



# Hay-on-Wye CP School

## Information Requests (SAR/FOI/EIR) Policy (Schools)

Signed: <i>W. Math</i> Chair of Governors	Date: 18.12.23 ratified 19.01.24 Signed
Signed: <i>R. Jones</i> Headteacher	Date: 18.12.23 19.01.24
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## 1. Definitions:

- 1.1. UK General Data Protection Regulations ('UK GDPR')/Data Protection Act 2018 ('DPA 2018') – In effect, these are regulations that lay down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data.
- 1.2. Freedom of Information Act 2000 (FOIA) – An act that provides public access to information held by public authorities. Information disclosed under a Freedom of Information request (FOI) covers any information that is recorded (e.g., emails, notes, recordings of telephone conversations and CCTV recordings) and that does not contain personal data (unless, in limited circumstances, an exemption cannot be relied upon).
- 1.3. Environmental Information Regulations 2004 (EIR) – Regulations that provides public access to environmental information held by public authorities. Similar to the FOIA, information disclosed via a EIR request covers any information that is recorded (e.g., emails, notes, recordings of telephone conversations and CCTV recordings) and that does not contain personal data (unless, in limited circumstances, an exemption cannot be relied upon).
- 1.4. Personal Data – Any information relating to an identified or identifiable natural person ('data subject'); [directly or indirectly identified], in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 1.5. Special Category data – Personal data that is of a more sensitive nature, such as information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
- 1.6. Controller – The body which, alone or jointly with other bodies, determines the purposes and means of the processing of personal data.
- 1.7. Processor – The body which processes personal data on behalf of the controller.
- 1.8. Third Party – A body other than the data subject, controller and processor who, under direct authority of the controller or processor, are authorised to process personal data.

- 1.9. *Processing* – Covers a wide range of operations performed on personal data, including by manual or automated means. It includes the collection, recording, organisation, structuring, storage, alteration, retrieval, consultation, use, disclosure, erasure or destruction of personal data.
- 1.10. Information Commissioner's Office (ICO) – The UK independent regulatory office who aims to uphold information rights in the interest of the public and who enforce data protection legislation.

## **2. Introduction:**

- 2.1. An individual has the right to request from the school both personal information about themselves and non-personal information recorded by the school.
- 2.2. There are 3 main information requests that the school must respond to, namely a Subject Access Request (made under the UK GDPR), a Freedom of Information request (made under the FOIA) and an Environmental Information Regulation request (made under the EIR).
- 2.3. The school is committed to its obligations under the differing information request regimes and must carefully consider which piece of legislation has been engaged before processing a request and issuing a disclosure of information.

## **3. Policy Purpose & Statement:**

- 3.1. This policy is intended to ensure that all information requests are managed correctly by the school and in line with the differing pieces of legislation.
- 3.2. This policy sets out the school's key responsibilities in regard to each of the three information requests received by the school.
- 3.3. This policy defines the differences between each of the three different types of information requests.
- 3.4. This policy will hold the school accountable for non-compliance with a request for information.
- 3.5. The consequences of failing to comply with a request for information can lead to breaches of data protection legislation, notices, or fines from the ICO, a loss of public trust and confidence and reputational damage.

## **4. Scope of the Policy:**

- 4.1. This policy applies to all recorded information held by the school and includes both paper and electronic records.
- 4.2. This policy applies to any joint ventures entered into between the school and another party.
- 4.3. It also places obligations upon the school to ensure that third party processors/providers of School data are aware of their duties to support the school fulfil their obligations.

## **5. Responsibilities:**

- 5.1. The Head Teacher and School Governors hold overall responsibility for the school's compliance with the UK GDPR, FOIA and EIR.
- 5.2. All members of staff at the school must be aware of the school's responsibilities surrounding a request for information and must know how it should be actioned and be able to provide advice to requestors.

## **6. Information Requests:**

### 6.1. Subject Access Requests (SAR).

- 6.1.1. A SAR is a request for an individual's **own personal information** and is a right of access provided under the UK GDPR.
- 6.1.2. Third parties can exercise this right and request personal information on behalf of another individual, but the school will ensure appropriate identification and authority checks are made prior to processing the request.
- 6.1.3. The School will, in line with the UK GDPR, accept SARs that are made verbally or in writing in any format (e.g., letter, email, social media etc.) and will provide the requester with copies of the personal data (as opposed to copies of the document the personal data is contained within) when identification of the requester has been verified.
- 6.1.4. The school will consider a disclosure of personal information against the exemptions provided in the UK GDPR as well as the Data Protection Act 2018 (DPA). For example, the school will not disclose an individual's personal information if, by doing so, would prejudice an on-going investigation into that person.
- 6.1.5. For further information and guidance on the right of access, please visit: [Right of access | ICO](#)

