Mulbarton Primary School

Freedom of Information Policy

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Signed by:

Mrs N Hall	Head Teacher	September 2025
Mr D Hall	Chair of Governors	September 2025

If you are reading a printed version of this document you should check the school network/GDPR section of the school website to ensure that you have the most up-to-date version.

If you would like to discuss anything in this policy, please contact:

Data Protection Officer: **Data Protection Education Ltd.**

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation please contact the organisation office: office@mulbartonprimary.norfolk.sch.uk

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POLICY OBJECTIVES

The Freedom of Information Act 2000 ("FOIA") sets out a public "right to know" in relation to public bodies. The FOIA also sets out certain exemptions to those rights.

The purpose of this Freedom of Information Policy is to outline Mulbarton Primary School's approach to its FOIA obligations to create a climate of openness and dialogue.

ABOUT THIS POLICY

This policy sets out how the Mulbarton Primary School will respond to a request under the FOIA.

This policy applies to the information held by Mulbarton Primary School or held by other parties on behalf of Mulbarton Primary School that is governed by the FOIA. To promote a culture of openness and accountability, and to comply with the FOIA, we have a responsibility to ensure that this information is either routinely made available or provided on request, unless there is a legitimate reason for withholding it.

THE FREEDOM OF INFORMATION ACT

The FOIA provides public access to information held by public authorities.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

FOIA covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

For a request to be dealt with according to the Freedom of Information Act, the requester must:

- contact the relevant authority directly;
- make the request in writing, for example in a letter or an email. They can make a verbal or written request for environmental information;

- give their real name; and
- give an address to which the authority can reply. This can be a postal or email address.

A requester does not have to:

- mention the Freedom of Information Act;
- know whether the information is covered by the Freedom of Information Act; or
- say why they want the information.

FREEDOM OF INFORMATION PRINCIPLES

The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

This means that:

- everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by FOIA;
- an applicant (requester) does not need to give you a reason for wanting the information. On the contrary, you must justify refusing them information;
- you must treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data
- The information someone can get under FOIA should not be affected by who they are. You should treat all requesters equally, whether they are journalists, local residents, public authority employees, or foreign researchers; and
- because you should treat all requesters equally, you should only disclose information under FOIA if you would disclose it to anyone else who asked. In other words, you should consider any information you release under FOIA as if it were being released to the world at large.

APPLICATION OF EXEMPTIONS

The Freedom of Information Act (FOIA) recognises that some information should not be disclosed. While many exemptions exist, in practice only a small number are commonly relevant to schools. These exemptions fall into two categories:

- **Absolute exemptions** – information can be withheld without applying the public interest test.
- **Qualified exemptions** – information can be withheld only if, after applying the public interest test, the public interest in withholding outweighs disclosure.

Absolute Exemptions commonly used:

- **Section 21 – Information accessible by other means**
  If the information is already published (e.g. on the school website, in the prospectus, or in statutory reports), there is no need to provide it again. Instead, the requester can be directed to the source.
- **Section 40(1) – Personal data of the requester**
  If someone asks for their own personal information (e.g. a parent requesting records about themselves), this should be handled under the Data Protection Act / Subject Access Request process, not FOIA.
- **Section 40(2) – Personal data of third parties**
  Information that would identify a pupil, parent, or staff member cannot be disclosed if doing so would breach UK GDPR principles. For example, releasing exam results that identify individual pupils, or disciplinary records about staff, would usually be exempt.
- **Section 41 – Information provided in confidence**
  Where information was obtained in confidence and disclosure would be an actionable breach of confidence. For example, safeguarding reports from social services, or confidential references provided to the school.

Qualified Exemptions commonly used:

- **Section 36 – Prejudice to the effective conduct of public affairs**
  Used if disclosure would inhibit free and frank discussion, advice, or the ability of staff/governors to make decisions. For example, disclosing draft minutes of governing body discussions while decisions are still being debated.
- **Section 38 – Health and safety**
  Applied if disclosure would endanger the physical or mental health or safety of an individual. For example, details of evacuation procedures that could create a security risk if misused.
- **Section 40(2) – Personal data (qualified application)**
  In some cases, a balancing exercise may be needed to assess whether disclosure is fair (e.g. senior staff salaries). Routine publishing of pay bands is encouraged, but disclosure of identifiable details below senior level would usually be unfair.
- **Section 43 – Commercial interests**
  Used to protect sensitive information about the financial or contractual interests of the school or its suppliers. For example, revealing details of a live procurement process or bids from contractors could prejudice fair competition.

