



Cranbury College Freedom of Information Policy

The Freedom of Information Act (FOIA) 2000 allows members of the public to access ANY recorded information held by the Council and all other public authorities, including the Government.

The right of public access applies to all recorded information held by the Council, on manual or electronic files. It includes information in reports, letters, faxes, e-mails, CCTV recordings and file notes. Anyone, including individuals, companies and organisations can ask for this information.

The request for information must be in writing: this includes e-mail. The reason why the information has been asked for is not relevant and you can't ask the person to tell you. However, if necessary, you can, and should, go back to the person making the request (the applicant) if the request is not clear, to clarify what information it is they want, so you can identify and find it.

Cranbury College must respond to the request within 20 school working days. This starts from the time the request is received by the Council (or, the day you have clarified the request with the applicant, where this was necessary). Where a request is received by email, time starts from the day on which the email reaches any Council officer's mailbox, not the day it was forwarded to Cranbury College or the day you open the email itself. Where possible, Cranbury College should provide the information in the format that the applicant has asked for. It is the information that has to be supplied not copy documents (although often this is the simplest way to provide the information being requested). If it is unclear what information is being requested seek clarification from the requester sooner rather than later - do not leave it until day 19.

There are some exemptions to the right for information - such as criminal investigations or law enforcement and personal data covered under the Data Protection Act - but even if the information does fall into one of these exceptions, the information will still have to be given out unless Cranbury College can show that it is more in the public interest NOT to give the information than it is to give it. See below for more details.

There is a procedure in place that we all have to follow. The procedure is outlined as a flow chart at the end of this guide. It involves asking three questions:

1. Does Cranbury College hold the information requested? It doesn't matter whether it is held manually or electronically - the FOIA applies to both. If Cranbury College hold the information, it must be provided to the person asking

for it within 20 school working days - unless there's an appropriate exemption and it is felt that it is necessary that the information should not be disclosed.

2. Is the information covered by an exemption? The main areas where exemptions **may** apply are given below, although Cranbury College should **ALWAYS** seek advice from the FOI Rep or the Legal Section at Reading Borough Council before applying any exemption:

- Requests for personal information on the applicant or another person (covered by the Data Protection Act - see below)
- The information is included in the Publication Scheme - Cranbury College may refer the applicant to the Publication Scheme on Reading Borough Council's website
- If Cranbury College think that releasing the information would endanger someone's health or safety
- Requests for information that has been provided in confidence, eg, information provided by a third party about a criminal offence or anti-social behaviour.
- Requests for commercial information (belonging to the Council, Cranbury College or someone else) the disclosure of which would be likely to prejudice the Council's, Cranbury College or a contractor's commercial interests, or trade secrets
- If Cranbury College think that releasing the information would prejudice effective conduct of the Council's or Cranbury College business - for example, if the Council are deliberating on something contentious and releasing the information could prevent or inhibit the free and frank advice or exchange of views on an issue. (NB - If Cranbury College think this exemption might apply, always refer it to the Chief Executive or the Monitoring Officer - or the FOI Rep from Reading Borough Council).
- Information covered by legal professional privilege (seek advice from the Legal Section before relying on this exemption)
- Requests for court documents or relating to the Council's various enforcement powers
- Requests for personal information on another person (a "third party") - this cannot be provided under the Data Protection Act
- Requests for "environmental information" - these are covered by the Environmental Information Regulations 2004

In each case, you must explain to the requestor why Cranbury College is applying for an exemption.

If Cranbury College think that the information requested may be covered by an exemption and do not wish to disclose it, Cranbury College should check with the Head teacher or Management Committee, and if they agree, this should be discussed with the Head of Legal at Reading Borough Council about the application of the public interest test.

3. Even if there is an exemption, does the public interest test apply? Some exemptions are “absolute”, ie the public interest does not apply. Others are “qualified” and it is necessary to consider whether it is more in the public interest not to disclose the information, than it is to disclose it.

