Freedom of Information Policy

Date agreed by Governors	November 2025
Signed on behalf of Governors	J Wilkinson J Wilkinson (Jan 22, 2026 13:02:18 GMT)
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Introduction

This document sets out the school's guidance for compliance with the Freedom of Information Act (FOI). The FOI covers all recorded information held by John Ball Primary School. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. Nor is it limited to information you create, so it also covers, for example, letters you receive from members of the public, although there may be a good reason not to release them.

The Act includes some specific requirements to do with datasets. For these purposes, a dataset is a collection of factual, raw data that you gather as part of providing services and delivering your functions as a school, and that you hold in electronic form.

Requests are sometimes made for less obvious sources of recorded information, such as the author and date of drafting, found in the properties of a document (sometimes called meta-data). This information is recorded so is covered by the Act and you must consider it for release in the normal way.

Similarly, you should treat requests for recorded information about the handling of previous freedom of information requests (meta-requests) no differently from any other request for recorded information.

The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it.

The Act covers information that is held on behalf of a public authority even if it is not held on the authority's premises. For example, you may keep certain records in off-site storage, or you may send out certain types of work to be processed by a contractor.

Where you subcontract public services to an external company, that company may then hold information on your behalf, depending on the type of information and your contract with them. Some of the information held by the external company may be covered by the Act if you receive a freedom of information request.

Purpose

This guidance is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation 2018, and other related legislation. It will apply to information regardless of the way it is collected, used,

recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

Obligations under the Freedom of Information Act

You have two main obligations under the Act. You must:

- publish certain information proactively. See ICO "Definition document for the governing bodies of maintained and other state-funded schools in England" for more details; and
- respond to requests for information.

What should we do when we receive a request for information?

If you believe you have an Freedom of Information request please contact the Lewisham Schools Data Protection Team IMMEDIATELY for assistance. For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. Any letter or email to a school asking for information not relating to a person is a request for recorded information under the Act.

This does not mean you have to treat every enquiry formally as a request under the Act. It will often be most sensible and provide better customer service to deal with it as a normal customer enquiry under your usual customer service procedures, for example, if a member of the public wants to know if you have a space for their child. The provisions of the Act need to come into force only if:

- you cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

What makes a request valid?

To be valid under the Act, the request must:

- be in writing. This could be a letter or email. Requests can also be made via the web, or even on social networking sites such as Facebook or Twitter if your school uses these;
- include the requester's real name. The Act treats all requesters alike, so you should not normally seek to verify the requester's identity. However, you may decide to check their identity if it is clear they are using a pseudonym or if there are legitimate grounds for refusing their request and you suspect they are trying to avoid this happening, for

example because their request is vexatious or repeated. Remember that a request can be made in the name of an organisation, or by one person on behalf of another, such as a solicitor on behalf of a client;
- include an address for correspondence. This need not be the person's residential or work address – it can be any address at which you can write to them, including a postal address or email address;
- describe the information requested. Any genuine attempt to describe the information will be enough to trigger the Act, even if the description is unclear, or you think it is too broad or unreasonable in some way. The Act covers information not documents, so a requester does not have to ask for a specific document (although they may do so). They can, for example, ask about a specific topic and expect you to gather the relevant information to answer their enquiry. Or they might describe other features of the information (eg author, date or type of document).

Timescales for responding to a request for information

The time allowed for complying with a request starts (the "clock" starts) when you receive it, not when it reaches the relevant member of staff.

For schools, the standard time limit as directed by the ICO regulations, will be 20 school days, or 60 working days following the date of receipt, whichever is the shorter.

A "school day" will be any day on which there is a session and the pupils are in attendance.

"Working days" exclude school holidays and "inset" or training days where the pupils are not in attendance.

To clarify, the following example illustrates how the variation could be applied in practice:

- A request is received on July 15th.
- The school is scheduled to close for the summer break on July 19th and will reopen September 6th.
- When calculating the time for compliance purposes, the school recognises that it will not be obliged to count any of the days between July 19th and September 6th, as these are considered non-school days for the purpose of the regulations.
- After taking this into account, it determines 20 school days are likely to elapse in October, whereas 60 working days would elapse in November.
- The application of 20 school days for response should be used as the latest reply date unless there are grounds which merit an extension (see below for extension circumstances).

The Act does not allow extra time for searching for information. However, if finding the information and drawing it together to answer the request would be an unreasonable burden on your resources and exceed a set costs limit, you may be able to refuse the request. Likewise, you may not have to confirm whether or not you hold the information, if it would exceed the costs limit to determine this.

If fees apply (see below) the "clock" will stop on the date an issue of fees notice is sent to the requester and restart once payment has been received.

What if we are unsure what's being asked for?

If you can't answer the request because you are not sure what is being requested, you must contact the requester as soon as possible for clarification.

