Freedom of Information Policy

Author's Name	CVEA
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Date Ratified by Governing Body	

SIGNATURES:

Principal	*Mrs J. Owens*
Chair of Governors	*Mrs H. Mottram*

Introduction
Castle View Enterprise Academy (CVEA) is committed to the Freedom of Information Act 2000 (FOIA) and to the principles of accountability and the general rights of access to information, subject to legal exemptions. This policy outlines our response to the FOIA and the framework for managing requests.

Background
The Freedom of Information Act 2000 (FOIA) came into force on 01 January 2005 for all Local Authority Academys and from 01 January 2011 all Academies and City Technology Colleges were included. Any person has a legal right to ask for information held by Castle View Enterprise Academy. They are entitled to be told whether we hold the information, and to receive a copy, subject to certain exemptions. CVEA aims to be clear and proactive about the information we will make public.

All information that CVEA routinely make available to the Public is included in the Publication Scheme. Requests for other information will be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Publication Scheme sets out:

- The classes of information which we publish or intend to publish
- The manner in which the information will be published; and
- Whether the information is available free of charge or on payment

The Freedom of Information Act is retrospective; any past records which CVEA holds are included. The Academy fully complies with the Retention Schedule produced by the Records Management Society of Great Britain. It is an offence to willfully conceal damage or destroy information in order to avoid responding to an enquiry. Requests for information can be made to any member of staff and they are aware of the procedure to forward all requests the Principal. Requests must be in writing (including e mail) and should include the enquirers name and address and state what information they require.

CVEA has a duty to respond to each request appropriately within 20 working days. Please refer to the Freedom of Information Procedure for information on the process upon receiving a request (contained within this document as Appendix 1).

Our full title and address for sending requests for any documents is:

The Principal
Castle View Enterprise Academy
Cartwright Road
Sunderland
SR5 3DX
Obligations and Duties

Castle View Enterprise Academy (CVEA) recognises its duty to:

- Provide advice and assistance to anyone requesting information
- Tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the ESF Freedom of Information Procedures.

Exemptions

Certain information is subject to either absolute or qualified exemptions. A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are specialised in their application, such as national security, and will not normally be relevant to the Academy. There are more than 20 exemptions but the Academy is likely to use only a few of them. Please see Appendix 3 for further information on exemptions.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. Please see Appendix 2 for more information on the application of the public interest test.

Castle View Enterprise Academy will maintain a register of requests where we have refused to supply information and the reason for the refusal. Information will be retained for 5 years.

Charging

Please note: Different charges can apply for different types of request.

May we charge a fee?

FOI does not require charges to be made but we have discretion to charge applicants a fee in accordance with the Fees Regulations, available on the ICO website: https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/

What steps will we take in considering whether to charge a fee?

Step 1 – Is the information exempt for the purposes of the FOI Act? – If the information is exempt, then fees do not apply. The Academy would contact the enquirer to inform them that the information is exempt. There will be no charge.

Step 2 – Do we wish to calculate whether the cost of the request would exceed the appropriate limit (currently £450)? – In many cases, it will be obvious that the request would cost less than the appropriate limit, so we would not make the calculation.

Step 3 – We will calculate the appropriate limit – Staff costs are calculated at £25 per hour, regardless of which member of staff gathers the information. When calculating whether the limit is exceeded, we take into account the costs of determining whether the information is held, where it is held, retrieving the information and extracting the information from other

documents. As per the guidelines, we do not take into account the costs involved with considering whether information is exempt under the Act.

Step 4 – Does the request cost less than the limit? – If a request costs less than the limit, as per the guidelines, we will only charge for the cost of informing the applicant whether the information is held and communicating the information to the applicant (e.g. photocopying, printing and postage costs).

Step 5 – Does the request exceed the limit? – If a request would cost more than the limit, we can turn the request down, answer and charge a fee, or answer and waive the fee. If we choose to comply with a request where the estimated cost exceeds the threshold we will calculate the charge as per step 3, plus the costs from step 4.

Step 6 – For all requests, we have regard to the following points:

- The duty to provide advice and assistance to applicants. If we plan to turn down a request for cost reasons we will contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that it would cost less than the appropriate limit, or
- If we plan to suggest charging the applicant a high fee, we will contact the applicant in advance to discuss the amount of the charge and whether they would prefer the scope of the request to be modified so that it would cost less than the appropriate limit.
- Maximum amount that can be charged. The Regulations set out the maximum amount that can be charged. They do not set out a minimum charge nor prevent the Academy from charging no fee.

May I aggregate the costs where there are multiple requests?