### 6.2. Freedom of Information Request (FOI).

- 6.2.1. A FOI is a request for **any recorded information** held by the school and does not allow for the disclosure of personal data (unless an exemption does not apply). (Irrespective of age or format of recording)
- 6.2.2. Under the terms of the FOIA individuals may only submit written requests for information to the school. The school will accept requests in any written format (e.g., letter, email, social media etc.) but will not accept verbal requests.
- 6.2.3. There are [23 exemptions](#) under the FOIA that entitles the school to withhold information if it is considered appropriate to do so. If the decision is made to withhold the information, the school will provide the requestor with the following information, in written form:
- Confirmation, if appropriate, whether the requested information is held.
  - Details of the appropriate exemption under the Act.
  - Reasons why it considers the exemption applies.
  - Details of the review procedure.
- 6.3. Environmental Information Regulation Requests (EIR).
- 6.3.1. An EIR is a request for **environmental information recorded** by the school and similarly to the FOIA does not allow for the disclosure of personal data (unless an exemption does not apply).
- 6.3.2. The school will accept an EIR in both verbal and written formats (e.g., letter, email, social media, telephone call etc.)
- 6.3.3. There are [14 exceptions](#) under the EIR that entitles the school to withhold information if it is considered appropriate to do so. If the decision is made to withhold the information, the school will provide the requestor with the following information, in written form:
- Confirmation, if appropriate, whether the requested information is held.
  - Details of the appropriate exception under the Regulations.
  - Reasons why it considers the exception applies.
  - Details of the review procedure.

## **7. Timescales for responding to information requests:**

- 7.1. The school will aim to respond to a request for information within the statutory timescales defined under each piece of legislation.
- 7.2. SAR:
- 7.2.1. The UK GDPR provides that a controller must respond to a SAR within one month of receipt of the request.

- 7.2.2. The school may, when appropriate, apply a time extension of 2 months if the request is complex or when the same individual has submitted a number of requests to the school.
- 7.3. FOI & EIR:
- 7.3.1. The statutory deadline for responding to FOI and EIR requests is 20 working days following the date of receipt of the request.
- 7.3.2. The school may extend the 20-working day deadline to 40 working days for an EIR request if the complexity and volume of the information requested means that the 20 working days deadline cannot be complied with.
- 7.3.3. Unlike the FOIA, there is no provision to further extend the time limit for cases where the public interests has to be balanced.

## **8. Publication Scheme.**

- 8.1. The school maintains a Publication Scheme which provides information about its activities. The following list is not exhaustive and the school will consider what is or isn't actively published:
- Who we are & what we do.
  - What we spend and how we spend it.
  - What our priorities are and how we are doing.
  - Governing Body minutes.
  - Policies & Procedures.
  - Class topics.
  - Teaching Staff.
  - Fees and charges.
  - Complaints.
  - How to ask for information.
  - Freedom of Information and Environmental Information Disclosure Logs.

## **9. Fees.**

- 9.1. The school will endeavour to be as open and transparent with regard to the data it processes and will in most cases not charge a fee for the disclosure of information, however, in some limited circumstances it might be reasonable and appropriate to do so.
- 9.2. SAR
- 9.2.1. The school will in most cases not charge an individual a fee for a SAR.

9.2.2. The school will however consider a reasonable fee for the administrative costs of complying with a request if it is manifestly unfounded or excessive, or if an individual requests further copies of their data.

### 9.3. FOI Requests

9.3.1. The school complies with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation (2004).

9.3.2. All FOI requests that take less than 18 hours or £450 (i.e., the "appropriate limit") to process will be free of charge.

9.3.3. If the estimated time for compliance is in excess of 18 hours, then the school may refuse the request or alternatively may issue an invoice for the estimated cost, such invoice should be paid before the school undertakes any retrieval of the requested information.

### 9.4. EIR Requests

9.4.1. The school can determine that a fee is chargeable to an individual who requests environmental information when it is reasonable but will always take into account the aim of the EIR, i.e., encourage straightforward access to environmental information.

9.4.2. What is considered reasonable, will include:

- The actual costs of the staff time it takes to locate information;
- Staff time to put the information in an appropriate format for disclosure; and
- The disbursements (e.g., photocopying, printing and postage costs) in transferring the information to the requester.

9.5. The school will always communicate and discuss the fee with the requester before asking for one.

## 10. Internal Review and Complaints:

10.1. Upon receipt of an expression of dissatisfaction, the school will undertake a review of their disclosure.

10.2. Where possible the review will be undertaken by someone different to the person who provided the information previously.

10.3. On occasion it is appropriate that the review will reach a different conclusion to that of the original.



- 10.4. The internal review should be carried out by the responsible individual within 20 working days.
- 10.5. Should the requestor remain dissatisfied with the outcome of the internal review process then they may make a complaint to the ICO who oversees compliance with this legislation and the following will be highlighted to the requester:

The ICO can be contacted at the following address:

Information Commissioner's Office  
2nd floor  
Churchill House  
Churchill way  
Cardiff  
CF10 2HH  
Tel: 029 2067 8400  
Email: [wales@ico.org.uk](mailto:wales@ico.org.uk)  
[www.ico.org.uk](http://www.ico.org.uk)

## 11. Review:

- 11.1. This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the DPO (DPO (Schools) [information.compliance@powys.gov.uk](mailto:information.compliance@powys.gov.uk)), Headteacher, or nominated representative.