



# Freedom of Information Request Policy

## PURPOSE

Ark Schools (Ark Schools/the Trust) must follow the Data Protection Act 2018 (the DPA) in the way it collects and uses personal data. The DPA references and implements the UK General Data Protection Regulation (UK GDPR) with some specific amendments. This policy sets out how the trust will manage and monitor freedom of information requests.

|                      |                                                                                                 |                    |                         |
|----------------------|-------------------------------------------------------------------------------------------------|--------------------|-------------------------|
| Date of last review: | April 2024                                                                                      | Author:            | Data Protection Officer |
| Date of next review: | April 2027                                                                                      | Owner:             | Director of Governance  |
| Type of policy:      | <input checked="" type="checkbox"/> Network-wide<br><input type="checkbox"/> Tailored by school | Approval:          | Management Team         |
| School:              | N/A                                                                                             | Key Contact Name:  | Governance team         |
| Key Contact Email:   | governance.team@arkonline.org                                                                   | Key Contact Phone: | 020 3116 6333           |

## POSITIONING WITHIN ARK OPERATIONAL MODEL

| Component                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Element         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <input type="checkbox"/> Strategic Leadership & Planning<br><input checked="" type="checkbox"/> Monitoring, Reporting & Data<br><input checked="" type="checkbox"/> Governance & Accountabilities<br><input type="checkbox"/> Teaching & Learning<br><input type="checkbox"/> Curriculum & Assessment<br><input type="checkbox"/> Culture, Ethos & Wellbeing<br><input type="checkbox"/> Pathways & Enrichment<br><input type="checkbox"/> Parents & Community<br><input type="checkbox"/> Finance, IT & Estates<br><input type="checkbox"/> Our People | Data Protection |

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## **Introduction**

The UK GDPR describes the responsibilities that organisations have when dealing with personal data and at Ark we are committed to our obligations under the UK GDPR to maintain a robust and structured programme for compliance adherence and monitoring.

Ark Schools is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

This means that Ark Schools must hold and publish a FOI Publication Scheme, to communicate what information Ark Schools makes readily available to the public, and where it can be found. It also means that Ark Schools must have procedures in place to respond to FOI requests.

This policy applies to all data subjects, staff, governors, trustees, volunteers, and others who may request access to data held by Ark.

This policy will be reviewed every three years, or when the Information Commissioner's Office (ICO) issues revised guidance on this topic.

## **FOI Procedure**

A request for any information from Ark Schools is technically a request under the Act, whether the individual making the request mentions the FOI Act. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

An FOI request does not grant access to personal data held about individuals by the trust. Anybody making a request to access their own or someone else's personal information, this falls within the scope of a subject access request and should be made in line with Ark's Subject Access Request Policy.

All FOI requests are managed by Ark School's Data Protection Officer and can be made verbally or in writing to a school or using [foi@arkonline.org](mailto:foi@arkonline.org).

The Trust encourages using [foi@arkonline.org](mailto:foi@arkonline.org) for making all freedom of information requests, although it recognises the right of individuals to make requests through any available channel.

All requests received in any part of Ark Schools (whether in schools or centrally) must be forwarded to the Data Protection Officer using [foi@arkonline.org](mailto:foi@arkonline.org) within two working days of receiving the request, and the request must be dealt with in full without delay, at the latest within 20 working days of receipt.

The FOI response will normally be sent to data subjects within the legal time limits, and all documents will be sent via email, unless the requestor has specified another method (for example, post or collecting in person). When information is posted, it will be sealed securely and sent by recorded delivery to the address provided by the requester.

A copy of the information sent will be retained for two years by Ark Schools as stated in our Retention and Disposal policy unless there is a legal basis to retain the information for longer.

## **Fulfilling The Request**

When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Ark Schools Data Protection Officer who may allocate another individual to deal with the request with responsibility for the type of information requested.

The first stage in responding is to determine whether we “hold” the requested information. Ark Schools will hold the information if it exists in computer or paper format. Some requests may require Ark Schools to take information from different sources and manipulate it in some way.