Where two or more requests are made to the Academy by different people who appear to be acting together or as part of a campaign, the estimated costs of complying with any the requests is to be taken to be the estimated total cost of complying with them all, provided that:

- The two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related;
- The last of the requests is received by the Academy by the twentieth working day following the date of receipt of the first of the requests, and
- It appears to the Academy that the requests have been made in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the appropriate limit.

If we get multiple requests for the same information, we will often decide to include it in our publication scheme.

How will we inform the applicant of the fee?

Where we intend to charge a fee for complying with a request for information, then we will give the person requesting the information notice in writing (the "fees notice") stating that a fee of the amount specified in the notice is to be charged for complying. The format of the notice can be found in Appendix 4.

We require proof of delivery of a fee notice, either signed for in the post or emailed with a return receipt request. Where a fees notice has been given to the person making a request, we do not comply with the request unless the fee is paid within three months of the notice being received.

Information published on the Castle View Enterprise Academy website is free although you may incur costs from an internet service provider. The internet can also be accessed using a local library or internet café.

Postage and Copying

We will charge the full estimated cost of the postage and copying.

Before we produce the information, we will tell you how much it will cost. If you decide not to pay, then we will not release the information.

If you decide to refine the request so it reduced the cost of, for example copying, we are happy to discuss that with you.

Classes of information currently published

Key : HC = Hard Copy
W = Website

Who We are and What We Do – Organisational information, structures, location and contacts

Description	Availability
Staff Structures for all areas	HC
Governing Body Structure and Committees	HC/W
Contact details of Principal	HC/W
Academy times of day and Term dates	HC/W

Our Priorities – Strategies and plans, performance indicators, audits inspections and reviews.

Description	Availability
Academy Profile	HC/W
Government supplied performance Data	HC/W
Latest OFSTED Report	HC/W
Performance Management Policy and Procedure	HC
Academy Strategic Development Plan	HC
Safeguarding Policy and procedure (to include key contact details)	HC/W
Single Equality Scheme (to include key contact details)	HC/W

Decision Making – processes and records for last 3 years

Admissions Policy and decisions (not on individual students)	HC/W
Governing Body Documents: • Articles of Association (other than restricted, identified confidential information) • The manner in which the Governing Body is constituted	HC/W

Policies and Procedures – current written protocols, policies and procedures

Academy Funding Agreement (restricted access – some exemptions)	HC/W
Accessibility Policy (Part of the single Equality Scheme)	HC/W
Academy Parental Agreement and ICT/E Safety Agreement	HC/W
Anti-Bullying Policy	HC/W
Attendance Policy	HC/W
Behaviour Policy	HC/W
Charging and Remissions Policy	HC/W
Complaints Procedure Policy	HC/W

Central Record of recruiting and vetting checks (restricted access – some exemptions)	HC
Data Protection Policy	HC/W
Career Education Policy	HC/W
Curriculum offer	W
Health & Safety Policy (including Academy premises management)	HC/W
Looked After Children Policy	HC/W
Medication Policy	HC/W
Performance Management Policy (restricted access - some exemptions)	HC
Photographs and recorded images Policy	HC
Positive Handling	HC
PSCHE Policy	HC
Pupil Premium Policy	HC/W
Records retention Policy	HC
Remote Learning Policy	HC/W
Safeguarding Policy – including: • Protection of children and staff	HC
RSE	HC/W
Single Equality Scheme and Equality Policy	HC/W
Special Educational Needs and Disability	HC/W
Staff Appraisal Policy (restricted access – some exemptions)	HC
Staff Recruitment and Appointment Procedure (restricted access)	HC
Staff Pay Policy	HC
Staff Capability Policy (restricted access)	HC
Staff discipline, conduct and grievance (procedures for addressing) (currently under review)	HC
Statement of Procedures for dealing with allegations of abuse against staff – (currently under review)	HC
Quality Assurance Policy and Calendar	HC
Whistle Blowing	HC

Lists and Registers – currently maintained only.

Description	**Availability**
Curriculum Circulars	HC
Disclosure Logs	HC
Asset Register	HC

Services – services we offer including leaflets, guidance and newsletters.

Description	**Availability**
Extra-Curricular activities	HC/W
Out of Academy Clubs	HC/W
Academy Publications	HC/W
Leaflets and books	HC/W

Newsletters	HC/W

Comments and Complaints

We welcome any comments and suggestions you may have about the scheme. If you want to make any comments about the publication scheme or if you require further assistance:

Our full title and address for sending requests for any documents is:

The Principal
Castle View Enterprise Academy
Cartwright Road
Sunderland
SR5 3DX

If you are not satisfied with the assistance that you receive, or if we have not been able to address your issues, you may take further recourse to the Information Commissioner's Office Helpline 0303 123 1113

Appendix 1 – Freedom of Information Procedure

To handle a request for information the governing body or delegated person will need to ask themselves a series of questions. These are set out below and shown on the process maps.

