members of the public

The underlying principle of this policy is that the public have a right of access to recorded information held by MSM and that MSM should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

MSM is registered with the Information Commissioner's Office (ICO) and observes the eight data protection principles as outlined in the MSM Data Protection Policy.

Background

The FOIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges MSM to make information pro-actively available in the form of an approved "publication"

Individuals currently have a statutory right of access to their own "personal data" under the DPA, not under the FOIA. Individual access rights to personal data are extended by the FOIA through amendments to the access provisions of the DPA and can only be accessed via a "Subject Access Request" (SAR) where the subject is the specific individual, meaning that the information cannot be made public by MSM. SARs are usually dealt with within 40 calendar days but see the "Data Protection Information" page on the MSM website for further details.

Additionally, parents of MSM students, past or present, are entitled to request their child's educational record which would contain similar information to a Subject Access Request with the latter being more comprehensive as it would relate to all personal data held on the subject. Requests for educational records should be dealt with within 15 school days but may incur a charge depending upon how many pages are to be copied (see MSM Publication Scheme Information Guide). For further cost details please see the MSM Publication Scheme. Any requests for a child's educational record should be made in writing to the MSM Governing Body. Please note that thus far there is no updated guidance on educational record requests following the introduction of GDPR and the DPA 2018 as the FOIA has not been directly affected.

The Environmental Information Regulations (EIR) came into effect at the same time as the FOIA which permits public access to environmental information about MSM. It is also fully retrospective with regard to accessible information.

Responsibilities

Overall responsibility for ensuring that MSM meets the statutory requirements of the FOIA, EIR and DPA lies with the Governors and the Chair of Governors has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Head teacher.

The Headteacher is assisted by Mrs Stubbs who currently fulfils the role of 'FOI Officer'. All MSM staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the FOI Officer where necessary.

Scope

This policy applies to all recorded information held by MSM that relates to the business of MSM. This includes:

- Information created and held by MSM
- Information created by MSM and held by another organisation on our behalf (not a current practice)
- Information held by MSM provided by third parties, where this relates to a function or business of MSM (such as contractual information) and
- Information held by MSM relating to Governors where the information relates to the functions or business of MSM

This policy does not cover personal written communications (such as personal e-mails sent by staff). MSM's Data Protection Policy establishes the standards regarding the use of "personal data" (as defined in the DPA).

Requesting information

Procedures

Under the FOIA, MSM has 2 basic duties when receiving an information request:

- To tell the applicant whether you have the information requested
- To provide the information

MSM also has a duty under both the FOIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided. It is also the duty of MSM to consider the public interest when making information available.

Information requests can be addressed to anyone employed by MSM but must be made in writing (which includes by email) and such requests will then be dealt with by the Freedom of Information Officer (FIO) (or whomever has been designated). The requester has no obligation to disclose why they want the information. Within the 20 working day limit, the requester must be responded to even if it is to simply state that MSM doesn't currently hold the

requested information. In the event of the information not being held by MSM, there is no obligation for MSM to obtain the information.

If information is to be withheld, the requester is entitled to an explanation as to why this is the case.

Please note that the current guidelines state that requests for student educational records should be addressed to the MSM Governing Body.

Refusing a request

The Freedom of Information Act contains 23 exemptions (see Appendix 1) whereby information can be withheld. MSM will only withhold information if it falls within the scope of one or more of these exemptions. There are two categories of exemptions: absolute and non-absolute.

Where an absolute exemption applies, MSM can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where MSM decides that the public interest is best served by withholding the information. Certain exemptions also contain a "prejudice test", which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

MSM will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

MSM will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a "public interest" exemption is being considered, MSM will only withhold that information which it can demonstrate that the public interest will be best served by withholding.

MSM will also refuse to supply information under the FOIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable'.

A requester is entitled to ask for any information that is held by a public authority.

Any refusal to comply with a request will be made with an accompanying explanation as to why.

Charges

Copies of information which are not available at www.mountstmarys.org for download, or when a hard copy of downloadable information is requested, will incur a charge per item produced which will be given following and prior to fulfilling a request, this could include postage, photocopying, cost of the item which could be a DVD video or purchased printed publications; additionally, unforeseen costs such as the use of a third party requiring payment could also be applied. If the total estimated cost is deemed excessive, consideration will be given to refusing to comply with the request, but in general requests will be complied with unless one or more of the 23 exemptions (see Appendix 1) stated in the FOIA is satisfied.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

Complaints

Any comments or complaints about how a request was handled or a response received should be directed to Mrs A Stubbs in the first instance and will be dealt with through MSM's normal complaints procedure. We will aim to determine all complaints within 10 days of receipt.