Where this would take minimal effort, Ark Schools is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor will be contacted to explain that the information is not held in the manner requested and offered the opportunity to amend their request. For example, if a request required Ark Schools to add up totals in a spreadsheet and release the total figures, this would be information “held” by Ark Schools. If Ark Schools would have to go through several spreadsheets and identify individual figures and provide a total, this is likely not to be information “held” by Ark, depending on the time involved in extracting the information.

The classes or classifications of information that are available include:

- Who we are and what we do: Organisational information, prospectus, locations and contacts, constitutional and legal governance, instrument of government
- What we spend and how we spend it: Financial information about income and expenditure, financial audit, funding agreements, procurement, tendering and contracts. (current and previous two years as a minimum)
- What our priorities are & how we are doing: Strategies and plans, performance indicators and audits
- How we make decisions: Decision making processes and records of decisions, internal criteria, and procedures
- Our policies and procedures: Current written protocols, policies, and procedures for delivering our services and responsibilities
- Lists and Registers: Information held in currently maintained lists, required by law and other lists and registers relating to the function of Ark Schools
- 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

The FOI act allows organisations to apply exemptions when releasing data and means in certain instances we will not share some or all of the requested information. Exemptions exist to protect data that should not be disclosed, for example because disclosing it would be harmful to another person or it would be against the public interest.

### **Exemptions to access by data subjects**

The Freedom of Information Act includes a number of exemptions, which means that certain information may not be disclosed in response to an FOI.

There are two types of exemption: **Absolute** and **Non-Absolute**.

Non-Absolute Exemptions require a **Public Interest Test**. This is where we must decide whether it is in the public interest to disclose the sensitive information or to withhold it.

Only in cases where it is considered to be in the public interest to withhold the information will we refuse to disclose. Where possible we will explain our reasons and refer to the particular exemption in such cases where we refuse access to information

The below list is not exhaustive but includes those exemptions most relevant to and used by the trust. The exemptions below in *italics* are non-absolute exemptions.

- Section 21 – information that is already publicly available, even if payment of a fee is required to access that information.
- Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with as a subject access request under the UK GDPR as detailed in Ark’s SAR Policy.
- Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the GDPR principles
- Section 41 – information that has been sent to Ark Schools (but not Ark Schools’ own information) which is confidential.
- *Section 22 – information that Ark Schools intends to publish at a future date.*
- *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras.*
- *Section 36 – information which, in the opinion of the chair of trustees of Ark Schools, would prejudice the effective conduct of Ark Schools. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.*
- *Section 43 – information that would prejudice the commercial interests of Ark Schools and/or a third party.*
- *Section 38 – information that could prejudice the physical health, mental health, or safety of an individual (this may apply particularly to safeguarding information).*

When the trust applies an exemption, it will do so on a case-by-case basis and will advise the requester of the reasons for our decision.

## **Responding to the request**

Ark Schools will respond as soon as possible, and in any event, within twenty working days of receiving the request. For Ark Schools when calculating the twenty working day deadline, a “working day” is a school day (one in which pupils are in attendance), subject to an absolute maximum of sixty normal working days (non-school days) to respond.

The Act only covers information we currently hold. It does not require us to create new information or to record information not needed for our own business purposes.

When responding to a request where we have withheld some or all the information, we will explain why the information has been withheld, quoting the appropriate exemption section number, and explaining how the information requested fits within that exemption. If a public interest test has been applied, this will also be explained to the requester.

In cases, where we are unable to redact the information of third parties (for example CCTV footage), a decision may be made that the information cannot be released even though it falls within the scope of the data being requested.

In some cases, other policies will override the data protection policy in respect of releasing information, and this is especially the case with safeguarding information.

Where data is redacted or withheld, a description of why this information has not been disclosed will be provided to the requester. Accidentally releasing information about third parties by failing to redact the response to a freedom of information request is considered a data breach and should be reported to Ark School's Data Protection Officer using [dataprotection@arkonline.org](mailto:dataprotection@arkonline.org) without delay.