Is it a Freedom of Information (FOI) request for information?

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

- Data Protection enquiries or Subject Access requests are ones where the enquirer asks to see what personal information the Academy holds about the enquirer. If the enquiry is a Data Protection request, follow the Academy's Data Protection Access 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 therefore could include enquiries about recycling, phone masts, playing fields, car parking, etc. If the enquiry is about environmental information, follow the guidance on the Information Commission's website or the DEFRA website.
- Freedom of Information enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the Freedom of Information Act. All requests for information that are not data protection or environmental information requests are covered by the Freedom of Information Act (FOIA).

Is this a valid FOI request for information?

An FOI request should:

- Be in writing, including email
- State the enquirer's name and correspondence address (email addresses are sufficient);
- Describe the information requested – there must be enough information to be able to identify and locate the information [2]; and
- Not be covered by one of the other pieces of legislation.

1. Oral enquires are not covered by the FOI Act. Such enquiries can be dealt with when the enquiry is fairly straightforward. However, for more complex enquiries, and to avoid disputes over what information was requested, we ask the enquirer to put the request in writing or email, when the request will become subject to the FOI.
2. In cases where the enquiry is ambiguous, we will attempt to assist the enquirer to describe more clearly the information requested. Where possible, establish direct contact. The aim is to clarify the nature of the information requested and not to determine the aims or motivation of the enquirer. If we notify the enquirer that we need further information to enable us to answer, we do not have to deal with the request until the further information is received. The response time limit commences from the date the further information is received.

Does the Academy hold the information?

"Holding" the information means information relating to the business of the Academy which:

- The Academy has created, or
- The Academy has received from another body or person, or
- Is held by another body on the Academy's behalf.

Information means both hard copy and digital information, including emails.
If the Academy does not hold the information, we do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before denying that we have got the information the Academy might be expected to hold.

Has the information requested already been made public?

If the information requested is already in the public domain, for instance through the Publication Scheme, we will direct the enquirer to the information and explain how to access it.

Is the request vexatious or manifestly unreasonable or repeated?

The 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 substantial diversion of resources or would otherwise undermine the work of the Academy.

We do not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

Could a third party's interests be affected by disclosure?

Consultation of third parties may be required if their interests could be affected by the release of the information, and any such consultation may influence the decision. We do not need to consult where we are not going to disclose the information because we are applying an exemption.

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 us to determine if information is exempt from disclosure, or
- The views of the third party may assist us to determine the public interest.

Does an exemption apply?

The presumption of the legislation is that we will disclose information unless the Act provides a specific reason to withhold it. There are more than 20 exemptions. They are set out in Appendix 3 and are mainly intended to protect sensitive or confidential information.

Only where we have real concerns about disclosing the information should we refer to see whether an exemption might apply. Even then, where the potential exemption is a qualified exemption, we need to consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it will be released. Appendix 2 contains guidance on conducting a public interest test.

What if the request is for personal information about the applicant?

Personal information requested by the subject of that information is exempt under the FOI Act as such information is covered by the Data Protection Act. Individuals must make a "subject access request" under the Data Protection Act if they wish to access information about themselves.

What if the details contain personal information?

Personal information requested by third parties is also exempt under the FOI where release of that information would breach the Data Protection Act. If a request is made for a document which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information.

The procedure for redaction, or blocking out information, is to mask the passages which are not to be disclosed and then photocopy the document. Annotate in the margin against each blank passage the exemption and section of the Act under which the passage is exempt. Explain in the covering letter that the relevant exemptions are marked in the attachments and in the case of non-absolute exemptions, how the public interest test has been considered.

Under no circumstances should the document be rewritten, so that the resulting document appears as though it does not contain the exempted passage.

How much can we charge?

The Act allows governing bodies to charge for providing information. Details can be found in the main body of this policy.

The first step is to determine if the threshold (currently £450) would be exceeded. Staff costs should be calculated at £25 per hour, regardless of which staff member would be undertaking the work. We can take account of the time it takes to determine if the information is held, the time to locate and retrieve the information or extract the information from other

documents. We cannot take into account the costs involved in determining whether the information is exempt.

If a request would cost less than the appropriate limit in force at the time of the request, the Academy can only charge for the cost of informing the applicant whether the information is held, and communicating the information to the applicant. This may include photocopying, printing and postage.

