

## **FOIA Policy ('S129') Implementation Exercise**

**Exercise date: 12 November 2021**

**In attendance: Governors:** Caroline Milligan ("CM") and Lily Walker-Parr (virtually) ("LWP")  
**KGGS Staff:** James Fuller, Headteacher ("JF") and Caroline Goldingay, DPO ("CG")

*Headings reflect those used in the Policy, where relevant.*

### **1. Introduction**

We are satisfied that the policy is kept in a location which is easily accessible to all stakeholders – namely, on the school website.

The policy was initially drafted in 2017 with reference to The Key and/or with input from the school's HR provider. It has been updated twice since its inception – in January 2019 and January 2021.

CG is the Data Protection Officer for the school and will review all Freedom of Information Act 2000 requests ("**FOIA requests**") with JF and / or another SLT staff member. Training in respect of FOIA legislation is usually offered to staff but, due to the Covid-19 pandemic, this has not been able to take place this year.

### **2. Information gathering and storage**

Information is stored in the school on internal servers and backed up in hard copies which are stored securely off-site. The school does not store information in 'the cloud'.

To locate information which is the subject of a request, CG and JF will, in the first instance, approach the relevant member of staff tasked with managing the said information (for example, if a request comes in about the 11 plus, the staff member tasked with organising the 11 plus will be the first port of call). They are usually able to obtain the relevant information through this method.

Should the information not be forthcoming through this primary route, the network manager has the capability to conduct a keyword search for it in email inboxes and on internal servers.

Information held by the school is regularly reviewed in line with the Information Management Toolkit for Schools.

### **3. Publication scheme**

\*See action point 3, below

#### **4. Dealing with requests for information**

Where a request is classed as a “business as usual request” (i.e. run of the mill request for information which is easily accessible) the school will try to respond to it within 48 hours.

All requests to-date have been responded to within the statutory timeframe. One request was cited as having a longer-than-usual response time (albeit still within the statutory timeframe) as it had not been received at the time that it was made. This led to a chaser email from the requester and, once aware of the request, the school responded within 48 hours. We are satisfied that this was a one-off and that there are no procedural issues to address in this respect.

The school has never issued a charge for compliance with a FOIA request, albeit CG and JF are aware of the circumstances in which it can charge to fulfil a request.

CG and JF are happy to request clarification of a request where required. When receiving a mixed request, they are able to separate it into parts (for example, where it might be part-Subject Access Request and part-FOIA request) for attention from the relevant personnel.

Where there is uncertainty on the part of CG and JF in respect of a request, CG will seek guidance from either the Information Commissioner’s Office or Lincolnshire County Council’s legal department. Where there is a fee for this advice, JF ensures that funds are available from a Headteacher’s budget over which he has conduct. However, advice received is usually free-of-charge.

Where CG and JF disagree as to the nature or proposed response to a FOIA request, they will be led by legal advice. However, there have been no disagreements to-date and both CG and JF agree that they work collaboratively, such that disagreement is unlikely.

#### **5. Applying exemptions**

CG and JF appeared to confidently identify and apply exemptions where they arise.

\* However, see action point 4, below.

#### **6. Logging requests received**

CG has conduct of the school’s tracking database for FOIA requests and ensures that it is regularly kept up to date. She records all relevant information pertaining to the request, as mandated in the policy.

A FOIA requests report is compiled and sent to a meeting of the full governors on an annual basis.

## **7. Complaints**

The school has not, to-date, received any complaints in respect of its FOIA requests compliance either through its internal procedure or via the ICO.

### **Conclusion**

We are content that the FOIA policy is being communicated to the relevant staff as well as implemented by staff members who are trained to deal with the requests.

### **Action points/ Areas for improvement**

1. §1 of the Policy: Links to s.45 and s.46 ICO guidance on good practice did not work for LWP. Suggest CG and JF review these links and update if broken.
2. §2 of the Policy: There is not currently a mandated timeframe or automatic system for deleting emails. This is therefore done on an ad-hoc basis and relies upon each member of staff manually deleting emails. CG and JF to look into options for automatic deletion of emails and determine a suitable timeframe to ensure that information is not being kept for longer than is necessary.
3. §3 of the Policy: CG and JF were not certain as to whether the school adopts an 'appropriate model publication scheme'. Suggest that they consider this document and report back to Standards Committee to confirm compliance with the ICO's recommendation.
4. §4 of the Policy: it was agreed that the policy would benefit from the inclusion of a line referring to exemptions as a reason for refusal under the heading "Refusing a request".

Our sincere thanks to James, Caroline and Alison for facilitating this exercise.

**Lily Walker-Parr  
Caroline Milligan  
Governors  
15 November 2021**