



Statutory Requests for Information

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Statutory Requests for Information

Discovery Educational Trust (DET) and its Schools are required to manage requests for information in order to comply with the Freedom of Information (FoI) Act 2000, the Environmental Information Regulations (EIR), the UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018, jointly the **Acts**.

Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' in further sections.

What must I do?

For all types of request for information:

1. **MUST:** DET/its Schools must **correctly identify** the law that applies to the information being requested, and manage the request in compliance with that law.
2. **MUST:** Information should be **released** unless there is a strong legal justification for withholding it.
3. **MUST:** Whenever DET/its Schools **refuse** to provide information, they must clearly and fully explain the reasons why.
4. **MUST:** DET/its Schools must provide **advice and assistance** to people making a request.
5. **MUST:** DET/its Schools must always try to **reply** as quickly as possible, but always within the legal deadline.
6. **MUST:** All employees must promptly **provide** all relevant information to a Request Coordinator, if asked for it.
7. **MUST:** If DET/its Schools decide to **charge** for information, they must do so in accordance with a published policy.
8. **MUST:** Where reasonable and practical, DET/its Schools must provide the information in the **format** requested by the applicant.
9. **MUST:** When DET/its Schools respond to a request, they must tell the requester about the **internal review** process.
10. **MUST:** When responding to a complaint, DET/its Schools must advise the requester that they may **complain to the ICO** if they remain unhappy with the outcome.
11. **MUST:** DET/its Schools must maintain an up-to-date Publication Scheme available on their websites to meet obligations under FOI/EIR.

Why must I do it?

1. The requester does not have to specify under what legislation they are making a request. It is DET/School responsibility to correctly identify the legislation that applies.
2. DET/its Schools serve the public. They should not hide information from them. The Acts are intended to make DET/its Schools more accountable to the public, to make their processes more transparent, and to encourage the public to trust them. Information should be released unless DET/its Schools can strongly justify withholding it (embarrassment is not a sufficient reason to withhold information). In some cases, DET/its Schools may have to release non-personal information because it is in the public interest, although it might otherwise have been considered exempt. Also, it is a legal offence to deliberately withhold or destroy requested information where there is no legal reason to do so.

3. DET/its Schools are not obliged to provide all, or part of the information requested, if a legal justification applies. If DET/its Schools believe a reason does apply, they must help the public to challenge their decisions effectively by giving their reasons and doing so clearly and fully in line with the requirements of the Acts. This is a legal requirement.
4. The Acts require DET/its Schools to assist requesters, especially where they may be considering refusing a request, in guiding the public on how to clarify or re-scope their request to achieve the best outcome. This is a legal requirement.
5. The laws provide statutory deadlines for responding to a request; FOI and EIR – 20 working days and DPA - one month. There are limited reasons to extend the deadlines. The laws expect information to be well managed and accessible. Therefore, there is an assumption that requests should be routinely responded to well in advance of the deadline.
6. In order to comply with regulator and corporate targets for fulfilling requests, all employees have a role to play in making information relevant to the request available promptly so that a response can be drafted within the timescale.
7. The laws require DET/its Schools to make clear the basis for charging to ensure that charges are fair and unobstructive. DET/its Schools must tell requesters whether a charge applies before they provide the information, and they should tell requesters what that charge is.
8. The Acts place a duty on DET/its Schools to provide information in a format that the requester would find most convenient to their needs. They may refuse unreasonable demands and charge in certain cases, but, in principle, the requester should be able to receive the information in the way that they specify.
9. It is a requirement of the Acts to have an internal review process. Where a requester expresses dissatisfaction with a response, this must be treated as a complaint. The Acts state that expressing dissatisfaction is enough to require DET/its Schools to treat it as such. The Information Commissioner's Office (ICO) requires DET/its Schools to complete the internal review process before it accepts an escalation of a complaint to its office.
10. This is a statutory requirement.
11. This is a statutory requirement.

How must I do it?

1. Follow guidance and training to correctly identify whether the request should be handled under FOI, EIR or DPA/GDPR.
2. By following the points of this Policy, and accompanying guidance and training.
3. Ensure that the employee making decisions about what can be released and drafting the response has access to legal guidance in order to make the response full and compliant with the law.
4. Discuss the likely response with the requester if their request is likely to be refused, and explain options that would help them receive as useful a response as possible within the limits of the law. Although DET/its Schools should not ask requesters what they intend to do with the information they have requested, they can explain what they do hold and what is likely to be disclosable to the requester.
5. DET/its Schools must record performance against the statutory deadlines to ensure that they are aware of how well they are complying with the law and to help make changes to processes if necessary.
6. Ensure that the information you manage is accessible and well structured so that you can retrieve it quickly when requested.
7. It is not lawful to charge for information without a published policy explaining the basis for arriving at a fee. In the absence of a published policy, charges are not made.

8. There must be strong prohibitive reasons not to provide information in a format that is within DET/School ability to provide. Conversion to a new format is, however, different to having to significantly edit and rearrange information to make it legible in the format requested. Under the latter circumstances, a refusal may be valid, but advice should be sought if unsure.
9. DET/its Schools choose to manage complaints (known as Internal Reviews) within 20 working days. Where a simple error has been made in the response, it may be that the issue can be resolved informally. If not, a full review of how the request was handled is required. This must be undertaken by an employee, who was not involved in drafting or approving the original request, although the employee drafting the response may discuss how the original request was handled with those involved.
10. Ensure that the contact details for the ICO are provided to the requester on any response documentation, and explain when it is appropriate to escalate a complaint to the ICO in order to make requesters aware of their rights.
11. To enable requesters to understand the types of information that DET/its Schools hold, what format it can be disclosed in, and whether charges apply.

What if I need to do something against the Policy?

If you believe that you have a valid business reason for an exception to these policy points, having read and understood the reasons why they are in place, please raise a formal request by contacting the Headteacher (HT)/Senior Information Risk Owner (SIRO) on the below School email addresses:

- Chase High School – gdpr@chasehigh.org;
- Hogarth Primary School – gdpr@hogarth.essex.sch.uk;
- Larchwood Primary School – gdpr@larchwood.essex.sch.uk;
- St. Martin's School – gdpr@st-martins.essex.sch.uk.

References

- Data Protection Act 2018;
- UK GDPR;
- FoI Act 2000;
- EIR 2005;
- Education (Pupil Information) (England) Regulations 2005.

Breach Statement

Breaches of Information Policies are investigated and may result in disciplinary action. Serious breaches of policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.