If a request would cost more than the appropriate limit in force at the time of the request, the Academy can turn the request down, answer and charge a fee, or answer and waive the fee. If the Academy decides to charge a fee, it can charge on the basis of the costs outlined.

The Academy will consider whether calculating the cost of the fee outweighs the cost of providing the information. For relatively straight forward requests, the Academy will consider responding free of charge.

If the Academy makes the decision to charge, we will send the enquirer a fee notice and do not have to comply with the request until the fee has been paid.

Is there a time limit for replying to the enquirer?

Compliance with a request must be prompt and within the prescribed limit of 20 working days, excluding Academy holidays. Failure to comply may result in a complaint to the Information Commissioner. The response time starts from the time the request is received. Where we have asked the enquirer for more information to enable us to answer, the 20 days start time begins when this further information has been received.

If a qualified exemption applies and we need more time to consider the public interest test, we 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. This should be within a "reasonable" time – in practice, it is recommended by the Department that normally this should be within 10 working days.

Where we have notified the enquirer that a charge is to be made, the time period stops until payment is received and then resumes once payment has been received.

What action is required to refuse a request?

If the information is not to be provided, the person dealing with the request must immediately contact the person in the Academy 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, we will send a refusal notice, which must contain:

1. The fact that the responsible person cannot provide the information asked for;
2. Which exemption we are claiming to apply;
3. Why the exemption applies to this enquiry if it is not self-evident;
4. The reasons for refusal if based on cost of;

5. In the case of non-absolute exemptions, how we have applied the public interest test, specifying the public interest factors taken into account before reaching the decision (see Appendix 2);
6. If applicable, reasons for refusal on vexatious or repeated grounds
7. Details of 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 must 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 are to be retained for five years. There are no requirements to keep records where we have supplied the information requested.

What do we do if someone asks a follow up question?

If an applicant requests a follow up question this is treated as a new request.

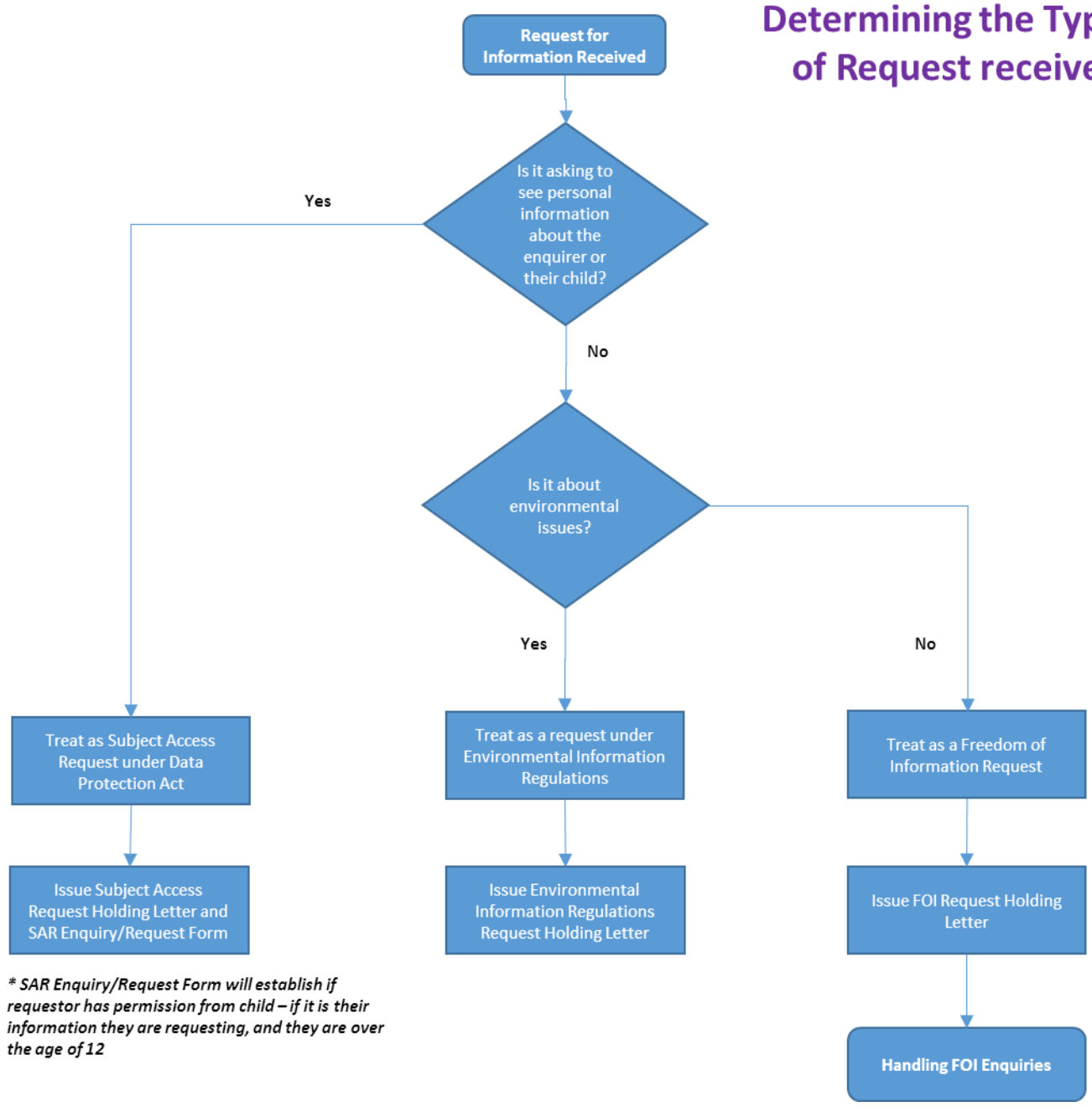
What do we do if someone complains?

