Freedom of Information Policy and Procedures

2026-2029

Approved by: FOR Committee on 10.11.26

Review Date: Autumn 2029

Links with other Policies

When agreeing or reviewing the Attendance Policy, links should be made with other relevant policies and guidelines, including Equality Plan, Concerns and Complaints Policy and Procedures, Data Protection and Whistleblowing.

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1. Introduction

The Tapscott Learning Trust (hereon called the "Trust" or "TTLT") is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

2. Background

The Freedom of Information Act 2000 (FOI) came fully into force on 1st January 2005. Under the Act, any person has a legal right to ask for access to information held by the Trust and its schools. They are entitled to be told whether the Trust holds the information and to receive a copy, subject to certain exemptions.

The information which the Trust routinely makes available to the public is included in the FOI Publication Scheme. Requests for other information should 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 Act is fully retrospective so that any past records which the Trust holds are covered by the Act. The Trust makes use of the Information and Records Management Society's toolkit for schools (IRMS) and systematically retains and destroys data accordingly. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under FOI can be addressed to the CEO in the Trust. All staff in the Trust need to be aware of the process for dealing with requests.
All requests need to be forwarded to:
The Tapscott Learning Trust
Atlas Road
London
E13 0AG
Telephone: 020 3108 0326
Email info@ttlt.academy

Requests must be made in writing, (including email), and should include the enquirer's name and correspondence address and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to a FOI enquiry. There is a time limit of twenty (20) days, excluding school holidays, for responding to the request.

3. Scope

The FOI Act joins the General Data Protection Regulation (GDPR) 2018, the Data (Use and Access) Act 2025 and the Environmental Information Regulations (EIR) as legislation under which anyone is entitled to request information from the Trust.

Requests for personal data are still covered by the Data Protection Policy. Individuals can request to see what information the Trust holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the EIR.

They also cover issues relating to Health and Safety. For example, queries about chemicals used in the Trust, its schools or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOI, but unlike FOI requests, they do not need to be written and can be verbal.

All requests should be directed to the Executive Trust Officer by email at info@ttlt.academy or by telephone on 020 3108 0326.

If any element of a request to the Trust includes personal or environmental information, these elements must be dealt with under Data Protection or EIR. Any other information is a request under FOI, and must be dealt with accordingly.

4. Obligations and Duties

The Trust recognises its duty to:

- provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.

- 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 procedures laid down in Appendix 1 - Procedure for Dealing with Requests.

5. Publication Scheme

The Trust has adopted the Model Publication Scheme for Schools approved by the Information Commissioner as evidenced in Appendix 2 – TTLT Publication Scheme.

The Publication Scheme and the materials it covers are readily available on our website at www.ttlt.academy or by request to the Executive Trust Officer at info@ttlt.academy

6. Dealing with Requests

The Trust will respond to all requests in accordance with the procedures laid down in Appendix 3 – Flowchart on Handling Requests for FOI.

The Trust will ensure that all staff is aware of the procedures.

7. Exemptions

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 4 - 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.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for five (5) years.

8. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

9. Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450. The Trust does not charge for information that is made available directly online or via e-mail.

10. Responsibilities

The Chief Executive Officer of the Trust is responsible for ensuring compliance with the FOI.

The day to day responsibility for compliance with the FOI has been delegated to the Executive Trust Officer.

11. Complaints

Any comments or complaints will be dealt with through the Trust's normal Concerns and Complaints Policy and Procedures which is published on its website www.ttlt.academy and on the websites of all its schools. This sets out the complaints procedure to be followed and the timelines for dealing with and replying to complaints.

The Trust will maintain records of all complaints and their outcome.

If, on investigation, the Trust's original decision is upheld, then the Trust has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office (ICO).
Appeals should be made in writing to the ICO. They can be contacted at:
http://ico.org.uk/complaints
Helpline: 0303 123 1113

12. Review of this policy

This policy will be reviewed as and when changes / updates occur in line with FOI, otherwise every three years as part of the Trust compliance calendar.

Appendix 1: Procedure for Dealing with Requests

1. To handle a request for information the Trust will need to ask themselves a series of questions. These are set out below and shown on pages 14 - 17 as a flowchart on handling requests for FOI.

Is it a FOI request for information?

2. 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 Trust holds about the enquirer. If the enquiry is a data protection request, follow the existing Data Protection Policy.

- *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 could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, follow the guidance on the ICO website or the Department for Environment, Food and Rural Affairs (DEFRA) website.

- *FOI enquiries* are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the FOI Act. All requests for information that are not data protection or environmental information requests are covered by the FOI Act.

Is this a valid FOI request for information?

3. An FOI request should:

- be **in writing**, including email;
- **state the enquirer's name and correspondence address** (email addresses are allowed);
- **describe the information requested** - there must be enough information to be able to identify and locate the information[1]; and
- not be covered by one of the other pieces of legislation.