## **Freedom of Information Publication Scheme**

The Freedom of Information Act requires every public authority to have a publication scheme. Ark School's publication scheme (see Appendix 1) was developed to ensure we are as transparent as possible when it comes to the publication of information. Most of the information listed within the scheme is published routinely on the trust and school's websites. Requesters should review the publication scheme before submitting an FOI request.

The publication scheme has the following aims:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by Ark Schools and falls within the classifications listed above and within Appendix 1.
- To specify the information that is held by Ark Schools and falls within the classifications listed above and within Appendix 1.
- 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 easily be identified and accessed by members of the public
- To review and regularly update the information we make available under this scheme
- To produce a schedule of fees charged for access to information which is proactively made available
- To make this publication scheme available to the public

The publication scheme and the data it covers will be readily available from Ark Schools and can be requested from individual schools. This information is also available on the Ark Schools and relevant school websites. This scheme conforms to the model scheme for academies approved by the ICO.

## **Method by which information under the Publication Scheme is made available**

We will indicate clearly to the public what information is covered by the scheme and how it can be found. Most information is available through our websites however, where it is impracticable to make information available on our website or when an individual does not wish to access the information in this way, we will suggest an alternative method and/ or provide the data by other means.

In exceptional circumstances, some information may be available only by viewing in person. Where this manner is specified, contact details will be provided and an appointment to view the requested information will be arranged within a reasonable timescale. Information will be provided in the language in which it is held or in such other language that is legally required. Where Ark Schools is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation, and any other legislation, to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

## Schedule of charges under Freedom of Information Publication Scheme

| Type of Charge    | Description                                             | Basis of charge                                          |
|-------------------|---------------------------------------------------------|----------------------------------------------------------|
| Disbursement cost | Photocopying/Printing @ 10p per sheet (black and white) | Actual cost 10p                                          |
|                   | Photocopying/Printing @ 50p per sheet (full colour)     | Actual cost 50p                                          |
|                   | Postage                                                 | Actual cost of Royal Mail standard 2 <sup>nd</sup> class |

### *See our Charging Policy for more details*

- Where the cost of postage, printing or photocopying is below **£10.00**, we will not make a charge.
- Where it is over £10.00, the first £10.00 will be free of charge, after that we will charge the full estimated cost of postage and copying.
- Before we produce the information, we shall inform you of the total cost. You may wish to refine the request to reduce the cost and we would be happy to discuss this with you.

## Retention of Documents

As per the UK GDPR and DPA, any data obtained by Ark Schools will not be kept for longer than necessary and will only be used for the purpose they were originally collected for. Retention periods for the different types of personal data are outlined in our Data Retention and Disposal policy.

A regular review of data, documents, images, and videos, at least annually, will be carried out to ensure that all unwanted and out of date material has been securely disposed of. Therefore, when submitting a FOI, please be aware that we can only provide you with copies of the documents and data that we are currently holding, in line with our retention schedule.

## Related Policies and Procedures

This policy should be read in conjunction with the following policies:

- Data Protection policy
- Subject Access Request policy
- Complaints policy

## Contact

Concerns, questions, or complaints in relation to this policy can be sent to the Ark School's Data Protection Officer using [dataprotection@arkonline.org](mailto:dataprotection@arkonline.org).

You can also find more information about how the trust processes personal data by reading our Data Protection policy which can be found [here](#).