You do not have to deal with the request until you have received whatever clarification you reasonably need. However, you must consider whether you can give the requester advice and assistance to enable them to clarify or rephrase their request. For example, you could explain what options may be available to them and ask whether any of these would adequately answer their request.

What happens if we don't have the information?

The Act only covers recorded information you hold. When compiling a response to a request for information, you may have to draw from multiple sources of information you hold, but you don't have to make up an answer or find out information from elsewhere if you don't already have the relevant information in recorded form.

Before you decide that you don't hold any recorded information, you should make sure that you have carried out adequate and properly directed searches, and that you have convincing reasons for concluding that no recorded information is held. If an applicant complains to the ICO that you haven't identified all the information you hold, they will consider the scope, quality and thoroughness of your searches and test the strength of your reasoning and conclusions.

If you don't have the information the requester has asked for, you can comply with the request by telling them this, in writing. If you know that the information is held by another public authority, you could transfer the request to them or advise the requester to redirect their request.

What if the information is inaccurate?

The Act covers recorded information, whether or not it is accurate. You cannot refuse a request for information simply because you know the information is out of date, incomplete or inaccurate. To avoid misleading the requester, you should normally be able to explain to them the nature of the information, or provide extra information to help put the information into context.

Can we change or delete information that has been requested?

No. You should normally disclose the information you held at the time of the request. You are allowed to make routine changes to the information while you are dealing with the

request as long as these would have been made regardless of the request. However, it would not be good practice to go ahead with a scheduled deletion of information if you know it has been requested.

You must not make any changes or deletions as a result of the request, for example, because you are concerned that some of the information could be embarrassing if it were released. This is a criminal offence.

Charging for information

The Act does not allow you to charge a flat fee but you can recover your communication costs, such as for photocopying, printing and postage. You cannot normally charge for any other costs, such as for staff time spent searching for information, unless other relevant legislation authorises this.

However, if the cost of complying with the request would exceed the cost limit referred to in the legislation, you can offer to supply the information and recover your full costs (including staff time), rather than refusing the request.

If you wish to charge a fee, you should send the requester a fees notice. You do not have to send the information until you have received the fee. The time limit for complying with the request excludes the time spent waiting for the fee to be paid. In other words, you should issue the fees notice within the standard time for compliance. Once you have received the fee, you should send out the information within the time remaining.

Refusing a Request

You can refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time to deal with the request. Currently, the cost limit for complying with a request or a linked series of requests from the same person or group is set at £450 for schools. You can refuse a request if you estimate that the cost of compliance would exceed this limit. This provision is found at section 12 of the Act.

- The request is vexatious. If so, you do not have to comply with any part of it, or even confirm or deny whether you hold information. When assessing whether a request is vexatious, the Act permits you to take into account the context and history of a request, including the identity of the requester and your previous contact with them. The decision to refuse a request often follows a long series of requests and correspondence.

  The key question to ask yourself is whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

  Bear in mind that it is the request that is considered vexatious, not the requester. If after refusing a request as vexatious you receive a subsequent request from the same person, you can refuse it only if it also meets the criteria for being vexatious.

You should be prepared to find a request vexatious in legitimate circumstances, but you should exercise care when refusing someone's rights in this way.

- The request repeats a previous request from the same person. You can normally refuse to comply with a request if it is identical or substantially similar to one you previously complied with from the same requester. You cannot refuse a request from the same requester just because it is for information on a related topic. You can do so only when there is a complete or substantial overlap between the two sets of information.

  You cannot refuse a request as repeated once a reasonable period has passed. The reasonable period is not set down in law but depends on the circumstances, including, for example, how often the information you hold changes.

In addition, the Freedom of Information Act contains a number of exemptions that allow you to withhold information from a requester. In some cases it will allow you to refuse to confirm or deny whether you hold information. If you wish to refuse a request you still need to inform the requester of your decision, please contact this with the Lewisham Schools Data Protection Team for assistance.

Withholding information under an exemption

Exemptions exist to protect information that should not be disclosed, for example because disclosing it would be harmful to another person or it would be against the public interest.

The exemptions in Part II of the Freedom of Information Act apply to information. This may mean that you can only apply an exemption to part of the information requested, or that you may need to apply different exemptions to different sections of a document. You do not have to apply an exemption. However, you must ensure that in choosing to release information that may be exempt, you do not disclose information in breach of some other law, such as disclosing personal information in contravention of the GDPR or the DPA 2018. Nor do you have to identify all the exemptions that may apply to the sameinformation, if you are content that one applies.

You can automatically withhold information because an exemption applies only if the exemption is 'absolute'. However, most exemptions are not absolute but are 'qualified'. This means that before deciding whether to withhold information under an exemption, you must consider the public interest arguments. This balancing exercise is usually called the public interest test. If you are unsure if an exemption applies please discuss this with the Lewisham Schools Data Protection Team.

Freedom of Information Policy (2)

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