4. Verbal enquiries are not covered by the FOI Act. Such enquiries can be dealt with satisfactorily. However, for more complex enquiries, and to avoid disputes over what was asked for, you should ask the enquirer to put the request in writing or email, when the request will become subject to FOI.

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[1] In cases where the enquiry is ambiguous, 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 you notify the enquirer that you need further information to enable you to answer, you do not have to deal with the request until the further information is received. The response time limit starts from the date this is received.

Does the Trust hold the information?

5. 'Holding' information means information relating to the business of the Trust and it's Schools:

- the Trust / School has **created**, or
- the Trust / School has **received from another** body or person, or
- **held by another** body **on** the **Trust's / school's behalf**.

6. Information means both hard copy and digital information, including email.

7. If the Trust / School do not hold the information, you do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before denying that you have got information the Trust / School might be expected to hold.

Has the information requested already been made public?

8. If the information requested is already in the public domain, for instance through your Publication Scheme or on your website, direct the enquirer to the information and explain how to access it.

Is the request vexatious or manifestly unreasonable or repeated?

9. 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 a substantial diversion of resources or would otherwise undermine the work of the Trust / School[2]. This however does not provide an excuse for bad records management.

Can the Trust transfer a request to another body?

10. If the information is held by another public authority, such as your Local Authority, first check with them they hold it, and then transfer the request to them. You must notify the enquirer that you do not hold the information and to whom you have transferred the request. You should answer any parts of the enquiry in respect of information the Trust / School does hold.

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

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

12. Consultation will be necessary where:

- disclosure of information may affect the legal rights of a third party;
- the views of the third party may assist you to determine if information is exempt from disclosure, or
- the views of the third party may assist you to determine the public interest.

[2] It is not intended to include otherwise valid requests in which the applicant may make complaints or vent frustrations. In addition, you do not have to comply with repeated identical or substantially similar requests

from the same applicant unless a “reasonable” interval has elapsed between requests.

Does an exemption apply?

13. The presumption of the legislation is that you will disclose information unless the Act provides a specific reason to withhold it. There are more than twenty exemptions. They are set out in Appendix 4 - Exemptions and are mainly intended to protect sensitive or confidential information.

14. Only where you have real concerns about disclosing the information should you look to see whether an exemption might apply. Even then, where the potential exemption is a qualified exemption, you 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 has to be released.

What if the request is for personal information?

15. Personal information requested by the subject of that information is exempt under the FOI Act as such information is covered by the Data Protection Policy. Individuals must,
therefore, continue to make a 'subject access request' under the Data Protection Policy, if they wish to access such information.

What if the details contain personal information?

16. Personal information requested by third parties is also exempt under the FOI Act where release of that information would breach the Data Protection Policy. If a request is made for a document (e.g. minutes of a Local Advisory Board (LAB)) which contains personal information whose release to a third party would breach the Data Protection Policy, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure. The procedure for redaction is below[3].

How much can we charge?

17. The Act allows the Trust to charge for providing information.

18. The first step is to determine if the threshold (currently £450) would be exceeded. Staff costs should be calculated at £25 per hour. You can take account of the costs of determining if the information is held, locating and retrieving the information and extracting the information from other documents. You cannot take into account the costs involved in determining whether information is exempt.

19. If a request would cost less than the appropriate limit the Trust can 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). If a request would cost more than the appropriate limit the Trust can turn the request down, answer and charge a fee, or answer and waive the fee. If it decides to charge a fee and does not have other powers to do so, it can charge on the basis of the costs incurred.

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[3] The procedure for redaction is:
i) mask the passages which are not to be disclosed and photocopy; (ii) annotate in the margin against each blank passage, the exemption and section of the Act under which this passage is exempt; iii) 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.

20. The Trust will however wish to consider whether calculating the cost of the fee outweighs the cost of providing the information. In summary, we will respond to straightforward enquiries free of charge and charge where the costs are significant.

21. If you are going to charge, you must send the enquirer a fees notice and do not have to comply with the request until the fee has been paid.

On no account must you use the computer to rewrite the document or email and simply delete the exempted passages so that the resulting document appears as though they did not exist. The one circumstance where this would be permissible would be where the only redacted parts are personal information such as people's names and the covering letter explains this.

Is there a time limit for replying to the enquirer?

22. Compliance with a request must be prompt and certainly within the legally prescribed limit of twenty (20) working days, excluding school holidays[4]. Failure to comply could result in a complaint to the ICO. The response time starts from the time the request is received. Where you have asked the enquirer for more information to enable you to answer, the twenty days start time begins when this further information has been received.

23. If a qualified exemption applies and you need more time to consider the public interest test, you should reply within the twenty 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 that normally this should be within ten (10) working days.

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

What action is required to refuse a request?

25. If the information is not to be provided, the Executive Trust Officer / DPO must ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, a refusals notice will be sent, which must contain:

i) the fact that the responsible person cannot provide the information asked for;
ii) which exemption(s) you are claiming apply;
iii) why the exemption(s) apply to this enquiry (if it is not self-evident);
iv) reasons for refusal if based on cost of compliance;
v) in the case of non-absolute exemptions, how you have applied the public interest test, specifying the public interest factors taken into account before reaching the decision;
vi) reasons for refusal on vexatious or repeated grounds; and
vii) the internal complaints procedure.