If Cranbury College does not wish to disclose the information requested, and it is in the public interest not to disclose, Cranbury College must tell the applicant which exemption(s) Cranbury College are relying on, and why it is not in the public interest to disclose the information. Cranbury College must also inform them of their right to complain, if they are not satisfied. This is, firstly by means of a request for an Internal Review addressed to the Head of Legal & Democratic Services, Chris Brooks, and then to the Information Commissioner.

What happens next?

On receipt of a request, please forward a copy to Sue Roddy in Legal Services on susan.rodny@reading.gov.uk who keeps a record of requests received and of the responses.

In all cases Cranbury College must respond to the request within 20 school working days - to say yes, or no (with reasons). Cranbury College must answer two questions:

- Does the Cranbury College hold the information requested?
- If so, is it being supplied?

Ideally Cranbury College should respond to the request straight away. If Cranbury College cannot respond within 5 school working days, Cranbury College should send a letter or e-mail of acknowledgment saying that Cranbury College have received the request and will respond to it within 20 school working days of its receipt.

If Cranbury College need extra time, Cranbury College may write to the applicant telling them this and giving them a date by which Cranbury College will answer their request. Reasonable extra time should be limited to 5 to 10 school working days wherever possible.

If the request is not clear, Cranbury College should contact the person making the request to seek to clarify what they want. Where necessary Cranbury College should help the person to submit the request for information.

If the time needed to gather and provide the information exceeds 18 hours, then Cranbury College do not need to provide the information: check first with the Head of Legal Services before refusing to supply the information on this basis - Cranbury College will need to demonstrate that the request will take over 18 hours to comply with.

On completion of the request please remember to forward a copy of the response to Sue Roddy.

Any requests will be dealt with by Cranbury College Head teacher. It is the Head teacher's responsibility to ensure that Cranbury College can manage requests for information using the data that is held. If there is any doubt Cranbury College should - contact the FOI Rep. There are Directorate Freedom of Information representatives who can offer support:.

Sarah Smith and Sonal Khimji Chief Exec and Corporate Resources

The person requesting the information may or may not refer to the Freedom of Information Act when they ask for the information. It's best to assume that all requests for information are being made under the Act and follow the procedure. Cranbury College must not ignore the request for information at all.

Requests for information about people are likely to be exempt because they fall under the Data Protection Act (DPA). If someone asks for information about themselves, then Cranbury College should pass this request on quickly to Legal Services who co-ordinate DPA requests across the Council.

If Cranbury College get a FOIA request which requests information on a number of services, then this needs to be forwarded to our Directorate Freedom of Information representative to deal with, or to Ashlyn Mortimer in Legal.

What if they want to complain?

Anybody asking for information can complain about the way a request is handled. If they complain about the response they received, they should complain to the Head of Legal & Democratic Services.

If the complaint is about a lack of response, it should be made to the Head of Legal & Democratic Services.

The Legal section (call x 72289) can give you general advice and especially where an exemption does or doesn't apply.

What is the Publication Scheme?

The Council has its own 'Publication Scheme'. The Publication Scheme lists all information available to the Public that the Council has published. This ranges from leaflets and publications to committee reports and plans, schedules of fees, applications forms etc. The Scheme also shows how and where that information is held.

Members of the public have a legal right to a copy of any document that is referred to in the Publication Scheme.

The Publication Scheme is published on the Council's website, at www.reading.gov.uk and is available at libraries or by asking at any Reading Borough Council reception. The Publication Scheme tells the reader where and how the information is held. Some of the information may have to be paid for and some will not. This is made clear in the Publication Scheme itself.

If Cranbury College receive a request for information not listed on the publications scheme, we should still respond to the request.

Queries about the scheme or about the Freedom of Information Act, please e-mail or contact Sonal Khimji on sonal.khimji@reading.gov.uk sarah.smith@reading.gov.uk.

Alternatively, for details on the publication scheme use the following link: <http://www.reading.gov.uk/FOIs>

A further source of general information can be found on the Information Commissioner's Office website: www.ico.org.uk

See next page for flow chart

The Flowchart

FOI Request
 Forward a copy to Sue Roddy