Any written (including email) expression of dissatisfaction – even if it does not specifically seek a review – should be handled through the Academy's existing complaints procedure. Wherever practicable the review should be handled by someone not involved in the original decision. The Governing Body will set a target time for determining complaints and publish information on the success rate in meeting the target time. The Academy will maintain records of all complaints and their outcomes.

When the original request has been reviewed and the outcome is that the information should be disclosed this should be done as soon as practicable. When the outcome is that procedures within the Academy have not been properly followed, the Academy will review procedures to prevent any recurrence. When the outcome upholds the Academy's original decision or action, the applicant will be informed of their right to appeal to the Information Commissioner. Details of how to make the complaint/appeal can be found on the ICO website here: https://ico.org.uk/concerns/

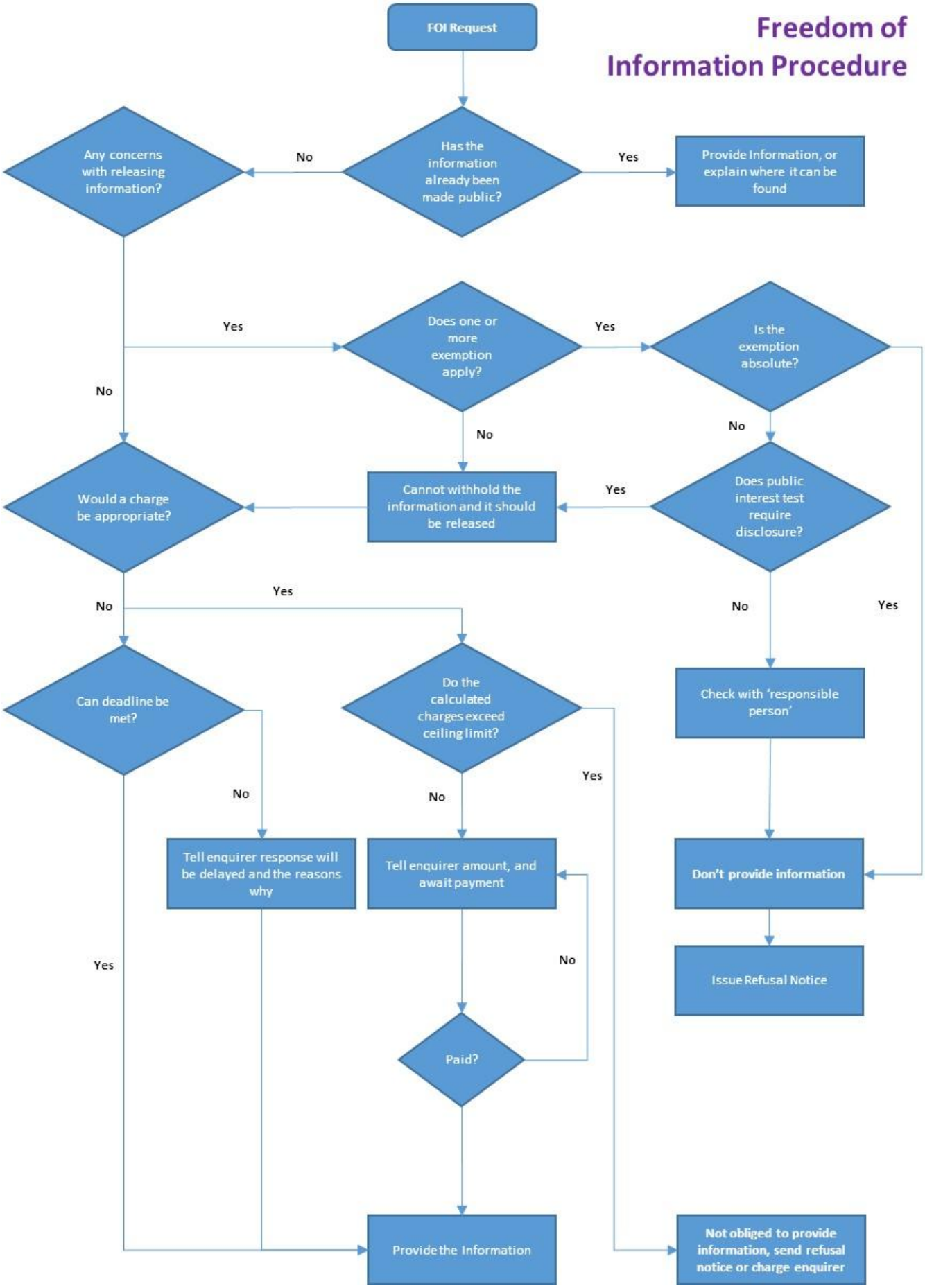
Appendix 1

Determining the Type of Request received



** SAR Enquiry/Request Form will establish if requestor has permission from child – if it is their information they are requesting, and they are over the age of 12*

Freedom of Information Procedure



Appendix 2 – Public Interest Test

Background

1. Having established that a qualified exemption(s) definitely applies to a particular case, we must then carry out a public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released. Although precedent and a developed case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

Carrying out the test

2. It is worth noting that what is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity. In most cases it will be relatively straightforward to decide where the balance of the public interest in disclosure lies. However, there will inevitably be cases where the decision is a difficult one. Applying such a test depends to a high degree on objective judgement and a basic knowledge of the subject matter and its wider impact on the Academy and possibly wider. Factors that might be considered when weighing the public interest include:

For Disclosure	**Against Disclosure**
Is disclosure likely to increase access to information held by the Academy?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the Academy in the use of public funds and help to show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed	Is disclosure likely to seriously jeopardise the Academy's legal or contractual position?
Is disclosure likely to increase public participation in decision-making?	Is disclosure likely to infringe other legislation e.g. Data Protection Act?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair your ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the Academy's proper functioning and

	discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?

3. **Note also that:**

    - potential or actual embarrassment to, or loss of confidence in, the Academy, staff or governors is NOT a valid factor
    - the fact that the information is technical, complex to understand and may be misunderstood may not of itself be a reason to withhold information
    - the potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was originally taken
    - the balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions
