



# Freedom of Information and Access to Environmental Information Policy

Date	Revision & Amendment Details	By Whom
December 2022	Reviewed and approved	Business and Finance Committee

## Part 1: General

### 1 Introduction

- 1.1 Peterborough Diocese Education Trust (the “Trust”) is committed to principles of transparency and openness.
- 1.2 The Trust is a public authority for the purposes of Freedom of Information Act 2000 (“FOIA”) and the Environmental Information Regulations 2004 (“EIR”).
- 1.3 This policy sets out our commitment to complying with the provisions of the FOIA, EIR and other related legislation as applicable and the processes followed to ensure compliance.

### 2 Scope

- 2.1 The FOIA provides the legal framework that governs individuals’ right to access recorded information held by public authorities. Under the FOIA, anyone has the right to make a request under the regime, including individuals who do not live in the UK and organisations such as companies, charities, or campaign groups.
- 2.2 The EIR provides the legal framework that governs individual’s right to information relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these. The EIR also cover some issues relating to health and safety, for instance, queries relating to building works taking place at any of the Trust’s academies.
- 2.3 Requests for personal data relating to the requester are covered by the UK GDPR. Individuals have the right to request copies of information the Trust holds about them (this is known as a subject access request). Subject access requests fall outside the scope of this policy and are covered in more detail in the Data Protection Policy and Privacy Notices.
- 2.4 Where a FOIA request is seeking personal or environmental information, these elements must be dealt with under UK GDPR / EIR as appropriate. Where relevant, the remainder of the request must be handled in accordance with the FOIA.

### 3 Obligations and duties

- 3.1 The Trust recognises that it has a legal duty to:
  - 3.1.1 Provide advice and assistance to those requesting information; and  
 To confirm whether or not the information requested is being held and provide access to information (subject to the application of any relevant

exemptions) in accordance with the procedures set out **Part 2** of this policy.

#### **4 Publication scheme**

- 4.1 The FOIA requires public authorities to publish / make certain information routinely available and to provide the public with details on how this information may be accessed. This information is set out within the Trust’s Publication Scheme. The Publication Scheme is based on the Model Publication Scheme for Schools approved by the Information Commissioner and is available via [our website](#).

#### **5 Procedure for dealing with requests**

- 5.1 The Trust will respond to all valid requests received under the FOIA in accordance with the procedures set out in Part 2 of this policy respectively.
- 5.2 Any requests for environmental information (e.g. information that relates to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these) will be processed under the EIR in accordance with guidance published by the Information Commissioner’s Office (available [here](#)).

#### **6 Charging**

- 6.1 **FOIA:** We reserve the right to refuse to supply information or to charge a reasonable fee where the cost of complying with a FOIA request will exceed the statutory limit (known as the “Appropriate Limit” and currently set at £450).

6.1.1 If we believe that compliance with a request is likely to exceed this limit, we will provide advice and assistance to help the requestor to bring their request within this limit where it is reasonable to do so.

- 6.2 **EIR:** There is no statutory limit for the purposes of EIR. In some circumstances however, we may charge a reasonable fee for making information available where we receive a request for environmental information under the EIR. If we do charge for the provision of information, this will be in line with the schedule of charges set out in our Freedom of Information Publication Scheme.

#### **7 Complaints about processing requests**

- 7.1 Any complaints about the way in which the Trust processes requests made under the FOIA or EIR will be dealt with through our normal Complaints Procedure, a copy of which is available via [our website](#).

7.2 If you are dissatisfied with the handling of your complaint then you have the right to complain to the Information Commissioner's Office (<https://ico.org.uk/make-a-complaint/>).