If you are not satisfied with our response to your concern or if we have not been able to resolve your complaint, you can also contact the Information Commissioner's Office, who will investigate the case at their discretion by visiting [www.ico.org.uk/foicomplaints](http://www.ico.org.uk/foicomplaints)

Post addressed to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A, Telephone: 0303 123 1113

## Appendix 1: Guide to information available under the Publication Scheme

| <b>Class 1: Who we are and what we do</b><br><b>Organisational Information, structure, locations and contacts</b><br>Current information only |                                            |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------|
| <b>Information available</b>                                                                                                                  | <b>How the information can be obtained</b> | <b>Charge</b> |
| Who's who in Ark                                                                                                                              | Ark website                                | No charge     |
| Instrument of Government – Funding Agreements                                                                                                 | Ark and Individual Academy websites        | No charge     |
| School Prospectus and Curriculum                                                                                                              | Individual Academy websites                | No charge     |
| Local Governing body – names and contact details of the governors and the basis of their appointment                                          | Individual Academy websites                | No charge     |
| Information about and duties of the governors                                                                                                 | Ark and Individual Academy websites        | No charge     |
| Gender pay gap reporting                                                                                                                      | Ark website                                | No charge     |
| School Session times, term dates and holidays                                                                                                 | Individual Academy websites                | No charge     |
| Location & Contact information – address, telephone numbers & website                                                                         | Individual Academy websites                | No charge     |
| Ark Schools staffing structure – names of key personnel                                                                                       | Individual Academy websites                | No charge     |
| Contact details for the Principal and the Local Governing Body                                                                                | Individual Academy websites                | No charge     |

| <b>Class 2: What we spend and how we spend it</b><br><b>Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit</b><br>(Minimum of current and the previous two years financial year) |                                                                                             |               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------|
| <b>Information available</b>                                                                                                                                                                                                                            | <b>How the information can be obtained</b>                                                  | <b>Charge</b> |
| Annual financial statements, capital funding and income generation                                                                                                                                                                                      | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge     |
| Expenditure                                                                                                                                                                                                                                             | Ark and Companies House website                                                             | No charge     |
| Details of capital funding allocated to the school along with information on related building projects and other capital projects or sources of funding for current year                                                                                | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge     |

|                                                                                     |                                                                                             |                     |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------|
| Statutory Accounts                                                                  | Ark and Companies House website                                                             | No charge           |
| Financial audit reports                                                             | Ark and Companies House Website                                                             | No charge           |
| Procurement and contracts                                                           | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge           |
| Staff allowances and expenses                                                       | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge           |
| Staff grading and structure                                                         | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | Schedule of charges |
| Governors' allowances – details if allowances/expenses that can be claimed/incurred | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | Schedule of charges |
| Premiums or other forms of financial support                                        | Ark, Companies House, and Individual Academy websites                                       | No charge           |
| TU facility time reporting                                                          | Ark website                                                                                 | No charge           |

**Class 3: What our priorities are and how we are doing it**  
**Strategies and plans, performance indicators, audits, inspections and reviews**  
Current information as a minimum

| <b>Information available</b>                                   | <b>How the information can be obtained</b>                                                                                      | <b>Charge</b>       |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Performance data supplied to the government                    | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>                                     | Schedule of charges |
| Latest Ofsted report                                           | <a href="https://www.ofsted.gov.uk/">Ofsted website</a>                                                                         | No charge           |
| Performance Management policy and procedures                   | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>                                     | Schedule of charges |
| Ark Schools future plans                                       | Ark and Individual Academy websites                                                                                             | No charge           |
| Exam and assessment results                                    | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>                                     | No charge           |
| Performance tables                                             | DfE <a href="https://www.compare-school-performance.service.gov.uk/">https://www.compare-school-performance.service.gov.uk/</a> | No charge           |
| Data Protection Impact Assessments (in full or summary format) | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>                                     | No charge           |

| <b>Class 4: How we make decisions</b><br><b>Decision making processes and records of decisions</b><br>Current and previous three years as a minimum |                                                                                             |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------|
| <b>Information available</b>                                                                                                                        | <b>How the information can be obtained</b>                                                  | <b>Charge</b> |
| Admissions policy and decisions (not individual decisions)                                                                                          | Individual Academy websites                                                                 | No charge     |
| Local Governing Board meeting agendas and minutes (this will exclude information that is properly regarded as private to the meeting)               | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge     |