[4]An order to this effect is to be made under section 10(4) of the Act and should take effect from 1 January 2005

26. 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 should be retained for five (5) years.

What do I do if someone complains?

27. Any written expression of dissatisfaction (including email) - even if it does not specifically seek a review – should be handled through the Trust's existing Concerns and Complaints Policy and Procedure.

28. 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 Trust have not been properly followed, the Trust should review procedures to prevent any recurrence. When the outcome upholds the Trust's original decision or action, the applicant should be informed of their right to appeal to the Information Commissioner's Officer.

ICO Helpline: **0303 123 111**

Appendix 2: TTLT Publication Scheme

Classes of Information Currently Published

School Prospectus – this section sets out information published in the school prospectus.

Class	Description
School Prospectus	The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion): the name, address and telephone number of the school, and the type of school ● the names of the CEO, Executive Head Teacher, Head teacher, Head of School and Chair of Trustees / LABs ● information on the school policy on admissions ● a statement of the school's ethos and values ● details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils ● information about the school's policy on providing for pupils with special educational needs ● number of pupils on roll and rates of pupils' authorised and unauthorised absences ● National Curriculum assessment results for appropriate key stages, with national summary figures ● the arrangements for visits to the school by prospective parents

TTLT's Annual Report and other information relating to the LABs – this section sets out information published in the TTLT Annual Report and in other governing body documents.

Class	Description
TTLT's Annual Report	The statutory contents of the TTLT's annual report to parents are as follows, (other items may be included in the annual report at the school's discretion): ● details of the governing body and their category of membership, clearly identifying the chair and clerk ● a statement on progress in implementing the action plan drawn up following an inspection ● a financial statement, including gifts made to the school and amounts paid to governors for expenses ● a description of the school's arrangements for security of pupils staff and the premises ● information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year ● a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils; details of existing facilities to assist access to the school by pupils with disabilities; the accessibility plan covering future policies for increasing access by those with

	disabilities to the school ● a statement of policy on whole staff development identifying how teachers' professional development impacts on teaching and learning ● number of pupils on roll and rates of pupils' authorised and unauthorised absence ● National Curriculum assessment results for appropriate Key Stages, with national summary figures ● a statement of the extent to which proposals in the post- inspection action plan have been carried into effect
Instrument of Government	● The name of the school ● The category of the school ● The name of the governing body ● The manner in which the governing body is constituted ● The term of office of each category of governor if less than 4 years ● The name of any body entitled to appoint any category of governor ● Details of any trust ● If the school has a religious character, a description of the ethos ● The date the instrument takes effect
Minutes [1] of meeting of the Trust, its committees and LABs	Agreed minutes of meetings of the Trustees, its committees and LABs of current and last full academic school year.

Trust Policies - This section gives access to information about policies that relate to the Trust in general.

Class	Description
Inclusion Policy	Information about the school's policy on providing for pupils with special educational needs
Equality Plan	Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.
Collective Worship	Statement of arrangements for the required daily act of collective worship
Safeguarding Policy	Policy on safeguarding and promoting welfare of pupils at the school.
Health and Safety Policy	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.
Concerns and Complaints Policy and Procedures	Statement of procedures for dealing with complaints.