## 8 Contact us

8.1 If you have any concerns or questions in relation to this policy you should contact the Trust's Central Team using the following contact information:

8.1.1 Telephone: 01604 887056

8.1.2 Email: [admin@pdet.org.uk](mailto:admin@pdet.org.uk)

8.1.3 Letter: Unit 2, Bouverie Court, 6 The Lakes, Bedford Road, Northampton, NN4 7YD

## Part 2 – Procedure for dealing with requests

### 1 Identify if the request is a valid FOIA request

- 1.1 In many circumstances, information may be shared as part of the Trust’s normal working practices. Where appropriate, a request should be treated as a FOIA request (e.g. where requested information cannot be provided straight away, or the requestor makes it clear they expect a response under the FOIA).
- 1.2 The FOIA provides public access to information held by the Trust about its activities and the activities of its academies. If you make a valid FOIA request, you are entitled to be told whether the Trust holds the information requested and to receive a copy of that information (although in some cases, this may be subject to certain legal exemptions).
- 1.3 To be legally valid, FOIA requests must:
- 1.3.1 be made in **writing**;
  - 1.3.2 include the **requestor’s real name and correspondence address** (this may be a postal or email address); and
  - 1.3.3 **describe the information** required.

Requests do not have to mention the FOIA or provide reasons for requesting information.

*Note: Requests for environmental information in accordance with the EIR do not need to be in writing and so if we receive a verbal request for environmental information then we will process this in accordance with the law.*

- 1.4 If you make a request verbally, then it will not be a valid request for the purpose of FOIA. If the Trust receives a verbal request for information that it is unable to deal with at the time of the request, the Trust will ask you to submit the request in writing so that it may be dealt with under the FOIA regime.
- 1.5 Where a request is unclear or ambiguous, the Trust has a duty to provide reasonable advice and assistance to the requestor to help them to clarify the request. If it is not possible to process the request without further information, the time limit for responding to the request does not start until the necessary clarification is received.

### 2 Time limits for dealing with a request

- 2.1 The Trust must respond to a valid request as soon as possible, and in any event, within 20 “school days” of the date of receipt of the request, or 60 working days if this is

shorter. For the purpose of calculating the deadline for response, a “school day” is one in which pupils are in attendance, and the total time limit is subject to an absolute maximum of 60 normal working days to respond.

2.2 In limited circumstances, it is possible to gain a “reasonable” extension (usually an extra 20 school days) if this is needed to consider the public interest test when applying a qualified exemption (for further detail, please see Section 4 below).

2.2.1 If an extension to consider the public interest test is required then then we will contact you in writing to tell you, specifying which exemption(s) we are seeking to rely on and estimate when we expect to have completed the public interest test.

### **3 Identify whether the information is held**

3.1 The FOIA only covers recorded information. The Trust will carry out adequate and properly directed searches in order to ascertain whether the requested information is held.

3.2 In order to determine whether or not we hold the information requested, we will review manual and electronic records, including records:

3.2.1 we have created;

3.2.2 we have received from another body or person and are not holding it solely on their behalf; and

3.2.3 that are held by another body on our behalf.

3.3 If the requested information is not held, we will inform you of this in writing. If we know that the information is held by another public authority then we will advise you to redirect your request if this is possible, or if appropriate and you consent, we may transfer your request to the other relevant public authority.

3.4 If the information requested is already routinely available via our Publication Scheme, we will inform you of this and will direct you to where you are able to find the information.

### **4 Consider whether any exemptions apply**

4.1 The FOIA recognises that public authorities may sometimes need to withhold information in some circumstances, e.g. if it is particularly sensitive or confidential. The FOIA sets out a series of exemptions that allow information to be withheld. These exemptions will either be:

- 4.1.1 **Absolute:** if the exemption is engaged, the Trust may automatically withhold the information; or
  - 4.1.2 **Qualified:** if the exemption is engaged, the Trust must go on to carry out a “public interest test”, which involves balancing the public interest in disclosure against the public interest in withholding the information.
- 4.2 The FOIA sets out more than 20 exemptions and not all will be relevant in every case. We set out examples of some of the most common exemptions that we may apply to refuse all or part of an FOIA request below.