    - a decision not to release information may be perverse i.e. would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party?

4. We will need to record the answers to these questions and the reasons for those answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. We will decide how important each factor is in the circumstances and go on to make an overall assessment.

For Disclosure

5. Where the balance of the public interest lies in disclosure, the enquiry will be dealt with and the information required will be made available.

Against Disclosure

6. After carrying out the public interest test if it is decided that the exemption should still apply, proceed to reply to the request.

There will be occasions when it has been decided that a qualified exemption applies but consideration of the public interest test may take longer. In such a case, we will contact the enquirer within 20 working days stating that a particular exemption applies, but including an estimate of the date by which a decision on the public interest test will be made. This will be within a “reasonable” time, no more than 10 working days beyond the 20 days.

Appendix 3 – Exemptions

There are two general categories of exemptions:

- **Absolute:** where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest; and
- **Qualified:** where, even if an exemption applies, there is a duty to consider the public interest in disclosing information

There are 8 absolute exemptions listed in the Act. Even where an absolute exemption applies:

- It does not mean that can't disclose in all cases; it means that disclosure is not required by the Act. A decision could be taken to ignore the exemption and release the information taking into account all the facts of the case
- There is still a legal obligation to provide reasonable advice and assistance to the enquirer

The absolute exemptions in the Act are set out below

1. Information accessible to the enquirer by other means (Section 21)
    a. If information is reasonably accessible to the applicant by another route than the FOIA, it is exempt information. This is the case even if the enquirer would have to pay for the information under that alternative route. This exemption includes cases where you are required to give information under other legislation, or where the information is available via the Publication Scheme.
2. Information dealing with security matters (Section 23)
    a. This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as GCHQ, MI5, MI6, Special Forces and the National Criminal Intelligence Service.
3. Court Records (Section 32)
    a. This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.
4. Parliamentary Privilege (Section 34)
    a. This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege. Parliamentary privilege is an immunity whereby MPs cannot be prosecuted for sedition or sued for libel or slander over anything said during proceedings in the House.
5. Prejudice to the effective conduct of public affairs (Section 36)
    a. This relates to the maintenance of the collective responsibility of Ministers
6. Personal Information (Section 40)
    a. Where enquirers ask to see information about them, this is exempt under the Act because it is covered by the Data Protection Act. These should be covered by subject access requests under the Data Protection Act.
7. Information provided in confidence (Section 41)
    a. This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable by that, or another, person.