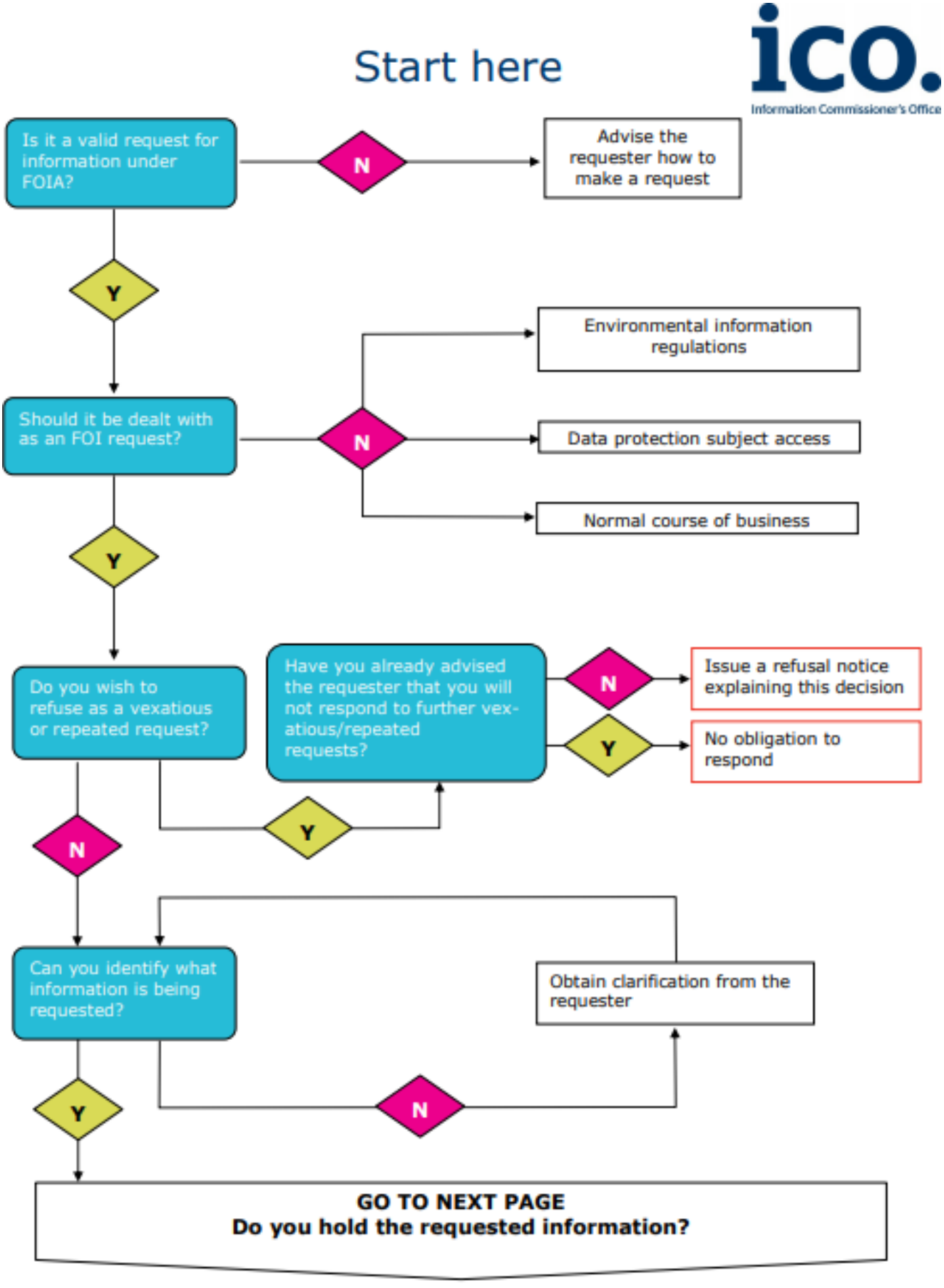
1 Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

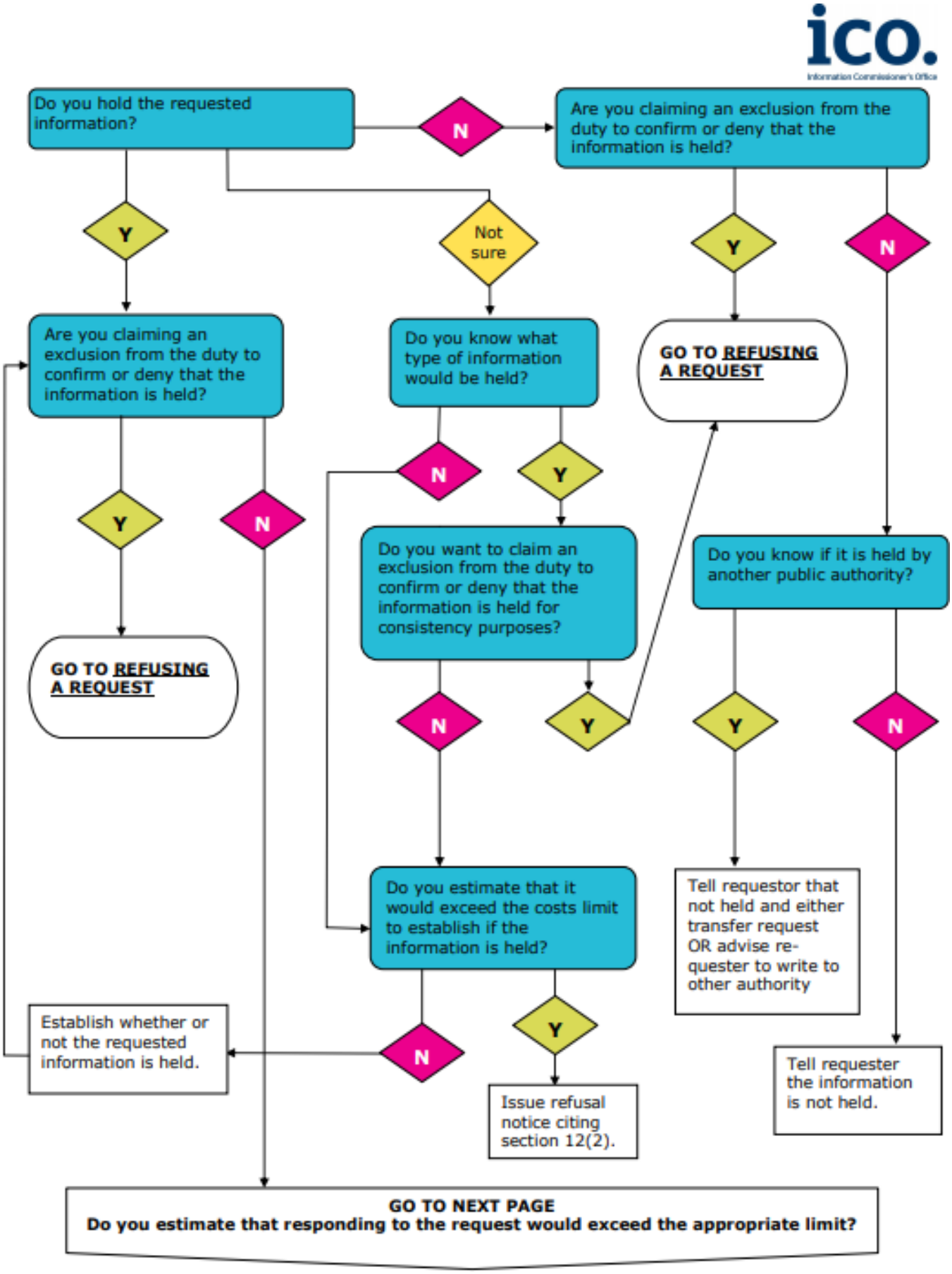
Policy for Appraising Teacher Performance	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures.
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance.
Behaviour Strategy	Statement of general principles on behaviour and discipline and of measures taken by the CEO to prevent bullying.