**Absolute exemptions:**

- 4.2.1 **Information accessible by other means (Section 21):** If information is reasonably accessible to the applicant by another route (e.g. it is available via our website, in our Publication Scheme or if we have previously sent it to the requestor) then it will be exempt from disclosure.
- 4.2.2 **Court records (Section 32):** This exemption applies to court records we may hold because it was originally in a document created or used as part of legal proceedings. This may include information served on the Trust in connection with a court case.
- 4.2.3 **Requests for personal data about the requestor (Section 40(1)):** If we receive a request for your personal data (or sometimes, if we receive a request from a parent for information about their child) then this information is absolutely exempt from disclosure under FOIA. We will deal with such requests as subject access requests in accordance with the UK GDPR.
- 4.2.4 **Requests for personal data about third parties (Section 40(2)):** This exemption covers personal data of third parties (anyone other than the requestor) if complying with the request would breach any of the data protection principles. This is technically an absolute exemption but public interest arguments may still need to be considered when considering if disclosure would breach the data protection principles.
- 4.2.5 **Prohibitions on disclosure (Section 44):** This applies where complying with a request is not allowed under law or would constitute contempt of court. This may apply if we are subject to ongoing legal proceedings.

**Qualified exemptions:**

- 4.2.6 **Information intended for future publication (Section 22):** This applies where we receive a request for information that we intend to publish in the future.

The exemption only applies to the information we plan to publish (and not to any draft or background materials).

- 4.2.7 **Prejudice to the effective conduct of public affairs (Section 36):** This exemption applies where complying with the request would prejudice the effective running of the Trust, including where disclosure would inhibit the free and frank exchange of views for the purposes of making decisions.
- 4.2.8 **Environmental Information (Section 39):** This applies where the information requested is environmental information. Such requests should be dealt with under the EIR (as opposed to the FOIA). Technically this is a qualified exemption but because information must be handled under the EIR, it is very unlikely to be in the public interest to handle the request under the FOIA instead.
- 4.2.9 **Confidentiality (Section 41):** This applies where we have received information from someone outside our organisation and complying with the request would give rise to a legal claim for breach of confidentiality.
- 4.2.10 **Legal professional privilege (Section 42):** This applies where complying with the request would reveal information subject to “legal professional privilege” (e.g. advice we have received from our legal advisors).
- 4.2.11 **Prejudice to commercial interests (Section 43):** This exemption applies where disclosure would prejudice our own commercial interests or those of a third party (e.g. one of our suppliers or another organisation we are working with).

#### **Vexatious and repeated requests**

- 4.2.12 While not (strictly speaking) an exemption, the FOIA states that there is no obligation to comply with vexatious requests. On occasion, requestors may abuse their rights to access information under FOIA, which can threaten to undermine the credibility of the freedom of information system and divert resources away from more deserving requests and the effective running of the Trust. If we receive a request that is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation, we may refuse to comply on the grounds that it is vexatious.
- 4.2.13 The FOIA also states that we may refuse requests that are identical or substantially similar to a request that we have previously complied with from the same requester, or someone working with them and a reasonable period has not passed between those requests.



## **Environmental information**

4.2.14 The EIR also sets out various exceptions that allow us to refuse to provide information. For further information, please see the ICO’s guidance (available [here](#)).

## **5 Refusal of requests**

5.1 If we are unable to disclose information you have requested because it is subject to an exemption then we will inform you of this in writing in the form of a “Refusal Notice”, which will contain the following information:

5.1.1 Confirmation that we hold (or do not hold) the information requested;

5.1.2 Confirmation that we cannot provide the information requested;

5.1.3 Which exemptions we are applying and why;

5.1.4 An explanation of how we have applied the public interest test (where relevant);

5.1.5 Details of how you may complain about the way a request was handled (we call this an internal review); and

5.1.6 Details of how you may complain to the Information Commissioner’s Office if you are dissatisfied with the outcome of any internal review.

## **6 Complaints**

6.1 If you are dissatisfied with the way we handle your request, then you have the right to ask for the decision to be reviewed internally via our [complaints procedure](#).

6.2 Where possible, any internal review will be carried out by someone who did not originally deal with your request.

6.3 We will endeavour to ensure that the internal review process takes no longer than 15 school days in most cases.

6.4 If our internal review upholds the original decision, where possible we will provide additional information as to the reasons for our decision.

6.5 If you are dissatisfied with the outcome of our internal review, you have the right to complain to the Information Commissioner’s Office (<https://ico.org.uk/make-a-complaint/>).