8. Prohibitions on disclosure (Section 44)
    a. Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.

With qualified exemptions, even if it is decided that an exemption applies, there is duty to consider the public interest in confirming or denying that the information exists and in disclosing information. The qualified exemptions in the Act are:

1. Information available by other means (Section 21)
    a. Information is exempt from the right of access under the FOIA if that information is reasonably accessible to the applicant by other means.
2. Information intended for future publication (Section 22)
    a. If at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended date of publication. This could apply for instance to statistics published at set intervals, for example annually or where information is incomplete and it would be inappropriate to publish prematurely.
3. National Security (Section 24)
    a. Information is exempt for the purposes of safeguarding national security.
4. Defence (section 26)
    a. Information is exempt if its disclosure would prejudice the defence of the UK.
5. International relations (Section 27)
    a. Information is exempt if its disclosure would or would be likely to, prejudice relations between the UK and any other state, international organisation.
6. Relations within the UK (Section 28)
    a. Information is exempt if its disclosure would or would be likely to, prejudice relations between any administration in the UK i.e. the Government, Scottish Administration, Northern Assembly, or National Assembly of Wales.
7. The economy (Section 29)
    a. Information is exempt if its disclosure would, or would be likely to, prejudice the economic or financial interests of the UK.
8. Investigations and proceedings conducted by public authorities Section 30)
    a. Information is exempt if it has at any time been held by the Academy for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or whether a charged person is guilty, or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm, or deny does not apply to such information
9. Law Enforcement (Section 31)
    a. Information which is not exempt under Section 30 Investigations and Proceedings, may be exempt under this exemption in the event that disclosure would, or would likely to, prejudice the following among others:
        i. The prevention or detection of crime
        ii. The apprehension or prosecution of offenders
        iii. The administration of justice

iv. The exercise of functions such as ascertaining if a person has broken the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation to their profession, ascertaining the cause of an accident or protecting or recovering charities or its properties
v. Any civil proceedings brought by or on behalf of the Academy which arise out of an investigation carried out for any purposes mentioned above.

b. The duty to confirm or deny does not arise where prejudice would result in any of these matters.

10. Audit Functions (Section 33)
    a. Information held is exempt if its disclosure would, or would be likely to, prejudice the exercise of an authority's functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.
11. Formulation of Government policy (Section 35)
    a. Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (e.g. Attorney General) and the operation of any Ministerial private office
12. Prejudice to the conduct of public affairs (Section 36 – excluding matters covered by the absolute exemption part of Section 36)
    a. Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.
13. Communications with the Queen (Section 37)
    a. Information is exempt if it relates to communications with the Queen, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.
14. Health and Safety (Section 38)
    a. Information is exempt if its disclosure would or would be likely to endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where this exemption applies.
15. Environmental information (Section 39)
    a. Information is exempt under FOIA where it is covered by the Environmental Information Regulations. Environmental information can cover information relating to: air, water, land, natural sites, built environment, flora and fauna, and health. It also covers all information relating to decisions or activities affecting any of these.
16. Personal Information (Section 40 – see also the absolute exemption part of Section 40)
    a. Where an individual seeks information about themselves Data Protection Act powers apply. Where the personal information concerns a third party, it is exempt if its disclosure would contravene the Data Protection Act, or the data protection principles; or if the person to whom the information relates would not have a right of access to it because it falls under one of the exemptions to

the Data Protection Act. The duty to confirm or deny does not arise in relation to this information if doing so would be incompatible with any of the above.

17. Legal professional privilege (Section 42)
    a. Legal professional privilege covers any advice given by legal advisers, solicitors and barristers. Generally, such information will be privileged. An Academy wishing to disclose the information will need to seek consent form the provider of the advice. This exemption covers all such information where a claim to legal professional privilege can be in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.
18. Commercial Interests (Section 43)
    a. Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body (including the Academy). The duty to confirm or deny does not arise where prejudice would result to commercial interests but not where the information constitutes a trade secret.

Protective markings and Applying Exemptions

When considering if an exemption to disclosure should apply, we will bear in mind that the presence of a protective marking (Restricted, Confidential or Secret) does not constitute an exemption and is not, in itself, sufficient grounds on which to prevent disclosure. Each case must be considered on its merits.