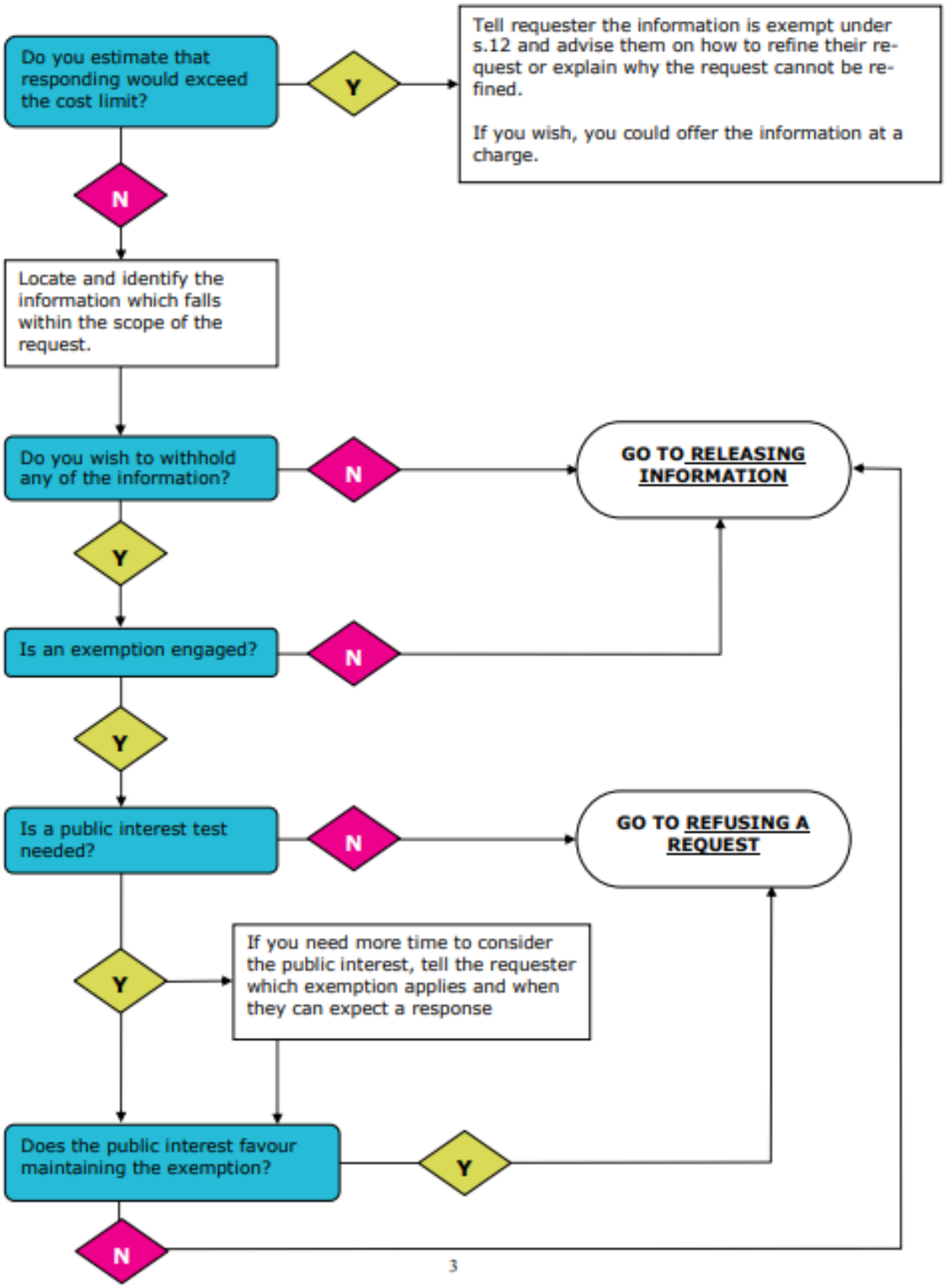
School Policies and other information related to the school - This section gives access to information about policies that relate to the school in general.