GUIDANCE FOR STAFF

When considering exemptions:

- Always start from the assumption that information should be disclosed unless a valid exemption applies.
- Consider whether only part of the information is exempt,and release the remainder where possible (with redaction if necessary).

- Where a qualified exemption is applied, a documented **public interest test** must be carried out (see below).
- Only withhold the minimum necessary.
- Complex or borderline cases should be referred to the Data Protection Officer for advice.

A full list of exemptions is available on the Information Commissioner's Office (ICO) website.

APPLYING THE PUBLIC INTEREST TEST

For qualified exemptions, the organisation will apply the public interest test. This requires balancing the public interest in disclosure against the public interest in withholding the information.

Step 1: Confirm that the exemption is engaged (i.e., the information falls within the scope of the exemption).
Step 2: Assess whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Factors in favour of disclosure may include:

- Promoting transparency and accountability of public authorities.
- Furthering public debate on important issues.
- Promoting better public understanding of decisions and spending.
- Enhancing public confidence in decision-making.

Factors in favour of withholding may include:

- Protecting sensitive commercial or financial interests.
- Preserving the confidentiality of legal or policy advice.
- Avoiding prejudice to the effective conduct of public affairs.
- Safeguarding the rights and interests of individuals.

Principles:

- There is a general presumption in favour of disclosure.
- Each request must be considered on a case-by-case basis.
- The reasoning behind the public interest test must be documented and retained for accountability.

REFUSAL NOTICES

Where a request for information is refused in full or in part, a refusal notice must be issued to the requester within **20 working days** of receipt of the request.

The refusal notice must include:

1. A clear statement that the request has been refused (in whole or in part).

2. The specific exemption(s) being relied upon.
3. A meaningful explanation of why the exemption applies.
4. Where relevant, an explanation of how the public interest test has been considered.
5. Information on the requester's right to request an internal review.
6. Information on the right to complain to the ICO if dissatisfied with the outcome of the internal review.

BREACH OF POLICY AND STANDARDS

Disciplinary action may be taken in accordance with the Mulbarton Primary School's disciplinary procedures against any employee who knowingly or recklessly:

- Alters, defaces, blocks, erases, destroys or conceals any record held by the [insert name of organisation], with the intention of preventing the disclosure of all, or any part, of the information that has been requested as part of a Freedom of Information request;
- Contravenes any instruction contained in, or following from, this Policy and Standards.

We expect that similar disciplinary procedures will be applied by any of our contractors which deal with the [insert name of organisation]'s information and data on the [insert name of organisation]'s behalf.

COMPLAINTS PROCEDURE

Where a request for information is refused for any reason, we will notify the applicant and give the reasons. For exemptions we will state which exemption has been claimed, and unless apparent, why that exemption applies, specifying the public interest factors (for and against disclosure) if applicable. We will not simply repeat the wording of the exemption unless the explanation would involve the disclosure of information which would itself be exempted information.

When communicating any decision made in relation to a request under FOIA's general right of access, we will notify the applicant of their rights of complaint. A person dissatisfied with the way in which their request has been handled may ask for an internal review of the way in which their request was dealt with, and, if still dissatisfied, may apply directly to the Information Commissioner for a decision.

PUBLICATION OF INFORMATION

The organisation maintains and publishes a publication scheme on its website outlining classes of information that will be made routinely available, including policies and procedures.

Classes of information specified in the publication scheme will be made available quickly and easily on request.

The organisation will not publish any personal information, including photos, on its website without the permission of the affected individual.

When uploading information to the organisation website, staff will be considerate of any metadata or deletions which could be accessed in documents and images on the site.

CHANGES TO THIS POLICY

We may change this policy at any time. Where appropriate, we will notify data subjects of those changes.

This Policy was approved by the board of Governors …….. It will be reviewed annually.