| <b>Class 5: Our policies and procedures</b><br><b>Current written protocols, policies and procedures for delivery our services and responsibilities</b><br>Current information as a minimum                                                                                                                                                                                                                                                        |                                                                                                    |               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------|
| <b>Information available</b>                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>How the information can be obtained</b>                                                         | <b>Charge</b> |
| <b>Pupil and curriculum policies including:</b> <ul style="list-style-type: none"> <li>• Anti- bullying Procedure</li> <li>• Accessibility Policy</li> <li>• Behaviour and Rewards Policy</li> <li>• Collective Worship Policy</li> <li>• Exclusions Policy</li> <li>• Mental Health and Wellbeing Policy</li> <li>• Online Safety Policy</li> <li>• Relationships and Sex Education Policy</li> <li>• Special Needs Educational Policy</li> </ul> | Individual Academy websites or request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge     |
| <b>Records Management and Personal Data Policies:</b> <ul style="list-style-type: none"> <li>• Information security policies</li> <li>• Records retention policies</li> <li>• Data Protection policies</li> </ul>                                                                                                                                                                                                                                  | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>        | No charge     |
| <ul style="list-style-type: none"> <li>• Equality and Diversity Policy Statement</li> <li>• Equalities Objective</li> </ul>                                                                                                                                                                                                                                                                                                                        | Individual Academy websites or request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge     |

|                                                                                                                                                                                                                                                                                                                                               |                                                                                                    |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------|
| Safeguarding/Child Protection Policy                                                                                                                                                                                                                                                                                                          | Ark and Individual Academy websites                                                                | No charge |
| Pay policy                                                                                                                                                                                                                                                                                                                                    | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>        | No charge |
| Health & Safety and risk assessment                                                                                                                                                                                                                                                                                                           | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>        | No charge |
| <b>Policies and procedures for HR and the recruitment of staff:</b> <ul style="list-style-type: none"> <li>• Staff, discipline, grievance, pay and conduct Policies</li> <li>• Staffing structure implementation plan</li> <li>• Staff Recruitment &amp; Selection policies</li> </ul>                                                        | Individual Academy websites or request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge |
| Career Education Policy Pupil Behaviour Policy                                                                                                                                                                                                                                                                                                | Individual Academy websites or request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge |
| Complaints procedure                                                                                                                                                                                                                                                                                                                          | Individual Academy websites or request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge |
| <b>Charging Regimes and Policies:</b> includes details of any statutory charging regimes – charges made for information routinely published. Clearly stating what costs are to be recovered, the basis on which they are made and how they are calculated. <ul style="list-style-type: none"> <li>• Charging and remissions policy</li> </ul> | Hard copy request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a>                      | No charge |

| <b>Class 6: Lists and Registers</b><br>Currently maintained lists and registers only       |                                                                                             |                     |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------|
| <b>Information available</b>                                                               | <b>How the information can be obtained</b>                                                  | <b>Charge</b>       |
| Curriculum circulars and statutory instruments                                             | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | Schedule of charges |
| CCTV                                                                                       | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | No charge           |
| Disclosure Logs                                                                            | Individual Academy websites                                                                 | Schedule of charges |
| Asset Register                                                                             | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | Schedule of charges |
| Any information Ark are currently legally required to hold in publicly available registers | Electronic copy through request to <a href="mailto:foi@arkonline.org">foi@arkonline.org</a> | Schedule of charges |

**Class 7: The services we offer**

**Information about the services we offer, including leaflets, guidance & newsletters**

Currently information only

| <b>Information available</b>                                                                                           | <b>How the information can be obtained</b> | <b>Charge</b> |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------|
| Extra-curricular activities                                                                                            | Individual Academy websites                | No charge     |
| Out of School Clubs                                                                                                    | Individual Academy websites                | No charge     |
| School publications                                                                                                    | Individual Academy websites                | No charge     |
| Services for which the Academy is entitled to recover a fee, together with those fees (charging and remissions policy) | Individual Academy websites                | No charge     |
| Leaflets, booklets and newsletters                                                                                     | Individual Academy websites                | No charge     |