Timing

Where information has previously been withheld, it must not be assumed that any subsequent requests for the same information will also be refused. Sensitivity of information decreases with age and the impact of any disclosure will be different depending on when the request is received. Therefore, for each request, we will consider the harm that could result at the time of the request and, while taking into account any previous exemption applications, each case should be considered separately.

Next steps

In all cases, before writing to the enquirer, the person given responsibility for FOI by the governing body will need to ensure that the case has been properly considered, and that the reasons for refusal, or public interest test refusal, are sound. To help ensure this, every case of refusal is reviewed by the Principal.

Appendix 4 – Standard Letters

- Initial Acknowledgement letter to say request is received
- To inform the enquirer the Academy does not hold the requested information.
- To inform the enquirer you are transferring the request to another public body.
- To seek clarification of a request.
- To inform the enquirer that the information they want is available via our Publication Scheme. To inform the enquirer that the information they want is already publicly available.
- To inform an enquirer of any charges to be made for complying with their request where the costs are greater than the current threshold. (Fees Notice)
- To inform an enquirer of any charges to be made for complying with their request where the costs are less than the current threshold. (Fees Notice)

Initial Acknowledgement letter to say request is received
{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}:

This letter is to confirm that we have received your request for information under the Freedom of Information Act 2000. Your {method of correspondence}, dated {date received}, requested information in the following area;

- _____

Under the Freedom of Information Act 2000, we are required by law to reply to your request within 20 working days. We will respond to your request in due course.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely,

Name}
{Title}

To inform the enquirer the Academy does not hold the requested information.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on _____. We have conducted a thorough search of our records and unfortunately, we are unable to locate the information you requested. This may because the Academy has never held this information or that the information is older than the statutory requirements for retention and has been legally destroyed in accordance with our retention schedule.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

Name}
{Title}

To inform the enquirer you are transferring the request to another public body.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}: Thank you for your request for information received on _____.

To the best of our knowledge, the requested information is not held within the Academy. However, we believe that {Name and address of organisation} may hold the information that you require. We will therefore need to transfer the request to them.

If you have an objection to this transfer you should let us know as soon as possible by writing to {Address} or telephoning {Number} and asking for {Name of officer dealing with the request}.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

{Name}
{Title}

To seek clarification of a request.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on _____. From the information described, we have been unable to identify the information you require.

Could you please give us more information relating to: {Include specific information we require, trying to ensure that terms that may be unfamiliar to the requestor are explained}.

The Freedom of Information Act 2000 prescribes the time frame in which we must deal with requests. We are not required to include any time whilst waiting for clarification of a request. We will endeavour to proceed with your request as soon as you supply the information required. If we have not received a reply to this letter within three months, we will treat this request as cancelled.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

Name}
{Title}

To inform the enquirer that the information they want is available via our Publication Scheme.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on _____.

The information which you requested is already available to the public via our publication scheme, which is available from the Academy or on our website at _____.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

{Name}
{Title}

To inform the enquirer that the information they want is already publicly available.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}:

Thank you for your request for information received on _____.

The information which you requested is already publicly available. You can access the information at _____.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

{Name}
{Title}

To inform the enquirer of any charges to be made for complying with their request where the costs are greater than the current threshold.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}: Thank you for your request for information received on _____.

It is estimated that the time to provide this information will be _____ hours. The cost of this search will exceed the statutory ceiling of £450 allowed under the Freedom of Information Act 2000 (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

To proceed with your request, we will require a fee of £_____ to cover the cost of the search, photocopying and postage. Please make payment by cheque to Castle View Enterprise Academy. We will continue with the search on receipt of payment, however, if we have not received a reply within three months, we will consider the request cancelled.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

{Name}
{Title}

To inform the enquirer of any charges to be made for complying with their request where the costs are less than the current threshold.

{Academy Name}
{Academy Address}

{Applicant Name}
{Applicant Address}

{Date}

Dear {Name}: Thank you for your request for information received on _____. It is estimated that the time to provide this information will be _____ hours. The cost of this search will be less than the statutory ceiling of £450 allowed under the Freedom of Information Act 2000 (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

To proceed with your request, we will require a fee of £_____ to cover the cost of photocopying and postage. There will be no charge for the time to find the information. Please make payment by cheque to Castle View Enterprise Academy. We will continue with the search on receipt of payment, however, if we have not received a reply within three months, we will consider the request cancelled.

If you have any comments relating to how your request has been handled by our Academy, please contact The Principal at the above address.

Yours sincerely,

{Name}
{Title}