If on investigation MSM's original decision is upheld and the requester remains dissatisfied, then MSM has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should then be made in writing to the Information Commissioner's office.

They can be contacted at:

FOI/EIR Complaints Resolution

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

MSM Freedom of Information Publication Scheme

This is Mount St Mary's Catholic High School (MSM) Publication Scheme on information available under the Freedom of Information Act 2000. The MSM Publication Scheme has been adapted from the Model Publication Scheme produced by the Information Commissioner's Office but it has been fully adopted and can be viewed in full on the MSM website "Policies and Documentation" page under "ICO Model Publication Scheme".

The scheme commits MSM:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which it might be hold and falls within the classifications below.
- To specify the information which is holds and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information it makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless MSM is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes (categories) of information published

The publication scheme guides you to information which MSM currently publishes (or has recently published). This is split into 7 categories of information known as 'classes' as outlined below:

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

A more detailed list of what we publish can be found in the Policies section of the MSM website along with an explanation of potential costs involved, entitled "MSM Information Guide for Publication Scheme".

How to request information

If you require a paper version of any of the documents within the scheme, please contact email or letter. Contact details are set out below.

e-mail: thehub@mountstmarys.org

Address:

Mrs A Stubbs
Mount St Mary's Catholic High School
Ellerby Road
Leeds
West Yorkshire
LS9 8LA

To help us process your request quickly, please clearly mark any correspondence **"FREEDOM OF INFORMATION PUBLICATION SCHEME REQUEST"** (in CAPITALS please)
If the information you're looking for isn't available via the scheme and it isn't on our website please feel free to contact MSM to ask if we have it.

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Brief extracts of the material may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting.

Appendix 1

FOI Exemptions

FOI ABSOLUTE EXEMPTIONS

Section 21 – Information accessible by other means (this often means it is already in the public domain, in which case the authority is obliged to direct you to where it is held).

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 23 – National Security – Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 32 – Court Records

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 34 – Parliamentary Privilege – a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 36 – Effective Conduct of Public Affairs – so far as relating to information held by the House of Commons or the House of Lords.

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 40 – Personal Information – where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the data protection principles.

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 41 – Information provided 'In Confidence'

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 44 – Prohibitions on disclosure – where a disclosure is prohibited by an enactment or would constitute contempt of court.

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

FOI – QUALIFIED EXEMPTIONS

Exemptions where the public interest test applies.

Section 22: Information Intended for Future Publication Exemption

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 24: National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not apply)

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 26: Defence

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 27: International relations

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 28: Relations within the United Kingdom

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 29: UK Economic Interests

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 30: Investigations and Proceedings Conducted by Public Authorities

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 31: Law Enforcement

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 33: Audit Functions

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 35: Formulation of government policy and Ministerial Communications

- The Information Commissioner's guidance on the exemption can be found [here](#).
- The Ministry of Justice's Guidance on the exemption can be found [here](#).

Section 36: Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)

- The Information Commissioner's guidance on the exemption can be found [here](#).

- The Ministry of Justice's Guidance on the exemption can be found here.

Section 37: Communications with Her Majesty, the Royal Family or concerning honours

- The Information Commissioner's guidance on the exemption can be found here.
- The Ministry of Justice's Guidance on the exemption can be found here.

Section 38: Health and Safety

- The Information Commissioner's guidance on the exemption can be found here.
- The Ministry of Justice's Guidance on the exemption can be found here.

Section 39: Environmental Information – as this can be accessed through the Environmental Information Regulations

- The Ministry of Justice's Guidance on the exemption can be found here.

Section 40: Personal information relating to a third party access request

- The Information Commissioner's guidance on the exemption can be found here.
- The Ministry of Justice's Guidance on the exemption can be found here.

Section 42: Legal Professional Privilege

- The Information Commissioner's guidance on the exemption can be found here.
- The Ministry of Justice's Guidance on the exemption can be found here.

Section 43: Commercial Interests

- The Information Commissioner's guidance on the exemption can be found here.
- The Ministry of Justice's Guidance on the exemption can be found here.