Class	**Description**
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report.
Post-Ofsted inspection action plan	A plan setting out the actions required following the last Ofsted inspection.
Teaching and Learning Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Charging Policy	A statement of the school's policy with respect to charges for any optional extra charges permitted, for example school publications, trips, Extended Schools, etc.
School session times and term dates	Details of school session and dates of school terms and holidays.
Sex and Relationship Education Policy	Statement of policy with regard to sex and relationship education
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department for Education to the Head Teacher or Chair of Trustees / LABs relating to the curriculum.

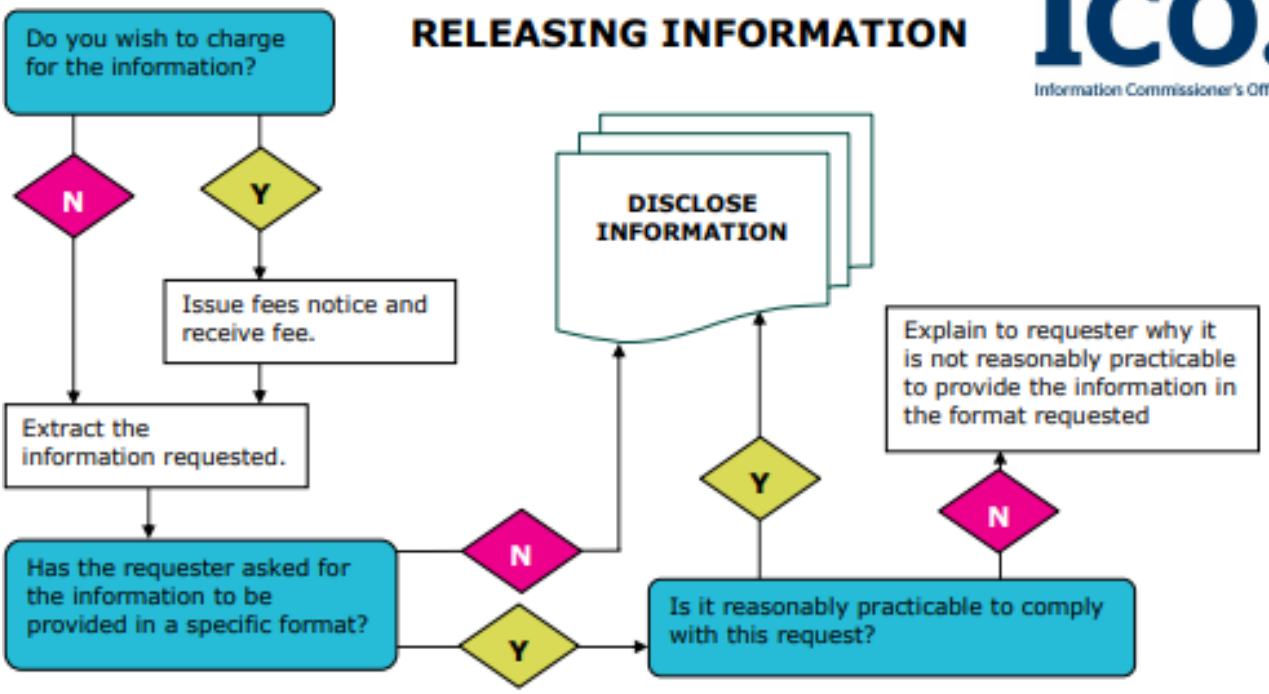
Appendix 3: Flowchart of Handling Requests in FOI



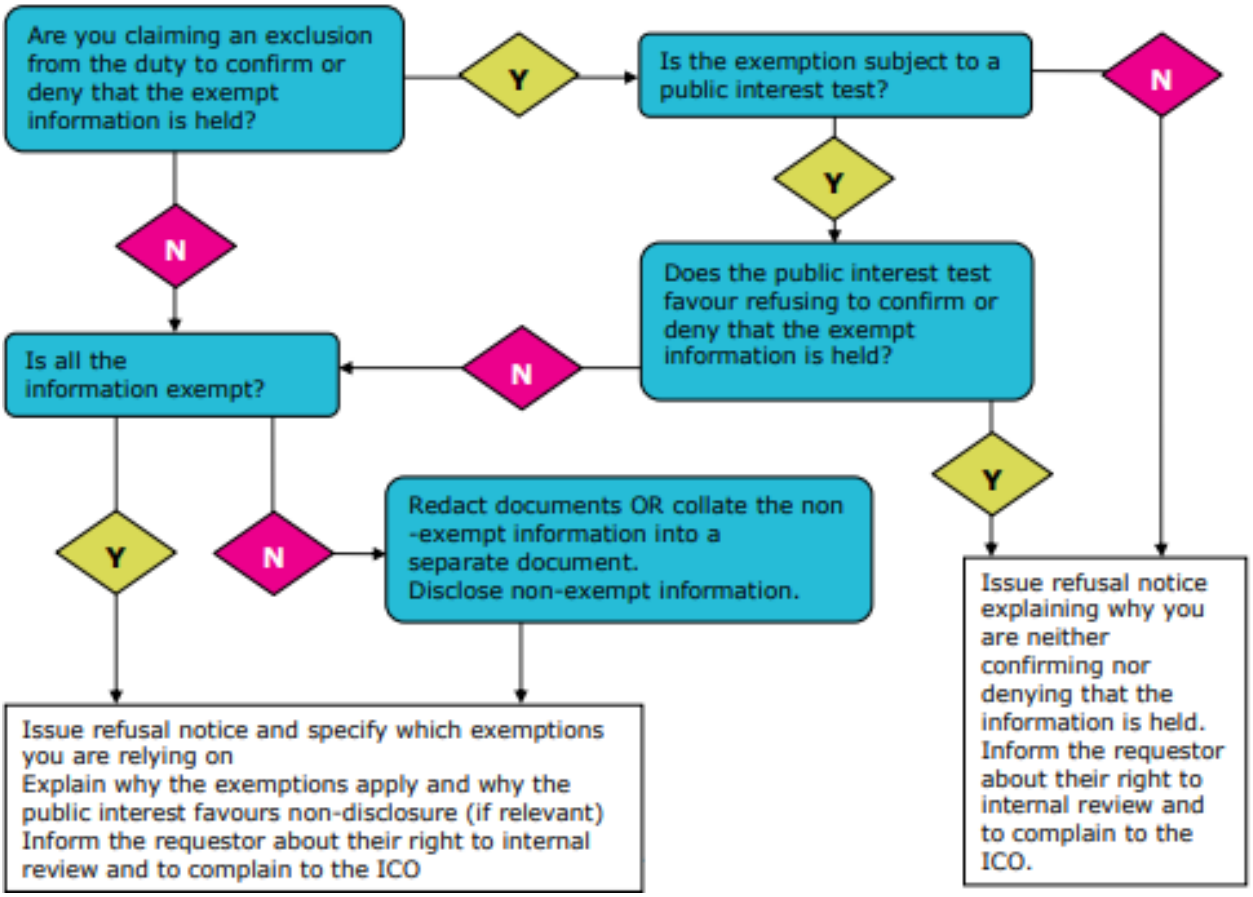

Do you hold the requested information?
N
Are you claiming an exclusion from the duty to confirm or deny that the information is held?
Y
Not sure
Y
N
Are you claiming an exclusion from the duty to confirm or deny that the information is held?
Do you know what type of information would be held?
GO TO REFUSING A REQUEST
Y
N
N
Y
Y
N
GO TO REFUSING A REQUEST
Do you want to claim an exclusion from the duty to confirm or deny that the information is held for consistency purposes?
Do you know if it is held by another public authority?
N
Y
Y
N
Y
N
Do you estimate that it would exceed the costs limit to establish if the information is held?
Tell requestor that not held and either transfer request OR advise requester to write to other authority
Establish whether or not the requested information is held.
N
Y
Issue refusal notice citing section 12(2).
Tell requester the information is not held.
GO TO NEXT PAGE
Do you estimate that responding to the request would exceed the appropriate limit?


Do you estimate that responding would exceed the cost limit?
Y
Tell requester the information is exempt under s.12 and advise them on how to refine their request or explain why the request cannot be refined.
If you wish, you could offer the information at a charge.
N
Locate and identify the information which falls within the scope of the request.
Do you wish to withhold any of the information?
N
GO TO RELEASING INFORMATION
Y
Is an exemption engaged?
N
Y
Is a public interest test needed?
N
GO TO REFUSING A REQUEST
Y
If you need more time to consider the public interest, tell the requester which exemption applies and when they can expect a response
Does the public interest favour maintaining the exemption?
Y
N

RELEASING INFORMATION



REFUSING A REQUEST



Appendix 4: Exemptions

1. Although decisions on disclosure should be made on a presumption of openness, the FOI Act recognises the need to preserve confidentiality and protect sensitive material in some circumstances.

2. You cannot withhold information in response to a valid request UNLESS one of the following applies:-

   - an exemption to disclosure, or
   - the information sought is not held, or
   - the request is considered vexatious or repeated or
   - the cost of compliance exceeds the threshold

The duty to confirm or deny

3. A person applying for information has the right to be told if the information requested is held by the Trust and, if that is the case, to have the information sent (subject to any of the exemptions). This obligation is known as the Trust's 'duty to confirm or deny' that it holds the information. However, the Trust does not have to confirm or deny if:-

   - the exemption is an absolute exemption (see paragraph 6), or
   - in the case of qualified exemptions (see paragraph 8), confirming or denying would itself disclose exempted information

Exemptions

4. A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are very specialised in their application (such as national security) and would not usually be relevant to schools. There are more than twenty exemptions but the Trust / Schools are likely to use only a few of them.

5. 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.

What are the Absolute Exemptions?

6. There are eight absolute exemptions listed in the Act. Even where an absolute exemption applies:-

   - it does not mean that you 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.

7. The absolute exemptions in the Act are set out below. **Those which might be relevant to the Trust / Schools are marked with an *:**

7.1 **Information accessible to the enquirer by other means*** (Section 21)

If information is reasonably accessible to the applicant by another route than the Act, 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.

7.2 **Information dealing with security matters** (Section 23) (see also qualified exemption under Section 24 on national security)

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.

7.3 **Court records** (Section 32) – (see also the qualified exemption under Section 30 concerning investigations and proceedings conducted by public authorities).

This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.

7.4 **Parliamentary Privilege** (Section 34)

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.

7.5 **Prejudice to the effective conduct of public affairs** (Section 36) - see also the qualified exemption part of Section 36

This relates to the maintenance of the collective responsibility of Ministers.

7.6 **Personal information*** (Section 40) - see also the qualified exemption part of Section 40. Where enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the Data Protection Policy.

7.7 **Information provided in confidence*** (Section 41)

This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable by that, or another person.

7.8 **Prohibitions on disclosure*** (Section 44)

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.

What are the Qualified Exemptions?

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

8.1 **Information intended for future publication*** (Section 22)

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[5]. Remember, you still have a legal duty to provide reasonable advice and assistance.

8.2 **National security** (Section 24**)** (see also absolute exemption 23)
Information is exempt for the purposes of safeguarding national security.

8.3 **Defence** (Section 26)

Information is exempt if its disclosure would prejudice the defence of the UK.

8.4 **International relations** (Section 27)

Information is exempt if its disclosure would, or would be likely to, prejudice relations between the UK and any other state or international organisation.

8.5 Relations within UK (Section 28**)**

Information is exempt if its disclosure would, or would be likely to, prejudice relations between any administrations in the UK, i.e. the Government, Scottish Administration, Northern Ireland Assembly or the National Assembly of Wales.

8.6 **The Economy** (Section 29)

Information is exempt if its disclosure would, or would be likely to; prejudice the economic or financial interests of the UK.

[5]Note the following:-

- the intended publication does not have to be by the Trust/Academy, it can be by another person or body on behalf of the Trust/schools
- the date of publication does not have to be known, it could be at some future date (although it is recommended that some idea of a likely date is given)
- the duty to confirm or deny does not apply if to do so would involve the disclosure of any of the

relevant information

8.7 **Investigations and proceedings conducted by public authorities*** (Section 30)

Information is exempt if it has at any time been held by the Trust / Schools 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.

8.8 **Law enforcement*** (Section 31)

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 be likely to, prejudice the following among others:-

- the prevention or detection of crime
- the apprehension or prosecution of offenders
- the administration of justice
- 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
- any civil proceedings brought by or on behalf of the Trust which arise out of an investigation carried out for any of the purposes mentioned above.

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

8.9 **Audit Functions** (Section 33)

Information 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.

8.10 **Formulation of government policy** (Section 35)

Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (e.g. the Attorney General) and the operation of any Ministerial private office.

8.11 **Prejudice to the conduct of public affairs** (Section 36) (excluding matters covered by the absolute exemption part of Section 36)

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.

8.12 **Communications with the Queen*** (Section 37)

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.

8.13 **Health and Safety*** (Section 38)

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 prejudice would result.

8.14 **Environmental information*** (Section 39)

Information is exempt under FOI 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.

8.15 **Personal information*** (Section 40) – see also the absolute exemption part of Section 40

Where an individual seeks information about themselves, the Data Protection Policy applies.

Where the information concerns a third party, it is exempt if its disclosure would contravene the Data Protection Policy, or its 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 Policy. 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.

8.16 **Legal professional privilege*** (Section 42)

Legal professional privilege covers any advice given by legal advisers, solicitors and barristers. Generally such information will be privileged. A school wishing to disclose the information will need to seek consent from the provider of the advice. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.

8.17 **Commercial interests*** (Section 43)

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

9. When considering if an exemption to disclosure should apply, bear in mind that the presence of a protective marking (Restricted, Confidential or Secret, with or without descriptors such as Staff, Management, Commercial etc.) 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

10. 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, it will be necessary to consider the harm that could result at the time of the request and, whilst taking into account any previous exemption applications, each case should be considered separately.

Next steps

11. In all cases, before writing to the enquirer, the person given responsibility for FOI by the Trust will need to ensure that the case has been properly considered and that the reasons for refusal, or public interest test refusal, are sound.